

Mr. RITCHIE. No, sir; just put "file" on it.

Mr. COLEMAN. Did you discuss it with Mr. Seeley or anyone else?

Mr. RITCHIE. I took the file to Mr. Seeley.

Mr. COLEMAN. Did you summarize for him what was in the file?

Mr. RITCHIE. No; I did not. I don't know what my exact words were to him. I must have said, "Look at this."

Mr. COLEMAN. Didn't you say to him, "This guy was a defector"?

Mr. RITCHIE. I don't recall what I said to him, back in October. I know I said something to him. I directed his attention to it.

Mr. COLEMAN. Then did he discuss it with you?

Mr. RITCHIE. No.

Mr. COLEMAN. You put the file on his desk and you didn't have anything to do with it?

Mr. RITCHIE. That is right.

Mr. COLEMAN. Why did you put it on his desk?

Mr. RITCHIE. He was in charge of the section, and I just brought it to him for his attention.

Mr. COLEMAN. Would you do that with every file that you are asked to review?

Mr. RITCHIE. Those files that I thought should be brought to his attention; yes.

Mr. COLEMAN. So, therefore, you felt that this file was other than just the routine file that you would look at and put back?

Mr. RITCHIE. Yes, sir.

Mr. COLEMAN. Wouldn't you tell Mr. Seeley something as to why you thought it was other than routine?

Mr. RITCHIE. No, sir; I just said "Look at it." I presume I just directed his attention to the file, and that he should look at it.

Mr. COLEMAN. And then you had no more discussion with him?

Mr. RITCHIE. None that I can recall.

Mr. COLEMAN. Did you say anything to him, like for example, "This guy the last time he was abroad tried to, or at least threatened that he would give to the Soviets whatever he had learned in the Marine Corps with reference to our radar information"?

Mr. RITCHIE. I have no recollection of my conversation with Mr. Seeley. All I know is my usual procedure is I review a case. If there is no passport action to be taken, I place it, mark it "file" and place it in the box to go to file.

Mr. COLEMAN. Without Mr. Seeley taking a look at it?

Mr. RITCHIE. Without Mr. Seeley ever seeing it.

Mr. COLEMAN. And this one you felt—

Mr. RITCHIE. And this one I felt he should see.

Mr. COLEMAN. But you didn't give him any memorandum—

Mr. RITCHIE. No, sir.

Mr. COLEMAN. Or point out what he should look at?

Mr. RITCHIE. I may have directed his attention to the case, but I have no independent recollection of it.

Mr. COLEMAN. Then after October 22, 1963, you had no contact with Oswald, the file or anything else?

Mr. RITCHIE. No, sir; let me change that. I reviewed the file before I came here. I have reviewed the file.

Mr. COLEMAN. Oh, sure.

That is all. Thank you, sir.

TESTIMONY OF CARROLL HAMILTON SEELEY, JR.

The testimony of Carroll Hamilton Seeley, Jr., was taken at 11 a.m., on June 17, 1964, at 200 Maryland Avenue NE., Washington, D.C., by Messrs. William T. Coleman, Jr., and W. David Slawson, assistant counsel of the President's Commission. Thomas Ehrlich, Esq., Special Assistant to the Legal Adviser, Department of State, and James L. Ritchie, were present.

Mr. COLEMAN. Would you state your full name, please, sir?

Mr. SEELEY. Carroll Hamilton Seeley, Jr.

Mr. COLEMAN. Would you raise your right hand, please?

Do you solemnly swear the testimony you are about to give in this deposition is the whole truth, and nothing but the truth, so help you God?

Mr. SEELEY. I do.

Mr. COLEMAN. Sir, I would like to state that you have been called and asked to give a deposition because in looking through certain files supplied us by the State Department, there are indications that you had something to do with one or more of the documents in the file, and we also want to ask you concerning what you did after you received information that a person named Lee Harvey Oswald was at the Soviet Embassy in Mexico City some time around the first of October. As we understand it you received such notice on or about the 16th of October.

Mr. SEELEY. I did see the notice. I think that I saw that notice on the 22d, on October 22, 1963.

Mr. COLEMAN. Those are the two subjects that we are going to question you about.

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. Would you state your address for the record?

Mr. SEELEY. My address is 6944 Nashville Road, Lanham, Md.

