

M. Randal

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February 2, 1971

MEMORANDUM FOR: PPT - Miss Frances G. Knight

FROM: SCA - Barbara M. Watson

SUBJECT: Passport Facilities for Nancy Mangabeira UNGER

REFERENCE: PPT's memorandum of February 1, 1971.

I have your memorandum of February 1 in which PPT disagrees with amending Circular Telegram 7220 to instruct posts to issue Miss Unger a passport valid until August 26, 1971, rather than for direct and immediate return to the United States as authorized in DeptCirtel 7220. Clearly, Miss Unger is not one of our favorite U.S. citizens. Nevertheless, we must follow our published regulations in denying passport facilities, and we have been unable thus far to connect Miss Unger's activities or alleged activities cited in your memorandum to our national security or foreign policy in the manner required.

As I mentioned in my memorandum of January 20, 1971, we are aware of no substantial evidence of her involvement in a plot to kidnap a diplomat or any substantial evidence confirming various other statements about her activities other than that she is violently against the present Brazilian Government. Perhaps the desk has further substantiation of the allegations about her, some of which are listed in your memorandum, or perhaps our consul at Recife, who visited her regularly, can provide further information. We would have to bear in mind that, should the adverse action be challenged, under 22 C.F.R. 51.83 the hearing officer cannot consider confidential security information unless it is made available to Miss Unger and made part of the record.

If, indeed, there is evidence that would warrant a finding that her activities "are causing or are likely to cause serious damage to the national security or the foreign

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policy of the United States", the better course would be to instruct our posts abroad that if she applies for U.S. documentation, the matter should be referred to the Department. A limitation in the passport that it is valid only for direct and immediate return to the United States is no assurance that it will not be used otherwise, as past experience has shown. Moreover, if she accepts a passport so limited and comes to this country, we would be in a much more difficult position in defending passport refusal. Therefore, we should decide whether under our regulations the facts warrant refusing to issue any passport at all or whether they do not warrant refusing a passport, in which case we would issue one valid until August 26, 1971.

By copy of this memorandum, we are soliciting the views of ARA on the questions raised.

cc: ARA - Mr. Ravndal ✓

0 - Mr. Cottman

SCA :FSmith, Jr. :hra

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