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TESTIMONY OF FRANCES G. KNIGHT

HEARING

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL SECURITY LAWS

OF THE

COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

NINETY-SECOND CONGRESS
SECOND SESSION

SEPTEMBER 15, 1972

Printed for the use of the Committee on the Judiciary



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RESOLUTION

Resolved by the Internal Security Subcommittee of the Senate Committee on the Judiciary, That the testimony of Frances G. Knight taken in executive session on September 15, 1972, be released from the injunction of secrecy, be printed and made public.

JAMES O. EASTLAND, *Chairman.*

Approved *September 27, 1972.*

TESTIMONY OF FRANCES G. KNIGHT

FRIDAY, SEPTEMBER 15, 1972

U.S. SENATE,
SUBCOMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF THE INTERNAL SECURITY ACT
AND OTHER INTERNAL SECURITY LAWS
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to recess, at 12:15 p.m., in room S-206, The Capitol, Senator James O. Eastland (chairman), presiding.

Present: Senators Eastland and Gurney.

Also present: J. G. Sourwine, chief counsel.

Mr. SOURWINE. Mr. Chairman, our witness today is Miss Frances G. Knight, who heads the Passport Office of the Department of State. Do you wish to swear the witness, sir?

The CHAIRMAN. Do you solemnly swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Miss KNIGHT. I do.

STATEMENT OF FRANCES G. KNIGHT, DIRECTOR, PASSPORT OFFICE, DEPARTMENT OF STATE

Mr. SOURWINE. Miss Knight, the committee has been receiving testimony about narcotics, the world narcotics traffic, and its impact on the security of the United States. And in connection with this, we have had testimony about passport forgeries and loss or pseudo-loss of passports which, in fact, are believed or suspected to have been stolen or otherwise illegally disposed of. We have also, as you know, been interested in the matter of security of passports, and we would like to ask you to tell us in your own words the whole story of the passport security problem as it exists today. Touch, if you will, on the matter of narcotics and passport security, but do not fail to touch such matters as making the passport itself secure, passport frauds not involved in narcotics, and any of the other problems with security and affecting the U.S. passport which you know of. If you do not know of them, we know nobody does, so we will get the full story.

Miss KNIGHT. Yes, sir. I sincerely hope that I can help the committee in this investigation. We have been very close to the situation of passport fraud over a period of years, and we have quite a number of documents which spell out the fraud, how it is perpetrated, and what we have tried to do about it. And since it is a rather lengthy story, I would like to refer to some notes for the record, if you agree.

The CHAIRMAN. That is fine. That will be permitted.

Miss KNIGHT. The Passport Office, like many other areas of Government, has been concerned for some time with the rapid expansion and disastrous results of international drug traffic. Our concern is based on two closely related factors: (1) passport fraud being perpetrated by persons who are either drug addicts or drug traffickers, and (2) protecting the integrity of the U.S. passport.

The policy of the Passport Office in any known or suspected passport fraud is to thoroughly investigate the information given us and to determine whether there has been a violation of the passport laws and, if so, to refer it to the Department of Justice through the appropriate U.S. attorney for criminal prosecution. This is standard operating procedure in each and every case. Cases involving more than one potential fraud are handled with particular urgency. As soon as the facts of a case are available, the Passport Office issues an alert which is sent to all foreign service posts and to the Immigration and Naturalization Service. Every action is taken to prevent the fraud from spreading and to secure prosecution of the persons responsible.

As a matter of policy, the Passport Office cooperates with all Government agencies which may have an interest in a fraud case to assist them in the performance of their statutory responsibilities. This cooperation extends to the Bureau of Narcotics and Dangerous Drugs as well as the Bureau of Customs.

Because your inquiry is primarily interested in the fraud-drug relationship, I would like to call your attention to the action taken by the Passport Office concerning the report on the "World Heroin Problem," dated May 27, 1971, prepared by Congressman Morgan F. Murphy of Illinois and Congressman Robert H. Steele of Connecticut pursuant to H.R. 109. The following recommendation was contained in this report:

That the United States consider canceling the passport of any American known to be engaged in the illegal trafficking of heroin.

In our comment on this recommendation, we stated that adverse passport action could be taken only in the case of an American citizen who had been convicted or was a fugitive from a Federal warrant of arrest or similar order for trafficking in heroin. We indicated that this action would have to be based either on an Executive order or legislation providing that the illegal sale, processing, or transportation of heroin is damaging to the national interest of the United States. We also indicated that the Department of Justice should advise U.S. attorneys to prosecute vigorously passport frauds involving drug activities. On June 15, 1971, our recommendations were forwarded to the Director of the Bureau of Narcotics and Dangerous Drugs. I am unaware of any action taken.

Mr. SOURWINE. You mean you did not get an answer to your recommendation? Your memorandum was not acknowledged?

Miss KNIGHT. Not that I know of, sir.

Mr. SOURWINE. Have you renewed those recommendations since June 15, 1971?

Miss KNIGHT. No, because I sent the recommendations through channels, and I would not be in a position to contact the Department of Justice.

Mr. SOURWINE. Well, Miss Knight, I was not intending to imply that it was our opinion or the committee's opinion that you should or

should not have done anything. I was just trying to find out what the situation was.

Please go ahead.

Miss KNIGHT. No, I did not follow this up.

Mr. SOURWINE. I interrupted you. Please go ahead.

Miss KNIGHT. In January 1972, a special subcommittee of the Cabinet Committee on International Narcotics Control was established in the Department of State to consider recommendations dealing with methods by which to combat the international traffic in narcotics. Representatives of the Passport Office were on that subcommittee and numerous meetings have been held.

As a result, procedures are currently being developed to inform the Passport Office of the parole of narcotics traffickers for the purpose of denying passport facilities to such persons until the parole period is completed or until they receive permission from their parole officer to leave the United States. The Bureau of Narcotics and Dangerous Drugs is now furnishing the Passport Office with the names of persons who are of interest to the Bureau because of suspected illegal narcotics trafficking. When these individuals apply for a passport, the Bureau is notified.

Another result of our liaison with the Bureau of Narcotics and Dangerous Drugs is receipt by the Passport Office of information from the Bureau concerning possible drug related passport frauds. While these results stemmed from discussions within the subcommittee, I would like to emphasize that the impetus for this coordination was provided by the Legal Division of the Passport Office as early as 1969.

Mr. SOURWINE. Miss Knight, you mentioned discussions within the subcommittee. What subcommittee are you referring to? That does not mean this subcommittee, does it?

Miss KNIGHT. No, sir; it does not. This was a special subcommittee of the Cabinet Committee on the International Narcotics Control, which I just referred to.

Mr. SOURWINE. All right. I just wanted to be sure. Go ahead.

Miss KNIGHT. All passport frauds are committed for the purpose of covering up criminal activities. This includes fraudulent citizenship claims which are advanced by aliens to obtain illegal entry into the United States. Persons obtaining passports by fraud fall into several basic categories: (1) drug traffickers; (2) militant groups; (3) confidence men or swindlers; (4) illegal aliens in the United States; (5) fugitives from justice, and (6) imposters. These criminals specialize in certain types of fraud such as adoption frauds, fraudulent use of the passport, imposter fraud, and slot fraud.

By way of a brief explanation: An imposter fraud is one in which a person assumes the identity of another individual in order to obtain a passport. Such cases occur domestically as well as abroad.

The procedure involves the obtention of officially issued birth or baptismal certificates or hospital records, either by theft or purchase from persons living and with a little expert cosmetic assistance, the impersonation becomes effective.

Another procedure involves the use of birth records of persons deceased. There is no efficient coordination between births and deaths

in this country. As a matter of fact, there is no standardization of birth records or certificates in the United States. The Division of Vital Statistics in the Department of Health, Education, and Welfare has been working with the State authorities and the Passport Office and other Federal authorities to endeavor to obtain standardization of not only the birth document itself, but strengthening the procedures of filing birth records and strengthening the protection of these records to enhance the integrity of the documents. Birth certificates are now more formal and consistent but no one knows whether an individual born 30 years ago or 6 months ago is still with us or has gone to his reward.

Adoption frauds occur almost exclusively abroad and generally involve childless American couples who adopt a child overseas and then report the birth to a consular post as their own.

Fraudulent use of a passport involves one which has been legitimately issued but subsequently altered to remove a restriction or to indicate its issuance to another person. This may be done with or without the consent of the original bearer.

Slot cases involve the reporting of the birth of children overseas, when in fact such birth did not occur. This is a method by which an alien child can be brought into the United States as a citizen or at some later date an alien may use this birth registration to enter the United States as a citizen. Such a procedure requires the collusion of an American citizen.

An example of a typical investigation into the fraudulent use of U.S. passports by drug traffickers relates to an organization known as the "Brotherhood of Eternal Love."

Mr. SOURWINE. Miss Knight, what is that Brotherhood of Eternal Love? Is that a religious organization?

Miss KNIGHT. No; I believe it is an organization of the New Left. It may have some religious overtones. I do not know.

This outfit was reportedly founded by Dr. Timothy Leary and to have had its base in LSD operations. Dr. Leary's present connections with the Brotherhood, if any, are not known although it is claimed that the Brotherhood did assist him in obtaining a passport in a false identity to facilitate his departure from the United States after he escaped from a California jail where he was imprisoned on a narcotics charge. In early 1969, the Brotherhood turned its attention to hard drugs, primarily hashish and engaged in smuggling operations from Afghanistan into the United States. The principal source of the drugs appears to be Kabul, Afghanistan.

An extensive investigation is currently being conducted concerning the activities of the Brotherhood by a task force of local, State, and Federal agencies including the Office of Security of the Department of State, the Bureau of Customs, the Bureau of Narcotics and Dangerous Drugs, and the Internal Revenue Service. A grand jury in Orange County, Calif., has indicted 47 members of the Brotherhood on drug smuggling cases.

I would like to submit for the record a copy of a press statement by the Orange County District Attorney released at the time of the arrests.

MR. SOURWINE. Mr. Chairman, may this be received for the record at this point?

The CHAIRMAN. It may be received.
(The document referred to follows:)

BACKGROUND

The Brotherhood of Eternal Love is an offshoot of the League of Spiritual Discovery (LSD) a drug oriented religious cult founded by Dr. Timothy Leary. The members of the League and now the Brotherhood believe they receive mystical insight into life through the use of hallucinogenic drugs.

At present Dr. Leary is a fugitive living in Switzerland, but he is still considered the "high priest" of this drug oriented cult. His followers inhabit a ranch in a remote area of Southern California.

In October 1966, Leary and his followers applied to the State of California for corporate status. On October 26, 1966, the Brotherhood of Eternal Love became a legal corporation in California and was granted tax exempt status by the State Franchise Tax Board on the grounds of its religious nature set forth in the Articles of Incorporation.

In the year long investigation by the Special Task Force investigating the Brotherhood, it has been determined that this cult is one of the major suppliers of LSD, hashish oil, and hashish throughout the United States and the world. The Brotherhood has also set up a major smuggling network using false identification and forged passports that allow its members to travel about the world making illegal drug purchases for import into the U.S.

Intelligence developed by the Task Force revealed that the Brotherhood has smuggled nearly 1,000 pounds of hashish into the U.S. each month.

During the investigation of the Brotherhood the Task Force agents have seized more than 1.5 million LSD tablets, 30 gallons of hashish oil, more than 2½ tons of hashish, 3 LSD labs and 4 hashish oil labs, along with innumerable sets of falsified identifications and passports.

Clandestine Brotherhood laboratories are the primary producer of an LSD tablet known as "Orange Sunshine" that has been found throughout the United States and the world.

The orange colored tablets have shown up in the drug subculture from California to Connecticut and from Canada to Australia.

In January 1972, Bureau of Narcotics and Dangerous Drugs (BNDD) agents seized 230,000 "Orange Sunshine" tablets in New Jersey. In March 1972, more than 60,000 pink-orange LSD tablets were found in Australia.

Just as recently as May 26, 1972, Thailand police and BNDD arrested an American citizen, Thomas Gary Caudill, in a Bangkok hotel with 500 "Orange Sunshine" tablets in his possession.

The Brotherhood's hashish smuggling operation is headed by one experienced smuggler who coordinates the worldwide illegal drug traffic.

To finance the smuggling operation, a group of Brotherhood members or their friends will combine their finances. A portion of the money will be advanced to the top smuggler to make arrangements to purchase the load of hashish, obtain false identifications and pay expenses.

If a car is to be used in the smuggling operation, it is usually purchased in the U.S. and fitted with hidden compartments. The vehicle is then shipped to Afghanistan.

One of the smuggling team, the "load man," will travel to Afghanistan to make the purchase of the hashish. In Afghanistan the Brotherhood deals with Amanullah Salam Tokhi and his brother Hayatuah Tokhi to obtain the "finest quality" hashish. The Tokhi brothers were also indicted for their part in the Brotherhood's narcotics running scheme.

When the vehicle is loaded with hashish it is taken out of Afghanistan supplied with new, false registration, shipped back to the U.S., usually to a port known not to have major narcotics problems.

When the vehicle arrives, it is picked up by another member of the Brotherhood and the shipment is never in the true name of the cult member. The Brotherhood's head smuggler is then informed and makes arrangements for the distribution of the hashish load to the investors and receives the balance of the money.

The year long investigation has revealed that the Brotherhood uses numerous businesses as fronts for the sale and distribution of the hashish, LSD, and cocaine.

Brotherhood members have been tied to health food shops, juice bars, psychedelic shops, record stores, surf equipment stores, used car lots, a rug company and a beach club.

The results of today's task force operation will severely undercut the leadership of this drug subculture which has been a strong influence, especially among young people, since the early 1960's.

Mr. SOURWINE. Go ahead, Miss Knight.

Miss KNIGHT. In connection with this release, it should be noted that what has been described as "forged passports" are actually genuine U.S. passports which were obtained by fraud. There is a difference. The agencies investigating the Brotherhood have furnished the Passport Office with a list of 155 persons who are members of the Brotherhood. In addition, 110 aliases for these persons have also been furnished to the Passport Office. We have been and continue to conduct file searches in an attempt to identify these individuals.

An enormous amount of time has been invested in these searches but we have made progress, and I am glad to report that 91 passport files have been located which relate to the Brotherhood. Most of these applications were filed between 1969 and 1972. Many of them indicate use of the well-known pattern of reporting the original passport as lost or stolen and, subsequently, obtaining a replacement passport. Since the Passport Office first learned of the activities of the Brotherhood in June 1972, we have located, researched and documented 40 cases which have been sent to the Office of Security for investigation for passport fraud. Another 10 to 12 cases, which previously had been sent for investigation, have been tentatively identified as members of the Brotherhood.

A screening program has been established for the remainder of the Brotherhood files by verifying the date and place of birth and writing reference letters to the parents or next of kin of other suspected Brotherhood member cases. Through this method, eight more cases have been identified as passport frauds. In one such case, an individual had used the identity of his mentally retarded brother-in-law to obtain a passport. The applicant had prior arrests in the United States and abroad for drug offenses. A reference letter, sent to the father, resulted in sworn statements that the passport applicant was not his son, identifying him instead as his son-in-law. This case has been referred to the U.S. Attorney for prosecution. So much for the Brotherhood.

Statistics reflect that for fiscal years 1970 to 1972, there was an average of more than 17,000 U.S. passports reported lost or stolen annually on a worldwide basis which have never been accounted for. Some of these passports, of course, were destroyed in some manner. We estimate, however, that more than half of these documents are still outstanding and valid and could have found their way into illicit channels. I would like to submit for the record charts showing reports of the loss of U.S. passports in significant areas for calendar years 1970, 1971, and 1972.

Mr. SOURWINE. Mr. Chairman, may this go in the record at this point?

The CHAIRMAN. It may go in.