Mr. COLEMAN. Are you familiar with the congressional resolution in re this Commission?

Mr. SEELEY. I am familiar with the newspaper accounts.

Mr. COLEMAN. You are familiar with the resolution?

Mr. SEELEY. I am familiar with it to the extent that I have read in the newspapers that there is a Commission set up to investigate the assassination.

Mr. COLEMAN. Would you state whether you are presently employed by the Federal Government?

Mr. SEELEY. Yes, sir; I am. I am employed with the Department of State.

Mr. COLEMAN. What is your position with the State Department?

Mr. SEELEY. I am Assistant Chief of the Legal Division of the Passport Office of the Department of State.

Mr. COLEMAN. Who is your immediate superior?

Mr. SEELEY. Robert D. Johnson, chief counsel.

Mr. COLEMAN. How long have you had that position?

Mr. SEELEY. I have been in that position since approximately February 1962.

Mr. COLEMAN. Prior to February 1962, what was your position?

Mr. SEELEY. I was Chief of the Security Branch of the Legal Division of the Passport Office.

Mr. COLEMAN. How long did you have that job?

Mr. SEELEY. I had held that job since approximately 1957.

Mr. COLEMAN. As assistant to Mr. Johnson—

Mr. SEELEY. Yes.

Mr. COLEMAN. What are your duties?

Mr. SEELEY. My duties are mainly supervisory and to review material that has been prepared in the Passport Office Legal Division, and on some occasions to clear information or material that has been prepared in other divisions of the Passport Office.

Mr. COLEMAN. I take it you are a lawyer?

Mr. SEELEY. Yes, sir; I am.

Mr. COLEMAN. Are you a member of the Bar?

Mr. SEELEY. Yes, sir; I am.

Mr. COLEMAN. Of what State or States?

Mr. SEELEY. I am a member of the Bar of the District of Columbia.

Mr. COLEMAN. How long have you been with the Department of State?

Mr. SEELEY. I have been with the Department of State since 1954.

Mr. COLEMAN. Could you tell me the first time you heard, read or saw the name Lee Harvey Oswald?

Mr. SEELEY. Well, Mr. Coleman, I don't have an independent recollection of that. I feel that probably the name first appears in the file on March 28, 1961.

Mr. COLEMAN. So, therefore, by consulting the file, to refresh your recollection, you think that the first time you heard or saw the name Lee Harvey Oswald was in March 1961?

Mr. SEELEY. It is possible, it may have been that I had heard of it before, though, because he did have some publicity, and I usually follow those items, but I don't have any recollection of it.

Mr. COLEMAN. What happened in March 1961, that occasioned your knowing or hearing the name Lee Harvey Oswald?

Mr. SEELEY. May I look at the file?

Mr. COLEMAN. Certainly.

I take it, sir, you are looking at the file which is the file of the passport—the original passport file of the State Department.

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. That is the file that has been given State Department file No. X, is that correct?

Mr. SEELEY. Yes, sir.

The first time my name appears in the file is on a form DS-10, which is a reference slip, and it is addressed to Mr. Cacciatore in PT-F, and to Mr. Seeley, in PT-LS.

It requests to know insofar as I am concerned, should instruction be classified confidential.

Mr. COLEMAN. Sir, I will mark for the purposes of this deposition a document as S-1, meaning Seeley Exhibit No. 1, which is the State Department document which already has been marked by the State Department as X-45.

Mr. SEELEY. Yes, sir.

(The document referred to was marked Seeley Exhibit No. 1 for identification.)

Mr. COLEMAN. Who is the reference slip dated March 28, 1961, from?

Mr. SEELEY. Mr. Kupiec.

Mr. COLEMAN. To two persons, and you are one of the two persons, Mr. Seeley, is that correct?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. I show you the document which has been marked as S-1 and ask you is that a copy of the document you referred to?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. I take it that you got this because someone asked whether the instructions should be classified as confidential.

Mr. SEELEY. Yes, sir. I don't have an independent recollection of this, but I assume that it is referring to this instruction which is State Department's document X-47, which had been classified as Official Only.

Mr. COLEMAN. Sir, I show you a document which has already been marked as Commission Exhibit No. 969, and ask you whether these were the instructions that were attached to S-1.

Mr. SEELEY. So far as I am able to determine, I don't have an independent recollection, but looking at the formation of the file and the fact that this was not sent, and I know that there was another one that was sent, I believe it is the same document.

Mr. COLEMAN. And you were asked as to whether it should be classified as confidential?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. What, if anything, did you do?

Mr. SEELEY. I don't know. I have no recollection of what action I took on that particular aspect of it.

Mr. COLEMAN. You don't recall ever talking to Miss Waterman or anyone else in the Department as to what form the proposed instruction should take?

Mr. SEELEY. No. I don't know whether I even know Miss Waterman. I know Mr. Kupiec, and I probably know Miss Waterman, but I don't have recollection of what she looks like.

Mr. COLEMAN. Did you ever discuss with Mr. Kupiec as to what form the instruction should take?

Mr. SEELEY. No, sir. This instruction was drafted by Miss Waterman, and it was sent up for clearance to PTL, Mr. Johnson. I presume that when it went to either Mr. Cacciatore or Mr. Kupiec, I put my name on for the clearance

procedure, in particular with regard to whether the thing should have been classified, have a higher classification than it did.

Mr. COLEMAN. You don't have any independent recollection of discussing Oswald?

Mr. SEELEY. No, sir.

Mr. COLEMAN. Or whether the instruction should have been in a different form?

Mr. SEELEY. No, sir; I do not.

Mr. COLEMAN. Could you tell me the next occasion where you had anything to do with Oswald, or the file?

Mr. SEELEY. The next occasion, I think, relates to document X-43.

Mr. COLEMAN. I would like to mark as S-2 a memorandum from Robert D. Johnson to Mr. John T. White, under date of March 31, 1961, which in the State Department files has been marked as X-43.

(The document referred to was marked Seeley Exhibit No. 2 for identification.)

Mr. COLEMAN. Is that the document referred to?

Mr. SEELEY. Yes, sir; it is.

Mr. COLEMAN. Now, sir, did you draft S-2?

Mr. SEELEY. Yes, sir; I did.

Mr. COLEMAN. Can you tell me the circumstances surrounding your drafting S-2?

Mr. SEELEY. This particular item I do have a recollection of because there was a discussion between Mr. Johnson and myself concerning the propriety of sending the passport through the mail as had been proposed.

Mr. COLEMAN. What was that discussion?

Mr. SEELEY. We were opposed to this action on several grounds.

Mr. COLEMAN. What were they?

Mr. SEELEY. One was the fact that I think we already had information that Mrs. Oswald, the mother, had not been able to get in touch with her son.

Mr. COLEMAN. You are talking about Oswald's mother?

Mr. SEELEY. The mother; yes. And we felt that the mails shouldn't be trusted for a U.S. passport which we know has a value outside the United States.

Mr. COLEMAN. Now, you also indicated in the memorandum that, "We should not be bound by the opinion he expressed in paragraph 2 of his letter set out in Moscow Despatch No. 985 of February 28, 1961."

Mr. SEELEY. May I get that? It is No. 585. The paragraph that we are referring to reads: "I desire to return to the United States, that is if we could come to some agreement concerning the dropping of any legal proceedings against me. If so, then I would be free to ask the Russian authorities to allow me to leave. If I could show them my American passport, I am of the opinion they would give me an exit visa."

The item in the memorandum concerns itself mainly with his request for agreement concerning the dropping of any legal proceedings against him.

Mr. COLEMAN. You indicated that the Department ought not to give such agreement.

Mr. SEELEY. Yes.

Mr. COLEMAN. Did you have any discussions with Mr. Johnson with respect to this March 31, 1961, memorandum?

Mr. SEELEY. Yes, sir. I don't have a complete recollection of it, but I do know that I did discuss this particular item, particularly the mailing of the passport, with Mr. Johnson.

Mr. COLEMAN. And do you recall what Mr. Johnson said?

Mr. SEELEY. I think Mr. Johnson was the one that instructed me to draft this so that we would not send this through the mail, so that the passport would not be sent through the mail.

Mr. COLEMAN. After the memorandum of March 31, 1961, and this discussion you had with Mr. Johnson, what did you do?

Mr. SEELEY. I am sorry?

Mr. COLEMAN. Did you draft the instructions in the form that they actually went forward?