(The document referred to follows:)

PASSPORTS LOST OR STOLEN IN SIGNIFICANT DRUG AREAS OF THE WORLD

Hashish Route

Country	Calendar 1969	Calendar 1970	Calendar 1971	Calendar 1972—actual Jan.—July	Calendar 1972 projected
Afghanistan.....	13	30	38	34	59
India.....	73	109	189	138	223
Lebanon.....	27	28	28	14	24
Morocco.....	77	118	123	76	126
Nepal.....	17	33	27	19	34
Pakistan.....	16	17	19	19	34
Thailand.....	95	121	106	72	122
Turkey.....	67	80	62	52	87
Viet-Nam.....	187	235	255	128	218

South America Drug Route

Country	Calendar 1969	Calendar 1970	Calendar 1971	Calendar 1972—actual Jan.—July	Calendar 1972 projected
Colombia.....	75	80	100	99	159
Ecuador.....	30	31	35	46	76
Peru.....	45	48	72	39	64
Mexico.....	254	278	371	259	444

LOST AND/OR STOLEN PASSPORTS REPORTED BY COUNTRY

[List contains only countries reporting 25 lost/stolen passports per calendar year]

Country	Calendar 1969	Calendar 1970	Calendar 1971	Calendar 1972—Jan.—July	Total
Argentina.....	37	31	39	38	145
Brazil.....	69	63	81	55	268
Canada.....	45	44	58	39	186
Colombia.....	75	80	100	99	354
Ecuador.....	30	31	35	46	142
Guatemala.....	42	50	41	37	170
Mexico.....	254	278	371	259	1,162
Peru.....	45	48	72	39	204
Venezuela.....	57	41	68	24	190
Austria.....	99	122	133	88	442
Belgium.....	93	167	144	107	451
Denmark.....	132	128	133	73	466
United Kingdom.....	784	1,099	1,160	639	3,682
Germany.....	1,048	1,140	1,378	735	4,301
Ireland.....	66	41	62	17	186
Netherlands.....	171	278	509	195	1,153
Portugal.....	30	39	65	48	182
Spain.....	451	630	675	417	2,173
Sweden.....	52	40	51	42	185
Switzerland.....	175	224	274	120	793
France.....	782	993	1,167	626	3,568
Afghanistan.....	13	30	38	34	115
Australia.....	45	46	67	38	196
Hong Kong.....	34	57	58	52	181
India.....	73	109	189	138	509
Japan.....	137	185	192	110	624
Korea.....	42	32	77	23	174
Okinawa.....	57	62	95	36	250
Philippines.....	67	78	94	62	301
Thailand.....	95	121	106	72	394
Viet-Nam.....	187	235	255	128	805
Yugoslavia.....	35	81	64	34	214
Greece.....	146	123	153	84	506
Iran.....	35	22	31	29	117
Israel.....	98	210	201	119	628
Italy.....	814	1,124	1,272	484	3,694
Jerusalem.....	60	72	141	62	335
Kenya.....	44	51	60	48	203
Lebanon.....	27	28	28	14	97
Morocco.....	77	118	123	76	394
Nigeria.....	47	25	30	8	110
Turkey.....	67	80	62	52	261
Chile.....	21	28	40	15	104

LOST AND/OR STOLEN PASSPORTS REPORTED BY COUNTRY—Continued
 [List contains only countries reporting 25 lost/stolen passports per calendar year]

Country	Calendar 1969	Calendar 1970	Calendar 1971	Calendar 1972— Jan.—July	Total
Costa Rico.....	17	31	26	23	97
Norway.....	16	37	38	26	117
Nepal.....	17	33	27	19	96
Singapore.....	15	35	28	14	92
Panama.....	21	19	42	22	104
Indonesia.....	12	10	28	12	62
Taiwan.....	21	23	36	22	102
Republic of South Africa.....	19	25	27	21	92
Pakistan.....	16	17	19	19	71

PERCENTAGE OF OFFICIALLY REPORTED LOST OR STOLEN PASSPORTS AS COMPARED TO TOTAL PASSPORTS ISSUED

	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Total lost or stolen.....	17, 129	20, 620	24, 152
Total issued ¹	2, 230, 347	2, 481, 381	2, 791, 872
Percentage of lost.....	0.77% or .8 of 1%	0.83% or .8 of 1%	0.87% or .9 of 1%
Total found or recovered.....	2, 738	3, 458	4, 070
Total lost or stolen.....	17, 129	20, 620	24, 152
Percentage of found.....	16%	17%	17%
Total passports lost or unaccounted for.....	14, 391	17, 162	20, 082
Total issued ¹	2, 230, 347	2, 481, 381	2, 791, 872
Percentage.....	0.64% or .6 of 1%	0.69% or .7 of 1%	0.72% or .7 of 1%

¹ Includes figure for issuance abroad.

² Includes estimated figures for issuance abroad fiscal year 1972.

Recapitulation:

Total passports issued for 3-year period (fiscal years 1970, 1971, 1972).....	7, 503, 600
Total lost or stolen for 3-year period (fiscal years 1970, 1971, 1972).....	61, 901
Percentage of lost or stolen compared to number issued.....	0.82% or .8 of 1%
Total found or recovered for 3-year period (fiscal years 1970, 1971, 1972).....	10, 266
Total passports unaccounted for over 3-year period (fiscal years 1970, 1971, 1972).....	51, 635
Percentage of found or recovered passports compared to number lost.....	17%

Mr. SOURWINE. Go ahead, Miss Knight.

Miss KNIGHT. Thank you.

Specific information tying lost passports to criminal activity and specifically to drug-related activity is not always available to the Passport Office. However, let me mention three cases as examples where information of drug-related fraud was available.

In one case a German national was arrested attempting to use a U.S. passport to smuggle hashish out of Afghanistan. The passport she used had been reported lost at Kabul by the American girl to whom it had been issued. A picture of the German girl had been substituted for that of the original bearer.

In another instance, a German national, found to be in possession of a U.S. passport, claimed the passport had been sold to him by the American citizen bearer along with a number of credit cards belonging to another American citizen. Reportedly, the passport and the credit

cards were to be used for the purchase of narcotics in Bangkok, Thailand.

Another case involved an attempt by a young German to sell a U.S. passport which had been reported lost by a girl who had previously been apprehended trying to smuggle hashish out of Afghanistan.

There are other cases involving drug-related passport frauds but, unfortunately, we rarely get the facts in time to take preventive action. Most frauds surface long after the event. However, patterns appear which cannot be ignored even though proof of actual fraud is not available.

An American consular officer in New Delhi, reporting the loss of 70 U.S. passports between January and July 1972, stated:

Loss or theft is predominantly among the young and the pattern is quite similar, leading the consular officer to believe that in many cases the passports have either not been lost but retained by the bearer for reasons best known to him, or have been given or sold to persons unknown.

The consular officer relates the pattern as follows: The American citizen was on a train and while sleeping, his or her purse was stolen; or while running across the street in heavy monsoon rain, the passport must have dropped in water and could not be found; or the hotel room was broken into while the passport bearer was sleeping; passport and money stolen under vague circumstances; or passport was stolen while sleeping in the park in central Delhi, etc. In most cases, travelers checks are stolen along with the passport and the routine involves application to American Express for replacement of travelers checks at the same time applying for a replacement passport. The procedure is too pat for complacency. First: the passport is reported lost. Second: the police authorities are informed. Third: a police statement of loss is acquired. Fourth: the Embassy or Consulate is advised of the loss. Fifth: Identification papers are produced and replacement passport is issued. More recently, we have been informed that some young people have been coming in to register upon arrival with the Consulate Office in New Delhi so that their passport and other identity are recorded. Several days later they are back saying, "Remember me? I registered here the other day." In view of their certifications regarding loss, the Embassy has no alternative but to accept application for a replacement passport and to issue it. While there is no indication that an organized group is involved in the lost or stolen passports in India, the young people appear to be suspiciously well versed in the procedure for applying for a replacement. Only on rare occasions do lost or stolen passports turn up and we have no indication that they have been used for espionage purposes or fraudulent immigration purposes. Drugs, especially hashish, are commonly used by some "hippies" and it is quite possible that passports are being sold rather than lost to finance a personal drug habit. But how do we prove this?

Another reason for losing passports, according to the consular officer in New Delhi, may relate to visa limitations. He reports that "Many young people overstay their visas and may find it convenient to lose the passport so that they may apply for an exit visa with fresh passport."

All lost or stolen passport cases are forwarded to the Legal Division of the Passport Office for screening.

In the month of August 1972, more than 85 screening investigations were initiated by the Passport Office in other drug-related cases in the Far East, East Asia, and Latin America. Thus far, in September 1972, more than 50 such screening operations have been initiated.

Mr. SOURWINE. Why the great demand for U.S. passports by drug traffickers?

Miss KNIGHT. The answer is that the U.S. passport is considered the most acceptable document of identification available.

An American citizen can have any kind of a foreign name; he can be any color and have any known accent without arousing suspicion. Our citizenship is a conglomerate of race, color, accent and appearance. Professional drug traffickers and other criminals seek cover with the best identification available and with the least chance of an official challenge. Many of them find it advantageous to have more than one passport in fictitious identities because their true names already are known by authorities.

Another reason for falsely reporting a passport as lost is to obtain a "clean passport," one which does not reflect entry or departure dates. Too much traveling arouses suspicion and with a clean passport, one can more easily pass as a tourist. We have been told this is also a help to those who wish to avoid certain income taxes.

Mr. SOURWINE. Miss Knight, while you are on the subject of clean passports, are you familiar with the practice which the committee is advised is common in some of the Iron Curtain countries of inserting in a passport a clean page, or a clean fold, and putting visas on that piece of paper which can subsequently be removed from the passport, thus leaving the passport itself, in effect, clean?

Miss KNIGHT. Yes; we are quite aware of this.

Mr. SOURWINE. Is there any way to stop this?

Miss KNIGHT. No; because this is a practice of another country.

Mr. SOURWINE. But, it frustrates, does it not, one of the purposes of the passport, which is to create a travel record of the citizen who uses it?

Miss KNIGHT. It certainly does frustrate that.

Mr. SOURWINE. Has there been any effort to reach that matter by treaty? Has it been discussed with any foreign nation to your knowledge?

Miss KNIGHT. Not that I know of. That would, of course, be a matter of rather high policy negotiation.

Mr. SOURWINE. Other nations, while like us, do not do this, would have as much objection to it, find as much trouble with it as we do, I would think.

Miss KNIGHT. Yes; I think they do.

Mr. SOURWINE. But as far as you know, there has never been any effort to settle this matter by international agreement or treaty?

Miss KNIGHT. No; not that I know of, sir.

Mr. SOURWINE. Has your office made any recommendations along that line?

Miss KNIGHT. Not along that line; no sir.

Mr. SOURWINE. You would have been sticking your neck out to do it, would you not?

Miss KNIGHT. I am afraid so.

Mr. SOURWINE. All right. I am sorry about that interruption. Go ahead.

Miss KNIGHT. The stamping of entry and departure dates in a passport is of inestimable help in tracking down the travel route of criminals when and if the involved passport is ever retrieved.

Attempts to obtain U.S. passports through the use of fraudulent documents, either bought or stolen, are most prevalent in three geographic areas. As far as we know, these are not connected with the international drug traffic.

(1) These frauds are occurring in our consular posts in Mexico. They involve persons of Mexican origin who claim birth in the United States or claim U.S. citizenship by birth in Mexico of a parent born in the United States. This problem has been with us for years and we have instituted special procedures to handle these cases. The applicants use American birth certificates which they have purchased from other individuals, or, in some cases, they use delayed birth certificates which are fraudulently obtained.

Most of these frauds are detected at the application stage before the passport is issued. We have found no connection between Mexican fraud and the international drug traffic.

(2) Frauds have occurred in our consular posts in the Dominican Republic. These concern persons who either fraudulently claim birth in Puerto Rico or who are using bona fide Puerto Rican birth certificates belonging to other persons. These might be borrowed, stolen, or bought. There are some applicants who were born in the Dominican Republic who claim American citizenship through the alleged Puerto Rican birth of a parent.

Mr. SOURWINE. Miss Knight, you say frauds have occurred in our consular posts. I take it you do not mean that any U.S. consular personnel have been party to frauds?

Miss KNIGHT. Oh, no, sir.

Mr. SOURWINE. You mean they have been imposed upon fraudulently in the way you have described?

Miss KNIGHT. That is right, sir.

Mr. SOURWINE. All right. Go ahead.

Miss KNIGHT. Thank you.

Here again, we have instituted special procedures specifically geared to the problem involved. Almost all of these frauds are detected at the application stage. We do not find any of these cases tied into the drug traffic.

(3) Frauds have occurred at our consular posts in the Philippines. These consist of persons who are using bona fide Hawaiian birth certificates issued to other individuals. We have also had a number of cases in which American men, who marry Philippine women, falsely claim paternity of the children of an alien female. Insofar as the Philippine frauds are concerned, we believe every case was uncovered before the passport was issued. Again, we have found no connection with international drug traffic.

With reference to the domestic variety of passport frauds, the increase in fraudulent applications from 174 in fiscal year 1970 to 288 in fiscal year 1972 caused the Passport Office to look into the identification of the kinds of fraud involved: the modus operandi, the category or types of persons perpetrating the frauds, and all of the pertinent circumstances which would assist us in combating this rise in domestic frauds which was becoming unmanageable. A study by the Legal Division of the Passport Office disclosed that the basic problem was one of impersonation fraud. Let me explain—

(1) Impersonation cases. These involve persons who secure birth evidence and the identity of other individuals and then obtain identification evidence associating them with the birth evidence. With this evidence, all properly documented, they then apply for and obtain U.S. passports.

(2) Fraudulent document cases. This category involves persons who obtain counterfeit or altered birth documents, counterfeit drivers licenses, and obtain passports in the false nonexistent identities. This situation is encouraged by ads which appear in the news media purporting to provide almost any type of documentation that can be imagined, identity documents, drivers licenses, etc.

Some persons have been known to obtain more than one passport using one or both of the above methods. In virtually every case, these persons claim birth in the United States.

Since a person must establish his claim to American citizenship as well as his identity, you may ask what evidence of American citizenship was submitted in these fraudulent cases. Almost without exception, the American citizenship was based on birth in the United States. How do these applicants get these birth certificates which refer to other individuals? They obtain these birth certificates simply by writing to a registrar of vital statistics, sending the requisite fee, and making a request for the document. Where do they get the information regarding the person whose birth certificate they are going to use? I refer you to pages 355, 356, and 357 of the book entitled "Witness" written by Whittaker Chambers, as well as to pages 184 to 189 of the book entitled "The Deception" by Hede Massing. Both these individuals are well known to this committee as members of Communist underground activities in the United States.

The procedure spelled out in these volumes was used by Francis Timothy Leary to flee from the United States as well as by Ronald Kaufman.

Mr. SOURWINE. Miss Knight, right there, I take it you do not mean to say that Leary or Kaufman got their information or their inspiration from the volumes you refer to, but merely to say that the method they chose to use already had been described in the volumes you referred to?

Miss KNIGHT. Yes, indeed. It is not a new method and I doubt very much that either of these two men read the books.

Mr. SOURWINE. Now, I am familiar with the name of Francis Timothy Leary, but I am not sure about Ronald Kaufman. Who is Ronald Kaufman?

Miss KNIGHT. Mr. Kaufman is the gentleman who planted the bombs in a number of banks in the United States last year. Since it is known that both of these persons were connected with so-called militant organizations, we can assume that this method of obtaining birth certificates is well known to these organizations.

The situation with regard to fraudulent birth documents and identification is further complicated by information received and published in the New York Times, in an article dated December 19, 1971, which reports that organized crime members are selling a variety of forged documents. Listed in the inventory of the forged documents with the current asking price are: New York drivers licenses at \$20; Army discharge cards at \$50; New York registrations at \$40; and social security cards at \$15.

Mr. SOURWINE. Miss Knight, did you mean to offer this article for our record?

Miss KNIGHT. Yes, sir. It is available.

Mr. SOURWINE. Mr. Chairman, may it be received and entered in the record at this point?

The CHAIRMAN. It may.

(The article referred to follows:)

[From The New York Times, Sunday, December 19, 1971]

ORGANIZED CRIME SELLING OFFICIAL (FORGED) PAPERS

(By Nicholas Gage)

Organized crime members are going into the business of selling a vast variety of official identification documents, according to law enforcement officials.

The documents include birth certificates, driver's licenses, car registrations, high school diplomas, armed forces discharges, Social Security cards and even passports.

Some of these documents are counterfeit, but most are the real thing stolen from government offices or printing houses, according to Edward J. McLaughlin, chief counsel of the State Joint Legislative Committee on Crime.

Mr. McLaughlin, whose committee is looking into the racket, said the documents were put to a number of practical uses.

Con men use identification cards to cash bad checks and commit other frauds. Car-theft rings use driver's licenses and car registrations to dispose of stolen cars easily and quickly.

But the largest market for some of these documents are individuals with no criminal connections. Many driver's licenses, for example, are bought by non-English-speaking persons who are not able to pass the written parts of license examinations.

Individuals who never finished high school or college buy blank diplomas and degrees and have their names filled in so that they can try for better jobs.

Traditionally the market in such documents was served by independents who had no links to organized crime except that its members were sometimes their customers.

But Mr. McLaughlin said that organized-crime figures—encouraged by the growing demand for documents—were going into the racket themselves.