Mr. SEELEY. No, sir.

Mr. COLEMAN. Did you have anything to do with that?

Mr. SEELEY. No, sir; except I think there is a clearance, but I am not sure about that. I think we cleared it.

Mr. COLEMAN. And the instructions that actually went forward did indicate that they ought not to return the passport by mail?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. What was the date of that instruction?

Mr. SEELEY. The instruction that went forward?

Mr. COLEMAN. Yes.

Mr. SEELEY. That was AE-173, of April 13, 1961. It is Department X-38.

Mr. COLEMAN. Will the record show that that document has already been marked as Commission Exhibit No. 971 before the Commission. You say that you read Commission Exhibit No. 971 and cleared it before it went forward?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. Exhibit No. 971 which you referred to as X-38 shows on the left-hand side that there is a notation that a copy of the instructions was sent to the CIA.

Mr. SEELEY. Was furnished to the CIA.

Mr. COLEMAN. Was that done at the same time the instructions went forward?

Mr. SEELEY. No, sir.

Mr. COLEMAN. Did you have anything to do with sending it to the CIA?

Mr. SEELEY. I don't have a recollection on this. I would imagine what happened is that there was a request by the CIA for a copy of this, and that I authorized them to be furnished a copy on October 5, 1961.

Mr. COLEMAN. I take it you actually read the instructions which went forward on April 13, 1961.

Mr. SEELEY. Yes, sir. My initials are at the bottom.

Mr. COLEMAN. The fact that your initials are at the bottom indicates that you approved them?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. What was the next occasion on which you had anything to do with the Oswald file or heard the name Oswald?

Mr. SEELEY. I will have to check the file. The next occasion where the record shows that I had something to do with the Oswald file concerns Item X-31. It is a Department of State instruction, W-7, dated July 11, 1961, drafted by Mrs. Waterman, and I cleared this particular instruction.

Mr. COLEMAN. Can we note for the record that that instruction has already been marked as Commission Exhibit No. 975?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. You cleared those instructions prior to the time you received word from Mr. Snyder in the Embassy in Moscow that Oswald had appeared at the Embassy on July 8, 10, or 11?

Mr. SEELEY. Of 1961?

Mr. COLEMAN. 1961.

Mr. SEELEY. Yes, sir; that is true. I wasn't sure of the time element in there, but that is true. This went out the same day, apparently, that the instruction was drafted and was sent in, or the despatch was drafted and sent in.

Mr. COLEMAN. So, therefore, you took that action or you approved that action prior to the time that you knew that Oswald had appeared at the Embassy in Moscow?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. Is it a fair reading of the July 11, 1961, instructions which you approved, that you indicated that Oswald could be given back his passport?

Mr. SEELEY. No, sir; I don't think so. I call your attention to paragraph 5 of the despatch; "It is noted that the Embassy intends to seek the Department's prior advice before granting Mr. Oswald documentation as a United States citizen upon any application he may submit."

Mr. COLEMAN. So, therefore, as of this time it was still open as far as the Department was concerned in Washington whether Oswald had renounced his citizenship and was entitled to a passport?

Mr. SEELEY. Yes, sir. I don't think that the adjudicative proceeding had been completed.

Mr. COLEMAN. When was the adjudicative process completed so far as you

were concerned, that the Passport Office in Washington determined that in its opinion, that Mr. Oswald was still a citizen?

Mr. SEELEY. I would say that the operations memorandum of August 18, 1961, from the Department of State to the American Embassy in Moscow which refers to the Embassy Despatch No. 29, the passport renewal application and the questionnaire.

Mr. COLEMAN. You would say that as of that date the Passport Office determined that Oswald was still a citizen?

Mr. SEELEY. I would say at that date that we concurred in the conclusion of the Embassy that he had not expatriated—that we had no information or evidence that he had expatriated himself.

Mr. COLEMAN. Did you have anything to do with this decision?

Mr. SEELEY. Not the citizenship decision; no, sir. I had nothing to do with that.

Mr. COLEMAN. You weren't consulted prior to the time the decision was made?

Mr. SEELEY. No, sir.

Mr. COLEMAN. Did you approve the operations memorandum of August 18?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. 1961; before it was sent forward?