With their well-developed contacts, the gangsters are able to obtain certain kinds of identification instruments, such as police badges, that were often beyond the reach of the independents.

The gangsters concentrate primarily in the wholesale end of the racket. They arrange to buy blocks of documents from inside contacts and then sell them to retailers.

The retailers sell them to individual customers at a large markup.

An underworld informant who recently inquired about purchasing blocks of four typical documents was quoted the following wholesale prices:

New York driver's license-----	\$20
Army discharge card-----	50
New York registration-----	40
Social Security card-----	15

The retailers of the documents provide full assistance in filling them out so that their fraudulent character is not detected.

For example, names and serial numbers for New York driver's licenses are typed in, using an IBM 1428 OCR typewriter ball, the same one used in completing authorized licenses.

The ball fits all standard IBM Selectric typewriters and can be purchased openly for \$18.

Some services by the document sellers cost extra. A driver's license stamped with a red number 1 on the upper left side costs \$20 more than a standard one.

The red stamp allows its bearer to drive tractor trucks. Such licenses are bought by truck drivers who have not qualified for tractors but want the work, and by truck hijackers who carry them in case they are stopped on the road.

Miss KNIGHT. It was also noted that retailers of the documents provide full assistance in filling them out so that their fraudulent char-

acter is not detected. For example, names and serial numbers for New York drivers' licenses are typed in, using an IBM 1428, OCR typewriter ball, the same one used in completing authorized licenses.

Mr. SOURWINE. Miss Knight, is that particular type font, that is the type font carried by the typewriter ball you referred to as number 1428, a font which duplicates the shape of numerals as printed by a computer?

Miss KNIGHT. Exactly.

The ball fits all standard IBM Selectric typewriters and can be purchased for \$18.

Prior to this public disclosure, counterfeit drivers' licenses were fairly easy to detect since they were normally typed on a regular typewriter rather than the type font used in computerized operations.

There is no doubt about it: The counterfeiting of documents is a big and lucrative business.

Passport fraud as it pertains to narcotics is only one phase of a serious problem which we, in the Passport Office, have struggled with for years and called to the attention of anyone who would listen. Frankly, I am very discouraged about the whole situation and I don't believe that a piece-meal approach to the problem will be successful. One hole in the dike may be plugged up, but two others will develop.

The recorded history of passport fraud, though sketchy, goes back at least to the early 1920's and indicates that the types of frauds were basically the same then as now, namely, impersonation, fraudulent evidence, altered passports. In addition during the 1920's and 1930's, we encountered activity in counterfeit passports. The fact that the fraud patterns remain the same is not surprising because the primary purpose of the passport is to establish the identity and the nationality of the bearer. Hence, the types of frauds flow from the nature of the document.

In the 1930's, we had extensive frauds perpetrated by covert agents of the international Communist movement. This specific activity was the subject of a staff study dated July 11, 1958, entitled "Communist Passport Frauds." This was prepared for the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the United States, 85th Congress, Second Session. In reviewing the history of passport frauds, I note that narcotic traffickers were involved in obtaining passports by fraud in the 1930's. Over the years it has been established beyond any doubt that narcotics traffickers and other individuals engaged in illegal activities obtain passports in false identities to facilitate what is known as the "appearance and disappearance" act. For example, a person known to the narcotics authorities or the police authorities as John Smith obtains through his criminal contacts fraudulent documents identifying him as James Jones. He then, in effect, "disappears" as John Smith. A new person, James Jones, then is created. When the activities of James Jones become known to enforcement authorities, he may repeat the process and assume another identity. Ergo: John Smith and James Jones disappear and a new identity appears on the scene. This rationale or technique is used not only by drug traffickers but by other criminals engaged in a variety of illegal domestic or international activities. In the late 1940's and 1950's, the Passport Office concentrated on the very complicated problem of Chinese frauds. It took several years to get the situation under control because it had been simmering on a back burner for over a decade.

As a result of new techniques in investigations and interrogations initiated by the Passport Office and coordinated with the Immigration and Naturalization Service, this extensive fraudulent citizenship problem existing for over a period of 50 years was brought under control.

I don't underestimate the fantastic cost and human suffering resulting from worldwide drug traffic. But this should have been evident to any but the ridiculously naive back in the fifties and sixties. Whether the lack of action results from indifference or stupidity—the end results are the same.

MR. SOURWINE. Miss Knight, do you feel the Passport Office has done all it can do to combat passport fraud and protect the security of the U.S. passport?

MISS KNIGHT. We have done all we can do under our present organization and circumstances. I think much more can be done.

But, the Passport Office has been ringing the alarm on passport and identification frauds for 43 years. The lack of decisive action and effective control by the upper echelons of Government who have received these warnings over the years is a sad commentary on high level official responsibility and concern for our national well-being.

I am angry about this situation because the record of the Passport Office is clear as crystal.

MR. SOURWINE. Now, tell us, Miss Knight, just what has the Passport Office done? Give us some examples of the action taken by your organization.

MISS KNIGHT. Well, beginning August 1, 1929, the Passport Division (as it was then called) started to maintain a statistical record on passport frauds and suspicious cases. The Passport Office has never been permitted to hire investigators. Fraud research, reports and limited actions were, then as now, carried on by a small legal unit. Reports and summaries were forwarded, then as now, through channels to whoever at that precise moment had an alleged interest in fraud activities.

On January 10, 1937, the Passport Office prepared a comprehensive report on passport frauds and the contents are as appropriate to the situation today as they were then.

Records compiled by Mr. William Duggan, Chief of the Passport Office Legal Division, indicate that passport fraud was a subject discussed at every House Appropriations Subcommittee hearing from 1930 through 1955 with the exception of 1952 and 1954. I became Director of the Passport Office on May 1, 1955, and I was appalled at the lack of staff, lack of space, lack of equipment, and the general sweat shop conditions which existed in the office. My predecessor advised me orally and subsequently by letter that she had never been accorded adequate support by her superiors in the Department of State and that she had never received the full appropriation voted to the Passport Office by the Appropriations Committees. This fact was made known to the proper officials and for a few years thereafter, the Passport Office was permitted to expand and concentrate on its statutory responsibilities.

MR. SOURWINE. You say thereafter. You mean after what date?

MISS KNIGHT. After January 1, 1956, when we moved and acquired more space, a better filing situation, additional personnel.

Mr. SOURWINE. Well, now, you said the Passport Office for a few years after that date was permitted to expand and to concentrate on its statutory responsibilities. It is now 17 years after that date. Assuming a few years might mean as many as 3 or 4, do you mean that for 13 or 14 years the Passport Office has not been permitted to expand as necessary, and has not been permitted to concentrate on its statutory responsibilities?

Miss KNIGHT. I think the situation has changed somewhat in the intervening years. There is more emphasis on fraud today. There is more emphasis on public service. There is a—

Mr. SOURWINE. More emphasis than there was when, last year, or 10 years ago, or 17 years ago?

Miss KNIGHT. No, I would say prior to 1955.

Mr. SOURWINE. All right. Go ahead.

Miss KNIGHT. And these new emphases require reorganization and expansion of our services, and certainly a decentralization of our operation.

Mr. SOURWINE. All right. You were giving us specific examples, or telling us of what the Passport Office had done, and I interrupted you. Go ahead.

Miss KNIGHT. Yes, sir.

In a reorganization of the office in March 1956, we established a fraud unit in our Legal Division under the title of Enforcement Branch. We also established an in-house quality review of passport applications. Since then, the Legal Division has given special emphasis to searching for and documenting suspected passport fraud cases.

On June 25, 1969, I forwarded to Mr. Elliot L. Richardson, then Under Secretary of State, a memorandum with attachments on passport frauds, including a detailed report which had been prepared by Mr. William Duggan, Chief of the Passport Legal Division, on February 28, 1958, and handed to Mr. Loy Henderson, then Under Secretary of State, who in turn referred it to the Security Office. I never heard anything further as to the fate of these reports.

Mr. SOURWINE. Miss Knight, do you have a copy of the report referred to, forwarded to Mr. Richardson in June of 1969?

Miss KNIGHT. Yes, I do.

Mr. SOURWINE. Can you let the committee have that?

Miss KNIGHT. Yes, I will be glad to.

Mr. SOURWINE. Mr. Chairman, may this go in the record at this point?

The CHAIRMAN. It may go in the record.

(The document referred to follows:)

JUNE 25, 1969.

Memorandum

To: U—Mr. ELLIOT L. RICHARDSON.

From: PPT—FRANCES G. KNIGHT.

Subject: Passport Fraud Problems and Statistics.

I refer to our exchange of memoranda regarding the necessity of having responsible individuals appointed to take passport applications. In this correspondence I stressed the need to protect the integrity of the United States passport as well as the need to maintain security in our procedures. You have asked for information and statistics regarding passport frauds.

I am attaching a table showing the number of passport frauds processed for the years 1967 and 1968 and for the first five months of 1969 (Tab A). This

table also includes the figures on the number of criminal prosecutions for violation of passport statutes which have been submitted during this period. In addition, the table shows the nationality of the person perpetrating the fraud. However, statistics in fraud cases are, in and of themselves, insufficient to portray the need for strict control over passport application procedures.

At present our greatest problem concerns identity frauds involving persons of Mexican origin who desire to obtain United States passports either to enter the United States or to remain in the United States. We are also experiencing a number of cases involving citizens of the Dominican Republic who are using Puerto Rican birth evidence to obtain passport documentation. A third category involves United States citizens who because of police problems are attempting to hide their true identity and leave the United States or otherwise engage in unlawful activities. Chinese fraud cases also are numerous and generally involve passport applications executed a number of years ago and which are now uncovered and handled through the so-called "confession" program. This program has proved very successful in keeping the Chinese problem under control for the first time in 50 years. The Chinese fraud problem is unique and is described in detail by the District Court for the District of California in the case of *Ly Shew v. Acheson*, 110 F. Supp. 50 (1953).

I am attaching a historical background of passport frauds which was compiled in 1958 and which has been edited and enlarged for clarity (Tab B). It is clear from this study that the obtention of the United States passport for use as an effective cover is considered of prime importance by foreign intelligence agents. This aspect of passport frauds has been considered at length by various congressional committees. A congressional report entitled "Communist Passport Frauds," prepared for the Senate Subcommittee to Investigate the Administration of the Internal Security Act and other Internal Security Laws of the Committee on the Judiciary of the 85th Congress, gives a detailed account of this aspect of fraudulent activities. As stated by the Supreme Court in *Browder v. U.S.*, 312 U.S. 335 (1941), the purpose of the penal provisions of the passport law is for, "the protection of the integrity of the United States passport."

Since 1958 we have seen a continuation of the fraudulent obtention and use of United States passports by the Soviet intelligence apparatus in the notorious *Abel* case. In 1962 an American citizen obtained 18 American passports and delivered them to Soviet agents in East Germany. The citizen was sentenced to two years imprisonment in 1965. In 1960 the Czechoslovakian intelligence apparatus attempted to obtain United States passports for two agents to enter the United States. It is apparent that there is a continuing effort and ever present danger from unfriendly security services to obtain authentic documentary cover for agents both in the United States and abroad.

In 1968, on another facet of fraud, investigations disclosed that one Jose Aguiar, a citizen of Argentina who owned and operated a Spanish bookkeeping service at Modesto, California, was involved in assisting Mexican nationals to obtain United States passports by the use of fraudulent evidence. The investigation disclosed 25 fraudulent cases. Mr. Aguiar was indicted in the United States District Court in Sacramento, California on December 4, 1968 and, after pleading guilty, was sentenced to five years in prison on February 12, 1969 and fined \$2000.

The difficulty which the Canadian Government has had with passport security problems is vividly set forth in the attached news item "Canadian Passport: No Spy Lacks One." (Tab C) The Canadian Government has previously experienced problems in this area as evidenced by the famous *Gouzenko* papers. It will be recalled that in the latter situation the Soviet Government was able to compromise one of the Canadian passport employees. Needless to say, the Canadian Government has taken extensive steps to tighten their passport application procedures. Any proposal which might dilute our control over persons who accept passport applications would in all probability result in a similar problem for this Government.

I must state as firmly as I can that I am against any dilution of the security or integrity of the passport issuing process from the application stage through the issue stage and control thereafter. We cannot as a responsible agency, afford to ignore the security dangers that have been evidenced in the passport field over the years. The damage that can be done to this country by one espionage agent who fraudulently obtains and uses a United States passport is potentially too great to risk the use of a haphazard method of selecting the persons who will accept passport applications.

The illegal purposes for which a United States passport can be used generate pressures on the entire structure of the passport issuing process and especially at the application stage. The application stage is crucial because it is at this point that the *identity* of the applicant is determined and is the point of physical contact with the applicant. The Reubens-Robinson case cited in tab B as well as the Philadelphia fraud cases, graphically illustrate the nature of the pressures which even overcame the scruples of Federal and local officials.

The hidden, insidious nature of passport frauds is, in fact, such that Congress enacted special legislation extending the normal three-year statute of limitations to 10 years (18 USC 3291).

As the attachments illustrate passport frauds range from the intelligence-espionage type to bad check operations and from baby adoption rackets to illegal entry into the United States by aliens otherwise ineligible to immigrate. Even the illegal importation of automobiles into foreign countries for huge profits has been behind certain frauds uncovered.

To sum up, the history of passport frauds shows that our present method of taking passport applications evolved to protect the Government against fraud. I strongly recommend that whatever steps we take to alleviate the pressure created by the unwillingness of the Federal Court clerks to take passport applications, do not dilute or weaken the controls and safeguards which the record shows are necessary to protect the security and integrity of the United States passport.

Attachments:
as stated.

6/25

(TAB A)

PASSPORT FRAUDS FOR YEARS 1967, 1968, 1969 (JANUARY TO MAY)

	1967	1968	1969 (5 mos.)
1. Fraud cases processed:			
A. Fraud cases—General.....	60	141	130
B. Fraud cases—Chinese.....	88	387	115
Total fraud cases processed.....	148	528	245
2. Fraud cases processed: General—			
A. Number of domestic frauds.....	11	18	44
B. Number of foreign frauds.....	49	123	86
Total number of general frauds.....	60	141	130

3. Frauds by Nationalities:

1967

Country	Imposter	Citizenship/ Identity fraud
Brazil.....		1
Canada.....		2
Cuba.....	1	1
Dominican Republic.....		1
England.....		2
Germany.....	1	2
Italy.....	1	2
Japan.....		2
Jordan.....	1	
Kinewa.....		1
Korea.....		2
Liberia.....		1
Mexico.....	6	13
Morocco.....		1
Philippines.....		3
Puerto Rico.....		2
United States.....	5	5
Unknown.....		2

1968

Country	Imposter	Citizenship/ Identity fraud
Africa		1
Australia		2
Bahamas		1
Costa Rica		1
Cuba		2
Czechoslovakia		2
Dominican Republic		2
England	1	1
France		1
Germany	1	1
Greece		1
Haiti		1
Holland		1
Italy		3
Jamaica		18
Korea	1	1
Lithuania		29
Mexico	16	1
Nigeria		21
Philippines	2	1
Portugal		1
Puerto Rico		1
Romania		1
Spain		4
United States	7	2
Unknown	2	4

1969 (5 MONTHS)

Country	Imposter	Citizenship/ identity fraud
Africa		1
Canada		2
Costa Rica		1
Denmark		1
Dominican Republic	1	6
England	1	1
Finland		2
Germany		1
Hungary		2
Jamaica	1	11
Japan		2
Korea		1
Liberia	1	37
Mexico	24	18
Philippines	2	1
Poland		1
Portugal		1
Thailand		1
United States	6	8
West Indies	1	1

	1967	1968	1969 (5 mos.)
4. Fraud cases processed—Chinese:			
A. Number of Chinese domestic frauds	71	355	73
B. Number of Chinese foreign frauds	17	31	40
Total Chinese frauds	88	386	113
C. Types of evidence submitted in Chinese fraud cases:			
	1967	1968	1969
(1) AA certificates of citizenship	16	36	21
(2) Certificates of identity	34	72	43
(5) Certificates of naturalization	4	17	3
(4) Prior passports	14	23	1
(5) Birth certificates	1	1	
(6) Court adjudications			
(7) Commissioner's discharges			
(8) Other evidence	12	84	13

COMPARATIVE SUMMARY OF CRIMINAL PROSECUTIONS FOR YEARS 1967, 1968, 1969 (MAY)

	1967	1968	1969 (May)
Number of cases processed:			
A. Cases pending as of beginning of year.....	30	22	34
Cases submitted to the U.S. Attorney during year.....	11	21	25
Total.....	41	43	59
B. Cases disposed of during year.....	19	9	12
C. Cases pending at the end of year.....	22	36	47

(TAB B)

FEBRUARY 28, 1958.

PASSPORT FRAUDS

The fraudulent obtention and use of passports is not a new thing. There is a history going back at least 100 years. The main reason for the passage, about a century ago, of the law stating that only the Secretary of State could issue passports was the fraudulent obtention of passports issued by Governors of States, Mayors of cities and even by Notaries Public. However, there was no specific statute making it a criminal offense to apply for or use a fraudulent American passport until World War I. In the early years of that war, German agents were detected by the British traveling on fraudulently obtained American passports. This led President Wilson, in 1914, to issue an Executive Order taking the acceptance of passport applications out of the hands of notaries public and placing it exclusively within the jurisdiction of Passport Agents and Clerks of Federal courts and State courts authorized to naturalize aliens. After we entered the war, the Espionage Act was passed and Title IX of that Act covered the fraudulent obtention and use, the counterfeiting and altering, and the buying and selling of passports. Basically, they are the same laws as are now contained in sections 1541-1545, Title 18 of the United States Code.

1. TYPES OF PASSPORT FRAUDS

There are three main types of passport frauds:

A. The Counterfeiting of a Passport and the Use Thereof

There were at least three different editions of counterfeit passports printed and used during the period between World War I and World War II. They were imitations of the red-covered booklet form of passport used during that period. In each edition, the entire booklet was counterfeited, including the cover, the paper, the imitation watermark, the overprint and the printing. Counterfeits of the State Department's seal and counterfeits of the rubber stamp and legend machine which are placed on passports were used in preparing the passports for the use of individuals. Counterfeit naturalization certificates and counterfeit birth certificates were carried as collateral documents by some of the users.

B. Alteration of Genuine Passports and Their Use by Imposters

This is a form of fraud which was quite prevalent during the thirties and is now being resumed. In such case, the photograph of the original bearer was removed and the photograph of an imposter substituted therefor. In some cases, the numbers and dates of the passports were also altered. In other cases, the descriptive sheet was removed and a counterfeited sheet substituted therefor, which, of course, set forth the correct description of the imposter. These substituted pages were usually printed on blank visa pages taken from other passports. Counterfeits of the Department's seal, legend machine, and rubber stamp were also used in the preparation of the altered passport. The bearers of the altered passports often carried, as supplementary documents, bona fide or counterfeit birth or naturalization certificates in the name set forth in the passport. The chief users of altered passports were the Italians of the immigrant type who were unable to obtain proper visas. Other users were Greeks of the same type. In addition, altered passports were used on at least several occasions by Soviet espionage agents. The seal used on the passports of espionage agents was much better than the seals used by the Italians and Greeks.

C. Passports Obtained Upon the Basis of Fraudulent Applications

This is the most usual type of passport fraud and it has been perpetrated both in the United States and abroad. In most of the cases, the applicant files his application in the usual way and submits his own photograph. However, he makes the application in a name other than his own and submits, as evidence of his citizenship, either a fictitious affidavit of birth or the birth certificate, the baptismal certificate, or the naturalization certificate of another person. When successful, he obtains a passport bearing his own photograph and description, but in a name other than his own. When the applicant is in this country, this is the easiest type of fraud to perpetrate and the most difficult to detect. Abroad, the applications are made before a consular officer who often does not have sufficient means of determining the identity of an applicant. Frauds of this type have been perpetrated in the United States by criminals, fugitives from justice, narcotic traffickers, aliens in the United States illegally, espionage agents, Communist agitators, etc. Abroad, they have been perpetrated and attempted chiefly by aliens who desire to come to the United States to live, but who could not obtain immigration visas.

D. Other Types of Passport Frauds

In addition, there have been several other types of violations of the passport and related laws. There have been cases of collusion in which clerks of courts falsely certified that an applicant and/or his witness appeared before them and executed the applications. Examples of this are the Rubens-Robinson case, in which passports were obtained for Soviet espionage agents, and the Philadelphia Chinese cases, in which the applicants and their identifying witnesses often did not appear. There have been many cases in which applicants gave false information concerning their destination and the purpose of their proposed travel. There were many cases of this nature during the Civil War in Spain and a considerable number, both before and after World War II, of persons who concealed the fact that they intended to go to the Soviet Union.

See Sections 3 and 4 (*infra*) for a description of the prosecutions of these various types of fraud cases.

2. CRIMINAL LAWS

There are a considerable number of laws which are relevant to the prosecution of persons who engage in fraudulent passport activities. Most of them are now contained in Title 18 of the United States Code.

A. Venue

Inasmuch as violations of the passport laws may occur anywhere in the world or may be commenced in one judicial district and completed in another. The third paragraph of Section 2, Article III of the Constitution and Sections 3237 and 3238 of Title 18, USC, are pertinent in establishing venue.

B. Passport

The sections of law which specifically refer to passports are now contained in Sections 1541 to 1545 of Title 18, USC. They are basically the same as Title IX of the Espionage Act of 1917. They were, until a few years ago, Sections 220-224 of Title 22 of the United States Code.

C. Limitations

Until June 30, 1951, the usual statute of limitations (Sections 3282 and 3290, Title 18, USC) applied to prosecutions for violating the passport laws and required that action be taken within three years after the commission of a crime. On June 30, 1941, Section 3291 became effective. This permits prosecution within ten years. The regular statute of limitations has since been amended to permit prosecution for violations of other Federal statutes within five years.

D. Conspiracy

This section (371) has been used in more passport prosecutions than any others excepting Sections 1542-1544. The ten-year statute of limitations also applies to indictments for conspiring to violate the passport sections.

E. Travel Control

The travel control law (8 USC 1185) is effective only in time of war or during a period of national emergency and the criminal statutes have been rarely invoked.

F. Internal Security Act

Although the Internal Security Act was passed in 1950, the passport portion is not yet effective as no organization has registered or been finally ordered to be registered under the act. Judging by the progress in the courts of the proceeding to order the Communist Party to register, it will be several more years before we need be concerned about our part of the law.

G. Miscellaneous Criminal Provisions

There are various other sections of law which have been used in the past or which may be used in the future in connection with violations of the passport laws. Some examples are set forth in the portion of this paper relating to indictments.

3. COURT DECISIONS

Several persons who have been convicted of violating the passport laws have appealed their cases to the circuit courts of appeals and to the Supreme Court. Certain of these cases are legal precedents concerning not only the meaning of the penal sections of the passport laws, but also interpretations of rules of evidence and Federal judicial procedures.

A. Earl Browder Case

Earl Browder was the General Secretary of the Communist Party, USA. He had fraudulently obtained and used several passports in different names and thereafter applied for and used a passport in his own name upon an application in which he falsely stated that he had never had a passport previously. This passport, he used for two trips abroad. By the time the frauds were discovered and the necessary evidence was assembled, the then existing statute of limitations (three years) prevented Browder's indictment not only for making the passport applications in other names and using the passports, but also for making false statements in the application in his own name. However, certain uses of the passport had occurred during the preceding three years and two indictments were returned against Browder for using a passport issued upon the basis of an application in which he made false statements: one for using the passport upon arrival at the Port of New York, by presenting the passport to our immigration officers and the other for various uses of the passport in foreign countries. From the evidentiary standpoint, the government decided that it would be preferable to try Browder on the charges of using the passport at the Port of New York.

Early in 1940, Browder was tried and convicted. He made no defense or denial of the facts. However, his attorneys contended:

1. That the use of the passport was not "willful" within the meaning of the statute, since the use was for a proper purpose;

2. That since an American citizen did not then have to present a passport to be admitted to the United States, there was no violation since the statute impliedly referred to a required use of a passport; and

3. That since American passports are intended for use in foreign countries, the presentation of a passport to an American official in the United States was not a use of a passport as contemplated by Congress.

Browder appealed his conviction to the Circuit Court of Appeals, which upheld the lower court. Later, Browder appealed to the Supreme Court of the United States, which ruled against all of his contentions. This is the most important precedent case on the interpretation of what is now Section 1542 of Title 18 of the United States Code.

B. Welwel Warszower Case

Welwel Warszower, an alien, was Financial Secretary of the Communist Party, USA. He applied for, obtained, and used a passport in the name of Robert William Wiener upon an application in which he falsely stated that he was a citizen of the United States, that his name was Robert William Wiener, that he was born at Atlantic City, New Jersey, and that he had not resided outside the United States. Since the statute of limitations prevented Warszower's indictment for making false statements in the passport application, he, like Browder, was indicted for using the passport upon his arrival at the port of New York. Warszower was tried and convicted shortly after Browder and their appeals to the Court of Appeals and to the Supreme Court were argued at the same time. At the trial in New York, the government submitted evidence that many years before, Warszower had been admitted to the United States as an alien, that, when he registered for Selective Service in 1917, he stated that he

was an alien born in Russia, and that later he applied for and obtained a re-entry permit as an alien. Warszower offered no evidence in rebuttal at the trial. His lawyers, besides making the same arguments as in the Browder case, maintained that the government had not established a *prima facie* case as all of the evidence submitted was based on admissions made by Warszower and that, as in the case of confessions, a person could not be convicted without corroborating evidence. The courts overruled the defense contention and the Supreme Court in this case, for the first time, clearly distinguished between admissions against interest made before the commission of a crime, and admissions in the nature of confessions made after the crime had been committed. This is a most important decision upon the subject of the sufficiency of evidence not only in passport cases, but in all criminal prosecutions.

C. William D. Frad Case

Frad was a professional steamship gambler who was indicted in the United States District Court at Brooklyn, New York for various offenses, including the fraudulent obtention of a passport in the name of Fred W. Gorham. He pleaded guilty to all of the charges and there was then no question of law raised. However, in addition to a two-year imprisonment sentence on one indictment, he was given suspended sentences on others and placed on probation at the end of the two years in prison. The sentences were imposed by a Federal judge from Brooklyn who was temporarily detailed to the United States District Court for the Southern District of New York. The case later went to the Supreme Court on the question as to what judge had authority to determine whether the probation should be terminated and in a broader sense what judge has a right to modify a sentence which has been imposed. It is a precedent case on the subject, but is not important from our standpoint.

D. Renault Duncan Case

Renault Duncan or Duncan Renaldo was an alien born in Rumania who had entered the United States illegally. He became a movie actor and was employed as the star of the movie "Trader Horn", which was filmed in Africa. To make the trip, Duncan made a fraudulent application for an American passport, claiming birth in Camden, New Jersey. After his return to the United States, the fraud was discovered and he was indicted on three counts, (1) making false statements in a passport application, (2) falsely claiming to be an American citizen, and (3) perjury. He was convicted and appealed his case. His conviction was upheld on the first and third counts by the Circuit Court of Appeals and was reversed on the second. Duncan appealed to the Supreme Court, which refused to review the case. This is an important case on questions of sufficiency of evidence and use of foreign documents in evidence. The ruling that admissions against interest by a defendant are not sufficient to justify a conviction was later modified and perhaps entirely reversed by the Supreme Court ruling in the case of *Welwel Warszower*.

B. Rubens-Robinson Case

This case involved the fraudulent obtention of a large number of United States passports for use by Soviet espionage agents. The indictment returned by a Federal grand jury in the southern district of New York charged a conspiracy by a number of individuals to violate various statutes relating to the issuance and use of United States passports. It also charged a single conspiracy to unlawfully obtain, use, and alter passports. Only three of the conspirators could be apprehended and, upon trial, these were convicted and sentenced to two years' imprisonment. At trial, the government proved that the conspirators obtained and used for passport application purposes the birth certificates of deceased persons; obtained by purchase or otherwise the naturalization certificates of individuals never intending to apply for passports; obtained court orders changing the names of sundry persons for fraudulent passport persons; obtained commercial documents to facilitate the use of fraudulently obtained passports under aliases; forged the signatures of others on passport applications, both as identifying witnesses and as applicants; obtained the signature and seal of the county clerk of New York County on passport applications without ever appearing personally before him by means of "political favors"; forwarded such fraudulent applications to the Department of State which issued United States passports without knowledge of the fraudulent evidentiary basis of the applications; and used or caused to be used the passports received from the Department of State for travel abroad.

C. Philadelphia Chinese Cases

The indictments in this case cover violations of a number of sections of law not ordinarily used in passport cases. They also cover the usual charges of conspiracy and violation of Section 220 of Title 22, USC (now Section 1542, Title 18).

(a) There were two conspiracy indictments relating to two separate conspiracies.

(b) The indictment against Howard Long, former United States Commissioner contains four counts (5-8) alleging violations of Title 22 USC, 220 (now 18 USC 1542). The first to fourth counts charge Long with making false evidence of citizenship in violation of 8 USC 746(a)(9)(12) (now 18 USC 1015). The ninth to fourteenth counts charge forging or counterfeiting a public record in violation of 18 USC 72 (now 18 USC 494).

(c) The indictment against Norman J. Griffin, United States Commissioner, contains five counts (1-5) charging violations of 22 USC 220 (now 18 USC 1542), nine counts (6-14), charging violations of 22 USC 746(a)(12) (now 18 USC 1015) ten counts (15-24), charging the fraudulent use of the seal of his office in violation of 18 USC 130 (now 18 USC 1017), four counts (25-29), charging him with falsely certifying that persons made oath before him in violation of 18 USC 75 (now 18 USC 1016) and five counts (30-34), charging that he received bribes in violation of 18 USC 207 (now 18 USC 202).

(d) The indictment against Robert T. Press, Deputy Clerk of the United States District Court contains six counts (1-6) charging that he fraudulently affixed the seal of the court to false documents in violation of 18 USC 130 (now 18 USC 1017), three counts (7-9) charging that he received bribes in violation of 18 USC 207 (now 18 USC 202), and six counts (10-15) charging him with counterfeiting public records in violation of 18 USC 72 (now 18 USC 494).

(e) The indictment against Warren J. Belcher, the Deputy Clerk of the United States District Court who took passport applications, contains seven counts (1-7) charging him with falsely certifying that certain alleged applicants or their witnesses appeared before him and swore to the applications, in violation of 18 USC 75 (now 18 USC 1016), six counts (8-13) charging him with accepting bribes in violation of 18 USC 207 (now 18 USC 202), five counts (14-18) for creating false citizenship evidence in violation of 8 USC 746(a)(9)(12) (now 18 USC 1015), and six counts (19-24) charging him with the fraudulent use of the seal of the Court in violation of 18 USC 130 (now 18 USC 1017).

(f) The indictment against John Lee, one of the Chinese traffickers, contains five counts (1-5) charging him with aiding and abetting Belcher in the unlawful preparation of false affidavits in violation of 8 USC 746 (now 18 USC 1015), seven counts (6-12) charging him with aiding and abetting Belcher in making false acknowledgments in violation of 18 USC 75 (now 18 USC 1016), twelve counts (13-24) charging him with giving bribes to a Federal official in violation of 18 USC 91 (now 18 USC 201) and four counts (25-28) charging him with aiding and abetting Griffin in making false acknowledgments in violation of 18 USC 75 (now 18 USC 1016).

D. Moran Motors, Inc.

In this case, officers of the Moran Motors, Inc. and other persons allegedly obtained a large number of passports for use in illegally taking automobiles and other merchandise to Brazil in violation of the laws of that country. It includes a conspiracy count (18 USC 371) and eleven counts charging the unlawful use of passports of others (18 USC 1544).

E. Manuel D. Gomes

This man fraudulently obtained a no-fee passport and received return transportation to Japan upon the basis of forged army orders which purported to certify that he was traveling to Japan under official leave orders. It will be noted that the indictment is for violation of 18 USC 1001.

F. Wilber Chapman Baker

Wilber Chapman Baker was a fugitive from justice who applied for and obtained a passport in the name of his brother using the latter's birth certificate. The indictment is for violation of 18 USC 1542.

G. Sing Kee

Sing Kee was a trafficker in documents for persons of the Chinese race. The indictment includes a conspiracy count (18 USC 371) and four counts charging

him with making false statements in applications for passports in violation of 18 USC 1542. It should be noted that the indictment also refers to 18 USC 3238 with which relates to venue.

5. COMMUNIST PASSPORT FRAUDS

During the period between World War I and World War II American passports were fraudulently obtained and used by American Communist leaders, agents of the Comintern and agents of the Soviet Military Intelligence Service. During the thirties a number of such persons were apprehended and brought to trial; these included:

A. *Pat Devine*

Pat Devine, a British Communist illegally in the United States, who fraudulently obtained a passport in his own name. He was sentenced in May 1931 to serve one year and one day in a Federal Penitentiary for violating Section 220 of Title 22 USC (now 18 USC 1542).