Mr. SEELEY. Yes, sir; I did. My initials are at the bottom there.

Mr. COLEMAN. If you had disapproved it, at least there would have been further discussion?

Mr. SEELEY. Yes, sir; there would have been.

Mr. COLEMAN. So, to that extent, you did have something to do with the decision?

Mr. SEELEY. Well, to that extent, there was no consultation. This was sent up for clearance, and insofar as the citizenship angle was concerned, I agreed with what they had done.

Mr. COLEMAN. Did you call for and look at the file prior to the time you initialed the operations memorandum of August 18, 1961?

Mr. SEELEY. I would presume that I had the whole file. Mr. Ehrlich has suggested that I mention that I was not in the citizenship area at the time that I put my concurrence on this operations memorandum, and I was looking at it only from the aspect of my own area.

Mr. COLEMAN. What was your area?

Mr. SEELEY. I was in the Security Branch. I was Chief of the Security Branch of the Legal Division.

Mr. COLEMAN. What did you have to do with the decision?

Mr. SEELEY. In this particular case if you had objected, I am sure that there would have been further discussion on this particular case.

Mr. COLEMAN. Could we mark as Seeley Exhibit No. 3—instead of "S" I think we had better call these Seeley exhibits, the operations memorandum dated August 18, 1961, from the Department of State to the American Embassy.

Mr. SEELEY. Fine, sir.

(The document referred to was marked Seeley Exhibit No. 3 for identification.)

Mr. COLEMAN. That is the document that you referred to as X-27, is that correct?

Mr. SEELEY. X-27, that is correct.

Mr. COLEMAN. If you had felt that there was evidence in the file that Oswald had renounced his citizenship, I take it you would not have approved this memorandum, is that correct?

Mr. SEELEY. No, sir; I would not have.

Mr. COLEMAN. You would not have approved it?

Mr. SEELEY. No, sir; I would not have approved it.

Mr. COLEMAN. There would have been further discussions?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. So, therefore, as far as you were concerned in reviewing the file and what you knew and looking over it, what Miss Waterman had said and what Mr. Snyder had said, that your decision was that you saw no reason why you would disagree with the decision?

Mr. SEELEY. I was in complete agreement with the decision.

Mr. COLEMAN. After you concurred in the operations memorandum of August

18, 1961, what was the next occasion on which you had anything to do with the Oswald file?

Mr. SEELEY. So far as I can determine—

Mr. COLEMAN. The Commission Exhibit No. 979 is the same as I have marked as Seeley Exhibit No. 3.

Mr. SEELEY. So far as I can determine by examination of the file, the next contact I had with the file concerns a slip that is part of State X-19, consisting of a DS-10 reference slip dated 12-29-61.

Mr. COLEMAN. That is attached to a letter from L. A. Mack, to the Director of the Passport Office of the State Department, is that correct?

Mr. SEELEY. Mr. Coleman, on that particular item, I don't think that that was what it was attached to. I think it was probably attached to X-20.

Mr. COLEMAN. What is that?

Mr. SEELEY. That is a memorandum from Miss Knight to Mr. Boswell.

Mr. COLEMAN. Will you read that memorandum into the record? It is short.

Mr. SEELEY. Yes; the subject is: "Lee Harvey Oswald." It is classified "Confidential."

It states: "We refer to the Office Memorandum of July 27, 1961, from SY, which stated that 'renounced United States citizenship.' Mr. Oswald attempted to renounce United States citizenship but did not in fact renounce United States citizenship. Our determination on the basis of the information and evidence presently of record is that Mr. Oswald did not expatriate himself, and remains a citizen of the United States."

Mr. COLEMAN. You say that your reference slip of 12-29-61 was attached to that memorandum?

Mr. SEELEY. I would presume it was.

Mr. COLEMAN. Would you look at the letter, the Mack letter from the Immigration and Naturalization Service to the Director of Passports?

Mr. SEELEY. I am looking at it.

Mr. COLEMAN. Did you see that letter or did you have anything to do with that letter?

Mr. SEELEY. So far as I know, I had nothing to do with that letter. I have seen the letter.

Mr. COLEMAN. By the time you did, the reference slip of 12-29-61—which I would like the reporter to indicate was marked Seeley Exhibit No. 4—what was your job in the State Department?