B. *Albert Feierabend*

An important agent of the Soviet Military Intelligence Service whose real name was Albert Feierabend, applied for passports under various names. He was apprehended when returning to the United States, at which time he was carrying a large amount of American currency. He was fined \$1000 in the United States District Court at Boston on April 24, 1933 and was placed on probation for a period of two years. He was subsequently indicted in New York for other violations of the passport laws, was released on a small bond pending trial and disappeared. During World War II he operated as a Soviet agent in China, using a Latvian passport. Our latest report indicated that he had fallen into disfavor with the Soviets and that he was confined in a work camp in Siberia.

C. *Charles Krumbein*

Charles Krumbein, who was later prominent in the Communist Party in the United States, obtained and used passports in two different names. He was sentenced to serve 18 months in a Federal Penitentiary in February 1935.

D. *Harry Kweit*

Harry Kweit was an important Communist worker among the seamen and among our military personnel. He obtained and used a passport in another name which he used for travel in the Far East. He applied for another passport in a different name as a preliminary to going out on another assignment and was apprehended when he called at the Passport Agency in New York to pick up the passport. In April 1936 he was sentenced to serve one year and one day in a Federal Penitentiary.

E. *Dr. William Gregory Burtan*

Dr. William Gregory Burtan obtained fraudulently, an American passport in 1932 in the name Karl Kuhn. This Department cooperated with the Secret Service in the investigation. Since Burtan was also involved in the distribution of counterfeit American currency which had allegedly been manufactured for the Soviet Military Intelligence Service, Burtan was brought to trial on the counterfeiting charge, but the Judge also took into consideration the passport violations in imposing sentence. Burtan was sentenced to fifteen years in prison.

F. *Rubens-Robinson*

In connection with the so-called Rubens-Robinson fraud case, Edward Blatt, an attorney, Aaron Sharfin, an employee of the Egyptian Consulate General in New York and Ossip Barber, a photographer, were each sentenced in May of 1939 to serve two years in a Federal Penitentiary.

G. *1939-1940 Grand Jury Investigation*

After the conclusion of the trial of the Rubens-Robinson case the Passport Division assembled a large mass of evidence regarding violations of the passport laws by Communist leaders and Soviet agents and prepared a chart and memoranda with a view of proving that all of such frauds were a part of a general conspiracy controlled by the Communist Party leadership in the United States. The close connection between Browder and the other leaders of the Communist Party, USA on one hand and the Soviet espionage service on the

other is clearly illustrated in the case of Richard Johnson. At that time it was believed that the World Tourist, Inc., a travel agency in New York City, was involved in a number of frauds. In September 1939 the United States District Attorney for the Southern District of New York turned over one of the Grand Juries for the exclusive use of the investigation. The records of the World Tourist, Inc. were subpoenaed and they contained much evidence of value. Identified in the records were the accounts of the Communist Party which were under code names. We found what transportation abroad had been charged to the Communist Party accounts and we obtained the appropriate passport applications from Washington and identified a number of fraudulent applications which we had not previously known about. The records of the Communist Party regarding travel were also subpoenaed, but officers of the Party claimed that all Party records had been destroyed except two financial statements. The old three-year Statute of Limitations prevented the return of a general conspiracy indictment, but the Grand Jury returned specific indictments for violating the passport laws against a number of the leading Communists including:

- a. Earl Browder, the head of the Party.
- b. Welwel Warazower, Financial Secretary of the Party.
- c. Isaac Litvakoff, a Communist Party functionary, who was sentenced in March 1940 to serve 15 months in a Federal Penitentiary.
- d. Nicholas Dozenberg, an agent of the Soviet Military Intelligence Service who was sentenced in March 1940 to serve one year and one day in a Federal Penitentiary.
- e. Harry Gannes, the Foreign Editor of the Daily Worker, who died before he could be brought to trial.
- f. Joseph Sultan, editor of the Morning Freiheit, who was never apprehended and who has since died.
- g. Schacne Epstein, who was then in the Soviet Union and who has since died;
- h. Isidore Jack Miller who was sentenced to serve one year and one day in prison.

In connection with the same investigation, a fraudulent passport application in the name Samuel Liptzen was uncovered on the Communist Party account. The passport application was found to be in the handwriting of one Leon Josephson, a prominent American communist who had served as a Soviet agent abroad. The Statute of Limitations prevented any indictment for the passport violations. Later it was learned that the applicant was Gerhard Eisler, a former member of a German Reichstag who had served for a number of years as the Comintern representative in the United States, and who was later a high official in the Communist government of East Germany. Subsequent to the use of the passport, Eisler had made an application as an alien in his own name for a permit to depart from the United States. In the application Eisler stated that he had resided in the United States continuously for a period of time which included the periods which he had spent abroad using the Liptzen passport. He also stated in the application that he had never been known by any other name. Because of these false statements he was indicted and convicted in this city for violating Section 1001 of Title 18 of the United States Code. Leon Josephson was called before a Congressional Committee to testify regarding his knowledge of Eisler and the passport applications. He refused to answer questions and was convicted on a contempt charge.

In connection with the same investigation, information was turned over to the FBI and to the Department of Justice concerning the violation by the World Tourist, Inc. of the law regarding registration as agents of foreign principals. The company was indicted and fined.

H. Summary

The number of successful prosecutions is small compared with the number of violations by Communist leaders and Soviet agents. However, this was due to the following factors:

- a. The Statute of Limitations, with respect to violations of the passport laws, was then 3 years and we frequently did not discover the fraudulent nature of an application until after the expiration of this period.
- b. There was and still is no treaty with any foreign government under which we can extradite to this country for prosecution, persons found abroad in possession of fraudulent passports.

c. Frequently the impostors had no ties in the United States and the usual method of locating a person through his relatives and friends was not practicable.

d. The impostors could and frequently did take refuge in the Soviet Union and at least some of them were afterwards provided with fraudulent passports of other governments for use in further travel.

The 1939-1940 prosecutions apparently threw a scare into the Communist Party leadership and the subsequent violations of passport laws by Communists have, as far as we know, been confined to, (1) using passports in violation of the restrictions contained therein; (2) making false statements concerning the true purpose of their contemplated travel and the countries to which they plan to go and (3) making false affidavits that they were not and had never been members of the Communist Party. Each of these will be discussed under separate headings below.

6. FALSE STATEMENTS CONCERNING DESTINATION AND PURPOSE OF TRIP

Both before and after Secretary Acheson imposed a ban on travel to Communist controlled areas, a number of Communist propaganda groups traveled to the Soviet Union using passports which they had obtained upon the basis of statements that they intended to travel to other countries for other purposes. A number of the persons who went to the Peiping Peace Conference also made false statements of this nature. Prosecutions for violations of this kind are almost impossible, since it would be necessary to prove by actual witnesses in an open court, that at the time the person made his application he did not intend to go to the countries mentioned in his application or for the purposes stated therein.

7. CHINESE CASES

Despite the large number of persons of the Chinese race who have been admitted to the United States as American citizens during the past 70 years, they were not a problem to the Passport Division until after World War II. Except for a brief period during World War I, when transportation was not available, there were no travel laws requiring American citizens to have passports to enter or depart from the United States. During that time persons of the Chinese race who claimed American citizenship applied for and obtained Immigration Form 430 from the Immigration Service which served as a travel document.

As soon after the end of World War II as transportation facilities became available, a large number of Chinese in the United States desired to visit China and a larger number of alleged American citizens of the Chinese race in China desired to come to this country. In the meantime, the Chinese Exclusion Act under whose provisions the Form 430 had been issued had been repealed. In addition, our travel control law was continued in effect. These two factors dumped without warning on the Passport Office the problem of separating a few bona fide claims to American citizenship from a huge mass of fraudulent ones. At first we followed a lenient policy and all at once we found ourselves in the midst of the Philadelphia Chinese case. We then started in China and in Hong Kong and in various cities in the United States, intensive investigations which disclose the widespread prevalence of fraud and the brazen activities of traffickers in fraudulent documents. Criminal proceedings were instituted in a number of cases aimed principally against the traffickers in documents. While our success has by no means been complete, we can safely say that the Passport Office and SY have done more in the past 12 years to suspend, if not break up, a long established fraud pattern than all of the other agencies combined in all of the years since the passage of the Chinese Exclusion Act of 1882.

8. PROSECUTIONS IN FOREIGN COUNTRIES

As has been previously mentioned, it is not possible to extradite from a foreign state a person who has violated our passport laws, whether the violation occurred in the United States or abroad. In a few cases foreign governments have deported to the United States *American citizens* who had entered their countries illegally using passports in assumed names. In most cases, nothing can be done under our laws. However, it often occurs that there has been a violation of the local laws by using a fraudulent passport or by obtaining fraudulently a local identification document to submit to an American Consul in support of a passport application.

Whenever such prosecutions are possible our Consuls cooperate with the appropriate foreign officials. A large number of convictions has been obtained in this manner, but the sentences are usually light.

(TAB C)

[From the Sunday Star, Washington, D.C., October 13, 1968]

CANADIAN PASSPORT: NO SPY LACKS ONE

(By Peter Worthington, Toronto Telegram News Service)

Ottawa—No spy worthy of the name would be without one. It is more useful than cloaks and daggers, code books and cyanide guns. It is an all-purpose, easily obtained, reasonably-respected adjunct to espionage—the Canadian passport.

Since Earl Ray, the accused assassin of Dr. Martin Luther King, was caught carrying one, Canada has received a spate of dubious publicity over its passport.

But there is more to our passport story than Earl Ray's involvement. It's a long story that stretches back 40 years and links Canada to a startling number of the great international espionage cases.

Few things so aptly reflect the contradictions, ironies and incongruities of our policies as the passport.

It seems a national quirk, a Canadian idiosyncrasy, that ours is perhaps the world's most difficult country to enter legally as an immigrant—yet one of the easiest to enter illegally as a spy. We are reluctant to grant citizenship to honest applicants—yet make it ludicrously easy to obtain false Canadian citizenship.

Broadly speaking, all anyone needs to pose as a Canadian citizen, complete with passport, be he Russian, Chinese or Albanian, is the initiative to visit a travel agency; to have a reasonable cover story; to lie under oath; and to pay a \$5 fee.

Canada is one of the few countries that issues passports by mail and doesn't require a personal appearance before an official.

Canada has never caught a Soviet intelligence officer. The closest we came was when Igor Gouzenko "delivered" to the RCMP Sam Carr and Fred Rose—both of them were long-time espionage officers but were both "legal" Canadian citizens, and therefore traitors.

SOVIET IMMUNITY

Soviet "illegals," judging from the evidence, have immunity in Canada. This is the de facto result of our policy on espionage, and not the fault of the RCMP which probably could identify a number of Soviet agents if the Government wished, and would prosecute.

One of the early cases of the Canadian passport being used by Soviet agents occurred in 1931 when the British arrested Hilaire Noulens who headed the old Comintern espionage service in Shanghai.

His capture resulted in the breaking of a Soviet Far East spy ring. As well as having 12 pseudonyms, Noulens used a Canadian passport.

Richard Sorge has been called the greatest spy of World War II. He worked for Soviet intelligence in China before the war, and in Japan during it. He is now an official, if posthumous, "Hero of the Soviet Union."

He is remembered popularly today as the spy who warned Stalin that Hitler was about to invade—information that Stalin chose to ignore. But even more important, he told the Soviets that Japan had no intention of attacking Russia from the east. This allowed the Red Army to concentrate all its forces on the western front.

Before the war the "Sorge ring" carried Canadian passports. Max Klausen, a long-time member of the ring, used a Canadian passport as far back as 1935.

According to Klausen, one Col. Borovich, who was Sorge's superior, headed a spy ring in Canada before being transferred to China.

The Spanish Civil War produced a bonanza in passports for Soviet espionage. Members of the International Brigade invariably had their passports confiscated "for safekeeping" when they arrived in Spain and usually these had been "lost" when they wanted to return home.

One of these passports was used by Soviet agent Ramon Mercader, who got the passport issued to Tony Babich, a Canadian of Yugoslav origin who had been killed in the Spanish civil war.

The passport was "adjusted" to read Fred Jacson of Montreal, and Mercader used it to visit Mexico in 1940 and sink an axe into the skull of Stalin's one-time rival and long-time foe, the exiled Leon Trotsky.

The use of another of these "International Brigade" passports was revealed in 1946 when Sam Carr, former national organizer of the Communist Party of Canada and the "recruiter" for Soviet military intelligence, tried to get one reissued in the name of Ignacy Witezak.

The real Witezak lived in Leamington, and had been told that his passport had been "lost" when the Spanish civil war ended.

Mikhail Milstein, deputy director of the GRU (Military Intelligence), together with the deputy head of the NKVD, toured the U.S., Canada and Mexico, posing as diplomatic couriers while lining up espionage activities.

In Canada they got Sam Carr to get the Witezak passport renewed for an agent working in California. Sam Carr paid \$3,000 to an official in the Passport Office—someone who has never been openly identified and who presumably is still "in place."

GOUZENKO 'SANG'

The whole thing was "blown" when Igor Gouzenko, a military intelligence officer working in the embassy as a code clerk, asked for asylum in Canada and told everything. The phony Witezak had disappeared by the time the FBI came to check up.

In recent years Canada's links with great espionage cases have been numerous. Col. Rudolf Abel, the most successful spymaster known to have operated in the U.S., came to the U.S. through Canada. (How many Col. Abels are still in place is open to speculation.)

When Gordon Lonsdale, ostensibly of Cobalt, Ont., was arrested in 1961 (sic), it turned out that he wasn't a Canadian after all but really Col. Konon Molody of the KGB.

His partners in espionage, Peter and Helen Kroger, who are still serving time in Britain, carried Canadian passports as well as New Zealand ones.

Hermine Rabinovich came to Montreal and became, through the Soviet embassy in Ottawa, a channel for funds that kept the ring in business. At the time Col. Zabinin, military attache at the embassy, also provided passports for agents working in the U.S.

Even the notorious atom spies Klaus Fuchs, Alan Nunn Man and Bruno Pontecorvo worked or lived in Canada before being identified as working for the Soviets.

Nunn Man provided the Soviets with samples of U-235 and U-225 when he was with the National Research Council; Pontecorvo was on a scientific mission to Canada (and now works in the Soviet "atom city" of Dubna); Klaus Fuchs was sent to Canada as a German refugee before being allowed into the U.S.

Victor Spencer, the "sad spy" who inadvertently sparked the present Royal Commission into security and espionage, was involved in collecting data for passports.

One of his jobs was to gather information from tombstones that could be used in establishing "covers" for Soviet agents, and one of his assignments was to find a dead "Japanese-Canadian" that the Russians could use. Spencer's death in 1966 closed a sordid chapter in petty espionage.

With passports and visas, the punishment seldom fits the crime. Despite the rampant misuse of passports, only half-hearted efforts have been made to tighten regulations and penalties.

On the books now is a move to authorize a 14-year sentence for misuses of passports.

But up to now punishments have been gentle and mild.

Recently the government has begun to tighten its visa regulations, too. Now entrants are issued a non-immigrant arrival-departure card in triplicate: One copy is put on file, one taken when the holder arrives in Canada, and one taken when the person departs. At least the government now knows that someone of similar name has left, even though his or her activities inside Canada may be a mystery.

But the issuance of passports seems the biggest flaw.

In the U.S. an applicant must appear before an authorized government official. A voucher may also be required, as well as the birth certificate. And sometimes a second person must swear that the applicant is genuine.

It is not that the U.S. has more safeguards—it is just that Canada has none.

A rule requiring that a person apply in person before an authorized government agency seems only logical before issuing a passport. It is one reason why there is a move to put passports under the control of the Immigration Department, which has more facilities and bodies than External Affairs.

None of this will prevent Canadian passports from being misused in the future, but it will make it more difficult.

Mr. SOURWINE. You say you never heard anything further after you sent that memorandum. Do you recall whether that memorandum was answered?

Miss KNIGHT. I am sorry, sir, I do not remember that. I do not think so. My files certainly do not indicate that it was ever answered.

Mr. SOURWINE. All right. Go ahead.

Miss KNIGHT. Thank you.

With your permission, I would like to place into this record the overall fraud statistics for fiscal years 1970, 1971, and 1972, which are as follows:

Fiscal year—	1970	1971	1972
Domestic.....	174	288	300
Foreign.....	327	316	314
Total.....	501	604	614

You will note that the foreign passport fraud number is stabilized to an average figure of about 320 frauds annually. The domestic frauds show an increase of from 288 in fiscal year 1971 to 300 in fiscal year 1972. While these frauds are of great concern to the Passport Office, they should be considered in terms of the number of passport issuances. In fiscal year 1970, we had 174 domestic frauds and we issued 2,079,863 passports. This percent amounts to .000084, or, in more concrete terms, you might say we had one passport fraud for 11,953 passports issued. Correspondingly, in fiscal year 1971 we had 288 domestic frauds and we issued 2,311,789 passports. This percent amounts to .000124, or in more concrete terms, you might say we had one passport fraud for 8,374 passports issued. In fiscal year 1972, we had 300 domestic frauds and we issued 2,605,321 passports. This percent amounts to .000115, or one passport fraud for 8,684 passports issued. Tab number 4.

Mr. SOURWINE. You are referring apparently to a tabulation statistical in form, which the committee does not have in its records. Can this tabulation be supplied to us?

Miss KNIGHT. Yes; I will be glad to supply it.

Mr. SOURWINE. And is there any reason we cannot have the copy you are using when you are through using it today?

Miss KNIGHT. No; it is an original copy, but I will be glad to leave it here.

Mr. SOURWINE. May it go in the record at this point, Mr. Chairman?

The CHAIRMAN. It may go in.

(The tabulation referred to follows:)

(TAB 4)

PASSPORT OFFICE STATISTICS—COLLECTIONS AND OPERATING COSTS

Fiscal year	Domestic fees collected	Direct operating costs	Revenue over direct operating costs
1955.....	\$3,569,613	\$1,734,054	\$1,835,559
1956.....	4,170,460	1,953,741	2,216,719
1957.....	4,054,536	1,961,504	2,093,032
1958.....	4,852,744	2,143,304	2,709,440
1959.....	5,119,527	2,324,246	2,795,281
1960.....	6,206,351	2,190,827	4,015,524
1961.....	6,366,036	2,452,726	3,913,310
1962.....	6,739,764	2,566,397	4,173,367
1963.....	7,510,869	3,057,918	4,452,951
1964.....	8,172,540	3,480,849	4,691,691
1965.....	9,558,075	3,843,400	5,714,675
1966.....	10,988,375	4,207,087	6,781,288
1967.....	12,368,551	4,818,020	7,550,531
1968.....	13,518,675	5,323,212	8,195,463
1969.....	16,550,703	5,950,739	10,599,964
1970.....	20,795,123	7,951,608	12,843,515
1971.....	22,721,706	9,578,520	13,143,186
1972.....	25,955,783	11,382,548	14,573,235

PASSPORT OFFICE ISSUANCES
(Fiscal years 1955-1972)

Fiscal year:	Passports issued
1955.....	499,941
1956.....	546,470
1957.....	580,946
1958.....	652,253
1959.....	699,042
1960.....	828,512
1961.....	842,243
1962.....	867,378
1963.....	1,018,488
1964.....	1,088,958
1965.....	1,267,750
1966.....	1,454,923
1967.....	1,624,940
1968.....	1,753,606
1969.....	1,759,286
1970.....	2,079,863
1971.....	2,311,789
1972.....	2,605,321

Mr. SOURWINE. Had you finished your discussion of these statistics, Miss Knight?

Miss KNIGHT. Yes; except to point out that in any other table of statistics, this percentage would be considered infinitesimal. But in the case of fraud, illegal activities and impersonations, one case is just one too many.

This presentation may be too long, but believe me, I have just scratched the surface of what we in the Passport Office have experienced and know about passport fraud. I am convinced that there are practical and effective ways and means of drastically curtailing the obtention and use of fraudulent identity documents which, in turn, are used by criminals engaged in their illegal activities domestically and overseas.

Unless Congress takes decisive action to make fraud a nonpaying proposition, it will continue to spread and be totally unmanageable. Swift and stern measures should be taken to make the use and submission of fraudulent documents to any department, agency, or segment of the U.S. Government a costly and unpleasant experience. In my opinion, this should certainly include such documents as naturalization certificates, social security cards, visas and passports, licenses and any other such reference which might be used for personal identification.

I want to state as emphatically as possible that we in the Passport Office are at the end of the rope. We are drowning in paperwork involved in management studies, reports, statistics, time-studies, manpower utilization studies, productivity analyses and other such matters which seep down to us from the upper echelons of management and administration. At a time when fraud is increasing we are denied staff to combat it. In this year, 1972, the Passport Office has been short at all times between 52 and 82 permanent employees. Our Legal Division has had only 8 attorneys, 7 legal assistants, and 12 clerical staff. Over a year ago, in July 1971, we stated we would need 49 positions for fiscal 1972, which began July 1, 1972. Only 29 were approved by the Budget Office, but as of today, they have not been allocated.

Mr. SOURWINE. How has the failure to approve these positions worked a hardship on the Passport Office?

Miss KNIGHT. Well, in the first place, in order to make up for the lack of personnel, we are working under considerable pressure. The investigations of passport frauds, and the analysis of these cases, which we forward to the Office of Security of the Department of State has to be done by the small staff of the legal division of the Passport Office.

Mr. SOURWINE. Is this work getting done or is it falling behind?

Miss KNIGHT. Well, it has been falling behind for quite some time.

Mr. SOURWINE. Because you do not have the people to do the job?

Miss KNIGHT. Yes.

Mr. SOURWINE. Now, you report these cases to the Office of Security of the Department of State?

Miss KNIGHT. Yes.

Mr. SOURWINE. Does that office cooperate with you adequately?

Miss KNIGHT. We have had very good cooperation from the Office of Security. It is a very hard working office, but they too have personnel problems.

Mr. SOURWINE. Of the same nature as yours?

Miss KNIGHT. Yes.

Mr. SOURWINE. That is, they need additional personnel and cannot get them?

Miss KNIGHT. I have been told that they have not received the personnel required to handle the cases which we sent them expeditiously.

Mr. SOURWINE. Have you in the Passport Office had any RIFs in the last 2 years?

Miss KNIGHT. No.

Mr. SOURWINE. Has the Office of Security had any RIFs in the last 2 years?

Miss KNIGHT. I do not think so. They simply have not been given additional personnel.

Mr. SOURWINE. It is just a case of additional responsibility that cannot be handled because the additional personnel is not provided?

Miss KNIGHT. That is correct.

Mr. SOURWINE. Of course, in your case, you are making the money which could pay for the additional personnel. That is not true of the Office of Security, is it? You are producing revenue in the Passport Office. The Office of Security does not produce any revenue?

Miss KNIGHT. This is true. But, every additional employee in the Office of Security just helps that much more in avoiding fraud.

Mr. SOURWINE. Well, security should not be a question of dollars and cents anyway, should it?

Miss KNIGHT. I do not think so.

Mr. SOURWINE. You say you get good cooperation out of the Office of Security?

Miss KNIGHT. Yes, sir.

Mr. SOURWINE. Well, what happens to the cases you have presented? Tell us about that. What cases have you sent up, how many cases have you reported, what has the Office of Security done with them?

Miss KNIGHT. Well, I do not have the statistics in my mind at the moment, but I do recall sending a memorandum to Mr. G. Marvin Gentile, who is the Director of the Office of Security, sometime in June, and I was inquiring about delinquent passport fraud investigations.

Mr. SOURWINE. Is that your responsibility or the responsibility of the Office of Security?

Miss KNIGHT. We cooperate on these. The responsibility for investigation lies with the Office of Security.

Mr. SOURWINE. These are cases you reported to them then, on which they were delinquent in investigation?

Miss KNIGHT. This is correct.

Mr. SOURWINE. But, you say it is not their fault, they did not have the manpower?

Miss KNIGHT. This is my understanding.

Mr. SOURWINE. Well; tell us about those cases. How many of them are there, how far back are they?

Miss KNIGHT. Well; some of the cases date back to almost 2 years. There are some that date back 1 year. In my memorandum to Mr. Gentile I pointed out that I felt that the Department of State was sitting on a powder keg.

Mr. SOURWINE. Do you have a copy of that memorandum?

Miss KNIGHT. Yes; I do.

Mr. SOURWINE. Can you supply it to the committee?

Miss KNIGHT. Yes; I will be glad to.

Mr. SOURWINE. Mr. Chairman, may this go in the record?

The CHAIRMAN. It will go in.

(The document referred to follows:)

UNITED STATES GOVERNMENT

Memorandum

DATE: JUNE 16, 1972.

To: A/SY—Mr. G. MARVIN GENTILE.

From: PPT—FRANCES G. KNIGHT.

Subject: Delinquent Passport Fraud Investigations.

On June 5, 1972, I was requested to appear before an Assistant United States Attorney for the Southern District of New York in connection with the passport fraud case of Sarkis Soghanalian. The briefing I received from our Legal Division revealed there were considerable delays involved in pursuing the investigation in that and in other passport fraud cases.

I am informed that a discussion was held this week between Messrs. Donald Daley and Raymond Scroggs of your Office and Messrs. William E. Duggan and James L. Ritchie of this Office in an effort to settle at the working level the problems regarding delays involved in completing current passport fraud investigations. While certain procedures were agreed to which may tend to alleviate backlog of work, it was recognized by the group that these procedures will not result in future investigations being completed within a reasonable time. It was the position of the members of the Office of Security that the present workload imposed on SY by other areas of the Department and the priorities assigned to this workload make it impossible for SY, with its present staff, to meet the demands of the Passport fraud responsibility.

The Legal Division recently embarked on an extensive fraud training program of all Passport Office personnel. Ultimately, this program will include all persons accepting passport applications. The program already has proved successful in detecting fraud in the application stage prior to the issuance of a passport. Obviously, investigation of such cases must be handled on an urgent basis before the impostors disappear. Any delays will be detrimental to the new program which has been instituted by the Passport Office. I am determined that nothing shall impair the progress we are now making in this important area of fraud detection.

The following facts indicate that the Department is sitting on a "powder keg!"—

1. It is known that there is an increase in the number of passports being obtained in false identities which are used in the furtherance of criminal activity. (See attached New York Times article of December 19, 1971, the Report of June 5, 1972 from the Buffalo Strike Force, and the memorandum dated May 30, 1972 from your Los Angeles Field Office on the "Brotherhood").*

2. During the hearings before the House Appropriations Committee the question of passport frauds was discussed at some length. It is obvious from the testimony that the members of Congress are concerned with the problem.

3. A number of passport frauds involve narcotic traffickers. The President's deep concern with this overall problem is well known.

4. The Passport Office has undertaken action to combat the situation.

The failure or inability of the Office of Security to support the efforts of the Passport Office adequately is a factor which, in justice, I must point out if the problem is not resolved.

I cannot accept the premise that passport fraud work is apparently placed in a low priority category. I cannot accept delays of six months and even a year or longer in completing passport fraud cases.

In making these statements, I am not downgrading the quality of the work of your agents who are in my opinion experts in passport fraud investigations. It is simply that investigations must be completed within effective time limits.

I am aware that the Office of Security shares with the Passport Office the mutual problem of lack of sufficient personnel. However, I must insist that action be taken to provide the Passport Office with the investigative service which the importance of the passport fraud problems demands.

Please let me know as promptly as possible of the steps you take to solve this problem.

*The New York Times article of Dec. 19, 1971, will be found on p. 13.

Memorandum

DATE: JUNE 5, 1972.

FEL:a0

To: WILLIAM H. BARTLEY, District Director, Immigration & Naturalization Service.

From: Frank E. Latchford, I&NS Representative, Buffalo Strike Force.

Subject: Fraudulent procurement of U.S. Passports; Sam Lewis and Eddie Jones, Rochester, New York.

Confidential informant Buf. 1-185 furnished information that the above subjects are involved in assisting persons in obtaining U.S. Passports with documents relating to someone else as well as furnishing counterfeit passports.

Attached are memos prepared by the undersigned containing the details furnished by the source covering five specific incidents of such activity involving THOMAS FIORDELISO, JOANNE CAVACANTE or CAVALCANTE, THOMAS COLLINS, STEVE HAWKINS and RICHARD CARNEY. It will be noted therefrom the source reports three of these people were furnished birth certificates of other persons with which to apply for passports and two were furnished "phony" passports. FIORDELISO is an alien, three others have criminal records and two of these criminals are now serving time in Attica Correctional Facility. The source reports that four of the persons involved wanted passports ostensibly for the purpose of having it available in the event they decided to leave the United States.

The source reports that Sam Lewis aka "Canine" is about 34 years of age, black, resides at 36 Copeland Street, Rochester; wife Georgia employed at Lincoln Rochester Bank.

Eddie Jones is about 22-24, black, 5'10", wears goatie, formerly lived in the Hanover Housing Project, Rochester, New York.

The source believes that Eddie Jones may have contact with someone in the printing or rubber stamp business located on North Street near the Inner Loop. A check of the 1971 Rochester Telephone book shows the "AAA Lifetime Rubber Stamp Company" 133 North Street, phone 454-1269. There is no listing for the company in the 1968 or 1970 Rochester City Directory, but this directory lists the "Lifetime Recordings" at this address, Lester W. Osband, owner. The telephone number is the same as above, 454-1269.

Investigator William Devine checked with the Monroe County Clerk's office in Rochester and determined that they have records stored away covering passport applications made during the period in question. These records include the name and address of the applicant. The source reports that there were numerous passport applications submitted with documents belonging to other persons. If these records are made available to the source it is possible that some of the names used may be identified.

The source furnished information on other matters of interest to the Strike Force involving possible criminal violations at both the federal and state level. The two suspects referred to herein are also involved in some of these other criminal matters and will be the subjects of investigation by other agencies. The source has already testified before the grand jury, U.S. District Court, Western District of New York.

It is suggested that this matter be referred to the Passport Office, Department of State, Washington, D.C. for their information. In view of the circumstances, it is suggested that any investigation undertaken by the State Department be co-ordinated with this office. The undersigned contacted Security Officer David Hall, State Department, Syracuse, New York and he was advised that he would be furnished with a copy of our memorandum regarding this matter, and that the source would be made available for de-briefing purposes.

MAY 30, 1972.

CHIEF, DIVISION OF INVESTIGATION,
 Atten: SY/PVB,
 SAC—Los Angeles,
 The Brotherhood.

IRS Intelligence, Customs and the local law enforcement agencies are working on an extensive narcotics smuggling ring in the Laguna Beach and Orange County area, called "The Brotherhood".

Interested agencies estimate total membership in the group at about 200. All members have reportedly travelled abroad frequently and it is suspected that many of the group have fraudulent passports. There are reports that the group can produce all documents (usually counterfeit), necessary to assume other identities, including birth certificates, Selective Service cards, college and university I.D. cards and driver's licenses.

Agencies at this point are not able to furnish aliases used by the group, but have submitted a list of 29 names of those considered to be the principals in The Brotherhood and will appreciate a search of PPT records and copies of files here for review of those listed below. It is noted that one of those named is Timothy LEARY, who the agencies advise was the founder of the group when he was in Southern California.

Attachment :

A/S

Distribution :

Orig. & 1 cc.—Addressee
1 cc.—Subject
1 cc.—Chron

Mr. SOURWINE. Wait just a minute, Miss Knight. That is not a classified memorandum, is it?

Miss KNIGHT. No; it is not.

Mr. SOURWINE. All right. Go ahead, Miss Knight.

Before you continue, let me point out that that memorandum that you sent Mr. Gentile about the investigation of these passport fraud cases has been ordered into our record. If there is anything further you would like to say about this, this is a good place to say it.

Miss KNIGHT. I sent a follow-up memorandum to Mr. Gentile on August 9.

Mr. SOURWINE. You mean by that time you had not received a reply to your original memorandum?

Miss KNIGHT. No; I had not, and then I received two replies from him explaining the situation. One was dated August the 17th, and the other September 5th, as I recall.

Mr. SOURWINE. May that second memorandum of yours and his two memoranda be supplied to the committee?

Miss KNIGHT. Yes.

Mr. SOURWINE. Are they classified?

Miss KNIGHT. Yes; they can be supplied, and they are not classified.

Mr. SOURWINE. Mr. Chairman, may they go in the record at this point?

The CHAIRMAN. They will go in the record.

(The memoranda referred to follow :)

UNITED STATES GOVERNMENT

Memorandum

DATE: AUGUST 9, 1972.

TO: A/SY—Mr. G. MARVIN GENTILE.

FROM: PPT—FRANCES G. KNIGHT.

SUBJECT: Delinquent Passport Fraud Investigations.

I refer to my memorandum of June 16, 1972 on the subject matter. To date, I have not received the courtesy of a reply or even an acknowledgment.

I have asked the Passport Office Legal Division to furnish me with a list of cases pending investigation in SY prior to March 30, 1972. I am enclosing a copy of this list.

In addition to the cases which are pending action by offices of the United States Attorney for criminal prosecution, *there are 16½ cases awaiting action by SY. There are 40 criminal prosecution cases.*

This list reveals the following status of passport cases requiring investigation by SY:

1. There are 28 cases which were submitted to SY more than two years ago and are not completed.
2. There are 53 cases which were submitted to SY more than one year ago and are not completed.
3. There are 83 cases which were submitted to SY more than 90 days ago and are not completed.

These facts speak for themselves and should evoke deep official concern from those Federal officials who will be responsible for any disastrous results due to these delays.

For the reasons given in my memorandum of June 16, 1972, I must request again an explanation for the failure of SY to complete the investigation in every case submitted to your office prior to March 30, 1972. I have instructed the Legal Division of the Passport Office to request the completion of the investigations within 90 days, unless there are unusual or exceptional circumstances which make the completion of the case impossible.

I have been informed by members of my staff that attempts to obtain effective service, action, or at least some explanation of the delays through personal contacts with your staff, as well as my memorandum of June 16, have failed. The situation has reached the point where it is affecting efficient and timely operation of the Passport Fraud Program as well as the integrity of the United States passport. This inaction has the effect of assisting an apparent program to downgrade and force a deterioration of passport services—therefore, the reason for this explicit memorandum for the record.

If you do not have sufficient staff to service these Passport Office requests, then the matter should be taken up with Mr. William Macomber, Jr. In this connection, I must refer again in the strongest terms possible to the "powder keg" situation which I mentioned in my memorandum of June 16.

In view of the personnel freeze which allegedly is responsible for the Passport Office being short of lawyers, supervisors, and adjudicators, and technicians, it seems improbable that investigating the "new employees" for other areas of the Department of State is so great as to interfere with our request for investigating possible passport frauds.

Because of the false implications and misstatements made by Miss Barbara Watson when she appeared before Congressman John Rooney on February 24, 1972, it is indeed difficult to avoid the conclusion that there are some administrative impresarios who are deliberately undermining and delaying Passport Office efforts to get action on suspected frauds. Despite our lack of lawyers and staff, the Passport Office Legal Division has worked long hours for many months to spell out in detail for the Bureau of Security and Consular Affairs the full report on passport frauds. There has been no discernible action taken, nor has there been any acknowledgement of this tremendous effort.

With so many chiefs, especially the bevy of passport experts scattered around the Department who doublethink every operation of this office, and so few indians to do the work, I have a very difficult time to get letters, reports, and other documents typed. I presume that you, too, are short the required personnel to meet your work load; however, that does not alter the end result which is the Department's failure to give priority to security matters and passport services which are being paid for by the public.

Enclosure:

As stated.

INVESTIGATIONS PENDING IN SY FOR OVER 90 DAYS AS OF JUNE 30, 1972

Summary:

Criminal prosecutions.....	40
Investigations pending:	
Over 2 years.....	28
Over 1 year.....	53
Over 90 days.....	83
Total.....	204

Name	To SY	Last report
Abrams, Gerald Bernard	11-19-68	5-30-72 (CP)
Adams, John	9-9-71	6-5-72 (CP)
Aldama, Mary Julieta	5-18-70	
Alvarado, Lorenzo	5-27-70	3-29-72 (CP)
Anglada, Miguel Lira	12-31-70	6-21-71
Arguello, Domingo	4-4-69	
Arroyo, Benito	11-12-71	3-7-72 (CP)
Arthur, David Alan	3-21-68	5-21-72 (CP)
Avila-Rivera, Carmen	12-14-71	
Ayala-Calderon, Guillermo	3-1-72	
Baronofsky, Carl Leonard	6-4-71	3-27-72 (CP)
Barr, Richard Scott	9-13-71	6-28-72
Becker, Harold Robert	11-25-70	11-22-71
Bosco, Doris Carina	2-1-71	
Brewer, Robert Terrence	11-23-71	5-23-72
Briger, Margaret Allison	6-15-71	
Brooks, Fred Horace	3-17-70	8-5-70
Brown, Richard Shaw	2-4-69	2-1-71 (CP)
Bruyn, Irvin W.	9-18-69	8-6-71 (CP)
Bunting, Gabrielle	11-12-70	3-16-71
Caccamo, Frank Paul	8-8-70	
Calderon-Mier, Valente	9-22-69	
Calvillo, Elvira Menchaca	2-26-71	5-8-72
Camacho-Rivera Angel Luis	3-22-71	
Carl, Ronald Lee	4-1-71	5-23-72 (CP)
Carr, Daniel William	9-18-70	3-31-71
Cartagena, Jorge Luis	2-2-71	11-24-71
Castillo-Diaz, Carlos Julio	12-15-71	
Ceballos, Eloisa	7-8-69	
Chang, Lui Sam Mui	11-23-71	2-18-72
Chapman, Charles Robert	11-23-71	6-23-72
Chapman, Douglas Doyle	12-2-71	
Chavolla, Ruban	4-6-69	3-8-70 (CP)
Cheung, Lin Yueng	3-29-72	5-8-72
Clouden, John	2-26-71	12-14-71
Collado, Orlando Pina	5-7-71	
Colon, Lydia	7-19-71	
Contreras, Maria	5-18-70	7-28-70
Core-Marquez, Juan	5-30-71	
Correa, Pablo Gonzales	5-28-71	6-28-72
Cotton, Vernon Zina Jr.	2-11-71	6-21-72
Cox, John Allen (Sherwood)	11-25-68	8-24-71 (CP)
Crain, Patricia Elizabeth	8-20-71	6-30-72
Cromwell, Gary Travis	2-25-72	7-6-72 (CP)
Cruz-Soto, Juan	2-16-72	4-3-72
Cruz-Franqui, Luis A.	12-13-71	
Cuevas-Irizarry, Dogoberto	3-28-72	
Davidian, Geoffrey Keith	3-7-69	4-18-72
De Camillis, Joseph	5-7-70	6-22-72
De Cillo, Debra Ann	8-24-71	11-22-71
Delgado-Rosario, Felix	3-10-72	
Delgado-Lopez, Sigfredo	3-13-72	
De Mauriez Barton, Richard Joseph	10-23-64	5-8-72 (CP)
Develine, Robert Michael	2-25-72	(CP)
Devereaux, Michelle Ronica	3-10-71	5-19-72
Dickson, Frank Anthony	11-6-69	6-7-72 (CP)
Dissick, Jeffrey Roy	8-39-71	4-28-72
Dollard, David A.	10-26-71	
Boyle, Loring Anne	5-7-71	8-6-71
Driscoll, Robert Donald	11-30-71	5-8-72 (CP)
Ehrman, Vivienne	2-24-71	7-11-72 (CP)
Feola, Evelina Adelino	11-10-71	2-8-72
Feola, Maria Gabriella	11-10-71	2-8-72
Flores, Eustaquia	8-11-71	3-8-72 (CP)
Flores, Francisco	1-7-71	6-1-71
Flynn, Thomas Willard III	3-16-72	6-21-72 (CP)
Foster, Paul M.	5-27-71	2-23-72
Frank, Walter Matthew	11-23-71	6-23-72
Fugate-Wilcox, Raymond T.	12-15-71	
Fugate-Wilcox, Valerie	12-15-71	
Garcia, Antonio	12-13-71	6-26-72 (CP)
Garcia, James Martin	1-28-72	
Gavigan, Francoise Nicole	7-29-71	
Gesualdo, Ramon	10-21-71	
Gonzalez, Alicia V.	11-12-70	
Gonzalez-Canales, Damaso	11-15-71	
Grant, Evadney E.	2-10-72	
Gravino, Santo	1-7-72	2-18-72 (CP)
Greco, Laurence	4-10-72	2-9-71 (CP)
Greenberg, Arthur (Raymond Smith)	2-25-72	5-4-72 (CP)
Gutierrez, Lara	5-28-69	2-19-71
Hadad, Hercul	8-10-71	9-27-71
Hamill, Lydia Lewis	2-26-70	
Hellton, Roy P.	5-27-71	2-23-72
Herrera, Nicholas	9-22-70	
Hodge, Donald Benjamin	1-4-72	4-6-72

Name	To SY	Last report
Johnson, Ralph Lawrence	3-21-72	-----
Johnson, Richard R	3-21-72	-----
Joyner, Robert Barry	11-23-71	6-23-72
Keller, Robert Baxter	12-13-71	7-6-72
Kerrington, Alexis K	11-18-70	4-30-71
Klinger, Norman	5-7-71	-----
Lagares, Arleen Joy	9-2-71	-----
Lauria, Nicholas A	8-4-71	6-2-72
Leary, Timothy Francis	8-21-71	3-8-72
Lebron, Antonia	6-30-71	6-28-72
Lee, Hen Yee	3-16-72	6-27-72
Lee, Jack Sang	3-24-71	5-12-71
Legeau, Donald	9-28-71	11-17-71 (CP)
Lettner, Samuel	11-15-67	2-28-72
Lem, Chung Wong	3-16-72	-----
Lopez-Acosta, Adalberto	7-12-71	-----
Lopez, Miguel Luis	1-28-72	-----
Lopez-Etanislaio, Tomas	7-21-71	-----
Loverdos, Adela Ilutiza	2-16-72	-----
Lynas, William Posnett	12-15-71	5-15-72
Lyons, Marshall	8-15-69	6-27-72 (CP)
McDonald, Milford Michael	11-23-70	-----
McGovern, Nancy Joan	10-2-70	3-6-72 (CP)
McNabb, Melanie Ann	3-1-72	6-29-72
Melave, Carmelo	1-7-72	-----
Marcosky, Patricia	7-28-71	-----
Mariani, Luz Maria	1-26-72	-----
Martin, Jack William	3-5-70	6-26-72 (CP)
Martinez, Carmelo Cruz	8-24-71	-----
Molina, Cecilia Ramirez	7-28-69	-----
Morales, Antonio	4-13-71	3-6-72
Morales, Refugio	4-13-71	3-6-72
Morris, Charles G	9-27-71	-----
Naranjo, Maria E. S	12-10-70	-----
Negri, Michale	10-13-71	-----
O'Brien, Richard A	4-26-71	2-23-72 (CP)
Oleson, Darrel Lee	2-4-72	5-30-72
Oliver, James Wilbam	1-20-72	----- (CP)
Oliver, Robert Joseph	1-17-72	7-10-72
Ong, Hong June	6-1-71	5-23-72
Ortega, Gilberto	4-17-69	-----
Pagan, Juan, Jr	2-2-71	11-24-71
Paredes, Jesus Estrada	2-9-72	-----
Pasea, Charles Theophilus	5-7-71	-----
Patti, Joseph Henry	2-1-71	4-10-72
Peffer, Jonettam	7-23-71	2-24-72
Pennellatore, James Philip	4-3-70	4-14-70
Pesta, Helen	12-15-70	5-31-72
Phillips, Robert M	5-18-71	-----
Poorman, Richard Lee	4-7-70	-----
Quinomes-Quinones, Aquilino	3-6-72	-----
Quinones, Haydee M	3-20-72	-----
Rabell, Jose Andres	10-13-71	-----
Ramirez-Aviles, Jorge	1-24-72	-----
Ramos, Alejo	11-26-71	6-28-72
Rider, Gordon Joseph	10-2-70	3-6-72
Rivera-Molina, Confesora	6-29-71	-----
Rivera-Reyes, Emma Luz	8-11-71	-----
Rivera, Jose Dionisio	7-21-71	-----
Rivera, Madoline B	8-17-71	-----
Rivera, Manuel	9-18-70	-----
Rodd, Vicas	5-14-71	-----
Rodriguez, Antonio Fernand Viera	2-16-72	5-22-72
Rodriguez, Elisa	1-6-70	12-29-70
Rodriguez, Luis	5-7-71	-----
Rodriguez, Primo Lozano	9-7-70	-----
Rodriguez, Roberto	2-1-72	-----
Rodriguez, Vincente	3-3-72	-----
Roll, Hugh Wilson	11-23-71	6-23-72
Roman, Aristaloo	7-13-71	-----
Rosa, Jose	8-17-71	-----
Rosenberg, Paul Daniel	33-2-69	5-16-72
Royer, Paul Alan	1-5-71	6-29-72
Rubi, Juana	5-14-70	12-2-70
Ruiz, Esnedo	8-30-71	-----
Ruiz, Maria Sanchez	5-13-70	-----
Ryon, Robert Douglas	2-5-71	7-26-71 (CP)
Saint-Jacques, Eunice	7-28-71	-----
Salinas, Elias	10-1-69	-----
Sanabria-Rivera, Carmen	5-21-71	-----
Sanchez, Maria Jimenez	8-1-69	-----
Scherman, Alan D	3-31-71	3-9-72
Schneider, Joseph Jay	1-19-72	7-7-72
Schurgast, Frank M	9-24-68	2-25-70 (CP)
Sefton, Allan	5-27-71	3-28-72
Serrano, Maria Guadalupe	4-13-70	3-23-72
Silver, Gerald	1-29-70	----- (CP)

Name	To SY	Last report
Silver, Gerald aka Moss, James	1-29-70	.....
Smith, Adele	9-13-71	.....
Smith, Livesey Mark	1- 3-69	3-13-72 (CP)
Spanakos, Mariane	12-31-68	5- 4-70
Strickland, Albert Lee	1-13-72	..... (CP)
Stubberfeld, Colin John	3-28-72	..... (CP)
Sullivan, Kathleen Marie	1-12-72	..... (CP)
Sumerlin, Ernest James	11-10-71	1-19-72
Supera, David M	11-18-70	6- 3-71
Susbilla, Ernie Henry Clemente	11- 2-70	.....
Swede, Southworth W	8-21-70	3- 8-72 (CP)
Swinton, Patricia Elizabeth	3-31-72	7- 5-72
Tavarez-Nieves, William	12-29-71	.....
Taylor, Erma	8-25-70	2-11-71
Vega, Luis Angel	12-23-71	1-15-72
Vessa, Delores Ann	8-28-71	11-17-71 (CP)
Vidal, Julip Mexicana	5-14-70	1-27-71
Villalobos-Rivera, Rosa	6- 8-71	.....
Vincent, Clifford Wayne	12-17-71	2-17-72
Welch, Roy Cecil	12-23-70	5-23-72
Wheless, Marilyn	10-20-69	.....
White, Creig	12- 3-71	.....
Wilford, Anthony T.	2-22-71	5-15-72 (CP)
Williamson, Dennis Paul	4- 9-71	4- 6-72
Wingenfeld, George R.	7- 7-71	.....
Wobby, Louis Tom	12-20-71	6-27-72 (CP)
Wong, Tai Bing	9-23-70	6-26-72
Zanini, Paul	12- 2-71	.....
Zapata, Jose J.	7- 8-69	.....
Zuniga, Jose Enrique	11- 3-69	.....

Memorandum

DEPARTMENT OF STATE
OFFICE OF SECURITY

August 17, 1972.

To: PPT—Miss FRANCES G. KNIGHT.

From: A/SY—G. MARVIN GENTILE.

Subject: Delinquent Passport Fraud Investigations.

In answer to your August 9, 1972, memorandum in this matter please accept my apology for not having acknowledged your previous memorandum of June 16, 1972. I can assure you the delay in my acknowledgement was not due to a lack of concern or action on the part of the Office of Security.

A/SY is as concerned as PPT over the current delinquency in the investigation of passport fraud cases. This present delinquency has been due to the shortage of manpower caused by such factors as the heavy deluge of applicant cases received by SY during the early part of the year (these include summer hires, interns, PPT peak cases) and several high priority security requirements in other aspects of the total security program.

As you are probably aware, A/SY lost twenty-one positions in the last personnel cut effective June 30, 1972. This office has a pending request for approval to hire six new special agents.

While SY has been unable to keep fraud investigations current, it should be noted that SY has devoted considerable time and resources to PPT fraud cases as evidenced by the fact that this office closed 557 passport fraud cases during FY-72, 466 during FY-71 and 485 during FY-70. We have made every effort to handle the most urgent and serious cases and to be responsive to any special PPT requests.

I can assure you that SY will make every effort to reduce the current delinquency during the upcoming fall months when the applicant case load is normally lighter.

Memorandum

DEPARTMENT OF STATE
WASHINGTON, D.C. 20520

September 5, 1972.

To: PPT—Miss FRANCES G. KNIGHT.

From: A/SY—G. MARVIN GENTILE

Subject: Delinquent Passport Fraud Investigations.

Reference is made to your memorandum of August 9, 1972, and my reply of August 17, 1972 regarding the delinquencies in passport fraud investigation.

A case-by-case review by SY of the list furnished with your memorandum of August 9, 1972 disclosed the possibility of certain errors and discrepancies. As a result, the list was reviewed with your Passport Advisory Division on August 17, 1972. The list was reconciled and corrected to eliminate errors in duplication of names and aliases used to identify same Subjects. It was also discovered that 23 closing reports, which had been forwarded to PPT, either had never been received or had been misfiled. Copies of these reports are attached.

The criminal prosecution cases, which are a separate entity from delinquent investigations, were indicated as 40 on your list. The SY records reflect that five (5) of these are closed; however, four (4) other criminal prosecution cases were listed among the delinquent investigations, and not identified as criminal prosecution. Therefore, the list currently stands at 39 criminal prosecution cases.

The delinquent case list (164) has been adjusted and reconciled in the following manner:

Of the 28 cases which were submitted to SY more than two (2) years ago, only seven (7) cases are outstanding.

Of the 53 cases which were submitted to SY more than one (1) year ago, there are 36 cases outstanding.

Of the 83 cases which were submitted to SY more than 90 days ago, there are 64 cases outstanding.

Fifty-seven cases have been eliminated from the delinquent investigation list:

Twenty-two (22) copies of closing reports are furnished with this memorandum (one additional copy of a closing report is furnished on a "criminal prosecution case").

Eight (8) cases were eliminated because of duplication and/or use of aliases.

Twenty-seven (27) cases have been closed since June 30, 1972, the date of your list.

Again, please be assured that SY is working toward the goal of reducing the number of delinquent passport fraud investigations.

Attachments:

As Stated.

DELINQUENT PASSPORT FRAUD INVESTIGATIONS

<i>Cases previously closed</i>	<i>Date closed</i>
Arguello, Domingo.....	6-30-69
Calderon-Mier, Valente.....	2- 4-72
Carr, Daniel William.....	6- 4-71
Ceballos, Eloisa.....	10-29-69
Chavolla, Ruben (CP).....	6-30-70
Clouden, John.....	1-17-72
Gutierrez, Lara.....	8-31-71
Herrera-Espinoza, Nicholas.....	11-18-71
Klinger, Norman.....	3-13-72
Mariani, Luz Maria.....	5-19-72
Molina, Cecilia Ramirez.....	11-22-71
Ortega, Gilberto.....	6-27-69
Phillips, Robert McKay.....	8- 6-71
Rubi, Juana.....	10- 6-71
Salinas, Elias.....	12-14-71
Sanchez, Maria Jimenez.....	6- 8-71
Sanchez-Naranjo, Maria Elena.....	9-24-71
Supera, David Mark.....	7-13-71
Vidal, Julio Mexicano.....	3-16-71
Vincent, Clifford Wayne.....	2- 7-72
Wingenfeld, George.....	8- 2-71
Zapata, Jose J.....	2- 4-72
Zuniga, Jose Enrique.....	10- 6-71

Mr. SOURWINE. Thank you, Miss Knight. Go ahead with your statement.

Miss KNIGHT. Thank you, sir.

Because of the fraud situation we have stepped up our quality review of applications, especially those from our overseas posts and

the applications now being accepted at over 650 post offices around the country. While the acceptance of passport applications at post offices is convenient for the public, it has not made an appreciable difference in the crowded conditions of the Passport Field Agencies. The switch of applicants to the post offices is from the clerks of court rather than from the Passport Field Agencies. The important fraud prevention work such as the screening of the application, its adjudication, clearance, correct, if necessary, and the production and mailing of the passport still rests with the Passport Office.

It is a known fact that even the most dedicated employees working day-after-day under the stress and strain of handling hundreds of passport applicants pushing and arguing for expeditious service will sometimes make mistakes or overlook details. It is in this atmosphere of pressure that fraud thrives. For 4 long years, I have recommended and budgeted for the establishment of additional passport field agencies to serve heavily populated areas. Each year the request has been turned down within the Department of State. This year, for instance, the situation in the New York Passport Agency became intolerable. I have asked for an application acceptance agency in downtown Manhattan to ease the pressure. Within the past 2 weeks, I have been advised that this request has been turned down.

Virtually every recommendation and request I have made for alleviating the burden of overwork and the prevailing anxiety regarding fraud has been either ignored or refused because of budgetary cuts.

Of course, we are given complicated and involved reasons why this and that cannot be done and to the uninitiated, these reasons, standing alone, might make sense. Frankly, they are pure, unadulterated fiction. This myopic view of economy, the refusal to expand and provide a public service which is self-supporting, the refusal to provide adequate staff to combat fraud by establishing efficient quality checks and legal assistance, is difficult, if not impossible, to understand.

Like the Bureau of Customs, the Internal Revenue Service, and the Government's security agencies, every additional facility and employee of the Passport Office not only adds to Federal revenue, but makes a substantial contribution to the containment of fraud and the security of this Nation.

Like every other American citizen, I am a taxpayer but I resent paying taxes to finance crime and its disastrous results. I would rather pay taxes to finance the requirements and facilities for crime prevention and stiff penalties for violators. I think I may have some supporters in this view.

I am fully aware of the wrath that this statement will engender in some quarters, but the time has come to put the cards on the table, and I hope that I have presented my hand clearly and with proper emphasis. I am fully prepared to face the consequences.

Mr. SOURWINE. Mr. Chairman, I have no more questions to ask of this witness.

The CHAIRMAN. Miss Knight, we are very grateful to you for coming up here in response to our summons. I think you have been frank with us, and I think we have been discussing a situation that called for frankness. The committee is indebted to you.

We will now stand in recess subject to the call of the Chair.

INDEX

(NOTE.—The Senate Internal Security Subcommittee attaches no significance to the mere fact of the appearance of the name of an individual or organization in this index.)

A

	Page
AAA Lifetime Rubber Stamp Co.....	35
<i>Abel</i> case.....	17
Abel, Col. Rudolf.....	29
Acheson, Secretary.....	27
Afghanistan.....	4, 5, 8, 9
Africa.....	23
Aguiar, Jose.....	17
American Express.....	9
Atlantic City, N.J.....	22
Australia.....	5

B

Babich, Tony.....	28
Baker, Wilber Chapman.....	24
Bangkok, Thailand.....	5, 9
Barber, Ossip.....	25
Bartley, William H.....	35
Belcher, Warren J.....	24
Blatt, Edward.....	25
Borovich, Colonel.....	28
Brazil.....	24
Brotherhood of Eternal Love (organization).....	4-6, 34-36
Browder, Earl.....	22, 25, 26
<i>Browder v. U.S.</i>	17
Buffalo Strike Force.....	34, 35
Bureau of Customs.....	2, 4, 42
Bureau of Narcotics and Dangerous Drugs (BNDD).....	2-5
Bureau of Security and Consular Affairs.....	37
Burtan, Dr. William Gregory.....	25

C

Cabinet Committee on International Narcotics Control.....	3
California, State of.....	4, 5, 29
State Franchise Tax Board.....	5
Camden, N.J.....	23
Canada.....	5, 28
Canadian Government.....	17
"Canadian Passport: No Spy Lacks One" (news item).....	17, 28
Carney, Richard.....	35
Carr, Sam.....	28, 29
Caudill, Thomas Gary.....	5
Cavacante, Joanne (or Cavalcante).....	35
Chambers, Whittaker.....	12
China.....	25, 27, 28
Chinese Exclusion Act of 1882.....	27
Chinese frauds.....	14
Circuit Court of Appeals.....	22, 23
Civil War in Spain.....	21
Cobalt, Ontario.....	29
Collins, Thomas.....	35

II

	Page
Comintern.....	25, 26, 28
Communist.....	12, 14, 25-27
Communist Party.....	25-27
Communist Party of Canada.....	29
Communist Party, USA.....	22, 25
"Communist Passport Frauds" (staff study).....	14, 17
Comparative Summary of Criminal Prosecutions for Years 1967, 1968, 1969 (May) (table).....	20
Connecticut, State of.....	2, 5
Czechoslovakian intelligence.....	17

D

Daily Worker (newspaper).....	26
Daley, Donald.....	34
"Deception, The" (book).....	12
Delinquent Passport Fraud Investigations (table).....	41
Department of Health, Education, and Welfare.....	4
Department of Justice.....	2, 26
Department of State.....	1, 3, 4, 15, 23, 33, 35, 37, 40, 42
Office of Security.....	4, 6, 32-34
Devine, Pat.....	25
Devine, William.....	35
District Court, District of California.....	17
Division of Vital Statistics.....	4
Dominican Republic.....	11, 17
Dozenberg, Nicholas.....	26
Dubna (Soviet "atom city").....	29
Duggan, William.....	15, 16, 34
Duncan, Renault, a/k/a Duncan Renaldo.....	23

E

<i>Earl Browder case</i>	22, 23
East Asia.....	10
East Germany.....	17, 26
Eastland, Senator James O.....	1-42
Egyptian Consulate General, New York.....	25
Eisler, Gerhard.....	26
Epstein, Schacne.....	26
Espionage Act.....	20
Espionage Act of 1917.....	21
Executive Order.....	20

F

Far East.....	10, 25, 28
FBI (Federal Bureau of Investigation).....	26, 29
Feierabend, Albert.....	25
Fiordeliso, Thomas.....	35
Frad, William D.....	23
Fuchs, Klaus.....	29

G

Gage, Nicholas.....	13
Gannes, Harry.....	26
Gentile, G. Marvin.....	33, 34, 36, 40
German Reichstag.....	26
Gomes, Manuel D.....	24
Gorham, Fred W.....	23
Gouzenko, Igor.....	28, 29
<i>Gouzenko papers</i>	17
Greeks.....	20
Griffin, Norman J.....	24
GRU (Military Intelligence).....	29
Gurney, Senator Edward J.....	1-42

III

	H	Page
Hall, David	-----	35
Hawkins, Steve	-----	35
Henderson, Loy	-----	16
Hitler	-----	28
Hong Kong	-----	27
House Appropriations Committee	-----	34
House Appropriations Subcommittee	-----	15
H.R. 109	-----	2

I

IBM Selectric typewriter	-----	13, 14
Illinois, State of	-----	2
Immigration Department	-----	30
Immigration and Naturalization Service	-----	2, 15, 35
Immigration Service	-----	27
Internal Revenue Service	-----	4, 42
Internal Security Act	-----	22
International Brigade	-----	28, 29
Investigations Pending in SY for over 90 Days as of June 30, 1972 (table)	-----	37-40
Iron Curtain	-----	10
IRS Intelligence	-----	35
Italians	-----	20

J

Jacson, Fred	-----	29
Japan	-----	28
Johnson, Richard	-----	26
Jones, Eddie	-----	35
Jones, James	-----	14
Josephson, Leon	-----	26

K

Kabul, Afghanistan	-----	4, 8
Kaufman, Ronald	-----	12
KGB	-----	29
King, Dr. Martin Luther	-----	28
Klausen, Max	-----	28
Knight, Frances G	-----	1-42
Kroger, Peter and Helen	-----	29
Kuhn, Karl	-----	25
Kweit, Harry	-----	25

L

Laguna Beach	-----	35
Latchford, Frank E	-----	35
Latin America	-----	10
Latvian passport	-----	25
League of Spiritual Discovery (LSD)	-----	5
Leamington	-----	29
Leary, Dr. Timothy	-----	4, 5, 12, 36
Lee, John	-----	24
Lewis, Sam (a/k/a "Canine")	-----	35
Lewis, Georgia	-----	35
Lifetime Recordings	-----	35
Lincoln Rochester Bank	-----	35
Liptzen, Samuel	-----	26
Litvakoff, Isaac	-----	26
Long, Howard	-----	24
Lonsdale, Gordon	-----	29
Los Angeles Field Office	-----	34
Lost and/or Stolen Passports Reported by Country (table)	-----	7
<i>Ly Shew v. Acheson</i>	-----	17

IV

M

	Page
McLaughlin, Edward J.	13
Macomber, William, Jr.	37
Man, Alan Nunn.	29
Massing, Hede.	12
Mercader, Ramon.	28, 29
Mexico.	11, 29
Miller, Isidore Jack.	26
Milstein, Mikhail.	29
Modesto, Calif.	17
Molody, Col. Konon.	29
Monroe County Clerk's Office.	35
Montreal.	28
Moran Motors, Inc.	24
Morning Freiheit (newspaper).	26
Murphy, Congressman Morgan F.	2

N

National Research Council.	29
New Delhi.	9
New Jersey, State of.	5
New Left.	4
New York.	12-14, 22, 23, 25
New York City.	26
New York County.	23
New York Passport Agency.	42
New York Times (newspaper).	12, 13, 34
New Zealand.	29
NKVD.	29
Noulens, Hilaire.	28

O

Orange County, Calif.	4, 35
District Attorney.	4
"Organized Crime Selling Official (Forged) Papers" (article).	13
Osband, Lester W.	35
Ottawa.	28

P

Passport Advisory Division.	41
Passport Agency.	25
Passport Division.	15, 25, 27
Passport Field Agencies.	42
Passport Fraud Program.	37
Passport Frauds for Years 1967, 1968, 1969 (January to May) (table).	18
Passport Office.	1-4, 6, 8-11, 14-16
Legal Division.	3, 9, 11, 15, 16, 32, 34, 36, 37
Enforcement Branch.	16
Passport Office Issuances (Fiscal Years 1955-1972) (table).	31
Passport Office Statistics—Collections and Operating Costs (table).	31
Passports Lost or Stolen in Significant Drug Areas of the World (table).	7
Peiping Peach Conference.	27
Percentage of Officially Reported Lost or Stolen Passports As Compared to Total Passports Issued (table).	8
Philadelphia <i>Chinese</i> cases.	21, 24, 27
Philadelphia fraud cases.	18
Philippines.	11
Pontecorvo, Bruno.	29
Port of New York.	22
Press, Robert T.	24
Puerto Rico.	11

R

Rabinovich, Hermine.	29
Ray, Earl.	28
RCMP (Royal Canadian Mounted Police).	28
<i>Renault Duncan</i> case.	23
<i>Reubens-Robinson</i> case.	18

V

	Page
Richardson, Elliot L.....	16
Ritchie, James L.....	34
Rochester, N. Y.....	35
Rooney, Congressman John.....	37
Rose, Fred.....	28
<i>Rubens-Robinson</i> case.....	21, 23, 25
Russia.....	23, 28

S

Scroggs, Raymond.....	34
Secret Service.....	25
Secretary of State.....	20
Sharfin, Aaron.....	25
Sing Kee.....	24
Smith, John.....	14
Soghanalian, Sarkis.....	34
Sorge, Richard.....	28
Sourwine, J. G.....	1-42
Soviet.....	20, 23, 25, 26, 28, 29
Soviet Embassy, Montreal.....	29
Soviet Government.....	17
Soviet intelligence.....	17
Soviet Military Intelligence Service.....	25, 26
Soviet Union.....	21, 26, 27
Spencer, Victor.....	29
Spain.....	28
Spanish Civil War.....	28, 29
Special Task Force.....	5
Stalin.....	28, 29
State Joint Legislative Committee on Crime.....	13
Statute of Limitations.....	21, 22, 26
Steele, Congressman Robert H.....	2
Sultan, Joseph.....	26
Sunday Star (newspaper).....	28
Supreme Court.....	22, 23
Switzerland.....	5
Syracuse, N. Y.....	35

T

Thailand.....	5
Tokhi, Amanullah Salam.....	5
Tokhi, Hayatuuah.....	5
Toronto Telegram News Service.....	28
"Trader Horn" (movie).....	23
Trotsky, Leon.....	29

U

Under Secretary of State.....	16
United States.....	1, 3, 4, 5, 8, 11, 12, 16, 17, 21, 27
Code.....	20, 21, 22, 24, 25
Commissioner.....	24
District Attorney.....	26
District Court.....	24
Boston.....	25
Brooklyn, N. Y.....	23
Southern District of New York.....	23
Western District of New York.....	35
U.S. Government.....	32, 34, 36

W

Warszower, Welwel.....	22, 23, 26
Washington.....	26, 28, 35
Watson, Barbara.....	37
<i>Welwel Warszower</i> case.....	22
Wiener, Robert William.....	22
<i>William D. Frad</i> case.....	23

VI

	Page
Wilson, President.....	20
Witezak, Ignacy.....	29
"World Heroin Problem" (report).....	2
World Tourist, Inc.....	26
World War I.....	20, 25, 27
World War II.....	20, 21, 25, 27, 28
Worthington, Peter.....	28
Z	
Zabotin, Colonel.....	29



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