(The document referred to was marked Seeley Exhibit No. 4 for identification.)

Mr. SEELEY. At the time that I—I was still Chief of the Security Branch of the Legal Division.

Mr. COLEMAN. What does PT-L mean?

Mr. SEELEY. PT-L, Passport-Legal, PT-LS, Passport-Legal Security.

To give you an idea about it, the Legal Division is divided into two branches, and we have a short designation for it, PT-LS and PT-LAD.

Mr. COLEMAN. I see.

Mr. SEELEY. I will tell you further if you wish, about this particular item. This was—

Mr. COLEMAN. What is this particular item? You are now talking about the letter?

Mr. SEELEY. The letter; yes.

Mr. COLEMAN. It is the Mack letter?

Mr. SEELEY. State Department File X-19. It was addressed to our Liaison Branch, and I see at the bottom it was reviewed by Mr. Reichman, of the Immigration and Naturalization Service. And I would presume that I did not, that this was not in the file at the time that this DS-10, that it was probably in Liaison, and the file was called for. It was reviewed. The file was then reviewed by Mr. Reichman who answered for his own service.

(Discussion off the record.)

Mr. COLEMAN. Now, sir; what was the next occasion on which you had anything to do with the Oswald file?

Mr. SEELEY. The next occasion concerns Item X-11.

Mr. COLEMAN. We have marked as Seeley Deposition Exhibit No. 5 a memorandum from Robert Owen, to Michael Cieplinski, dated March 23, 1962.

(The document referred to was marked Seeley Exhibit No. 5 for identification.)

Mr. COLEMAN. I ask you, sir; whether that is the document you refer to.

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. Did you draft Seeley Exhibit No. 5?

Mr. SEELEY. No, sir.

Mr. COLEMAN. You reviewed it?

Mr. SEELEY. Yes, sir; on March 28, 1962.

Mr. COLEMAN. Did you have anything to do with Seeley Exhibit No. 5 other than the fact that you just read it?

Mr. SEELEY. No, sir.

Mr. COLEMAN. Why would you be reading it?

Mr. SEELEY. The item was referred to, a copy of this item was referred to Miss Knight. It was, in turn, referred to the Legal Division, and then in turn referred to the Security Branch of the Legal Division.

Mr. COLEMAN. Did you take any action with respect to it?

Mr. SEELEY. No, sir; I did not, other than to note that I had read it and initialed it.

Mr. COLEMAN. Did the fact that he had originally stated that he had information as a radar operator in the Marine Corps which he would make available to the Soviet Union—did that in any way raise in your mind a security problem?

Mr. SEELEY. Yes, sir; I thought that this certainly raised a doubt. He had originally, I think, way back had made some similar type statement. Here he made the statement, "Oswald stated he had never in fact been subjected to any questioning or briefing by the Soviet authorities concerning his life or experiences prior to entering the Soviet Union, and never provided such information to any Soviet organ." I thought that certainly there were two statements by him.

Mr. COLEMAN. I note on the copy you have there is a red check right beside the line which I read. Did you place that red check on there?

Mr. SEELEY. I don't think so, sir. It looks like—I think I had a regular pencil, and I think I would have done it with a pencil.

Mr. COLEMAN. Merely because a person who had attempted to defect now says when he is trying to get back into the country, "I really didn't tell the Soviets anything," that wouldn't completely satisfy you that maybe he hadn't, would it?

Mr. SEELEY. No, sir; but I had no information that he had in fact done so. He had just made a statement that he would. I think that was his original statement.

Mr. COLEMAN. But you didn't do anything other than read Seeley Exhibit No. 5?

Mr. SEELEY. That is right, sir.

Mr. COLEMAN. When was the next occasion you had anything to do with the file?

Mr. SEELEY. The next concerns Item X-7, which is a memorandum from Robert D. Johnson to William O. Boswell, dated May 4, 1962.

Mr. COLEMAN. We have marked that as Seeley Exhibit No. 6, and identified as a memorandum from Robert D. Johnson to William O. Boswell, dated May 4, 1962.

(The document referred to was marked Seeley Exhibit No. 6 for identification.)

Mr. COLEMAN. Did you draft this memorandum?

Mr. SEELEY. No, sir; I did not.

Mr. COLEMAN. What did you have to do with it? You just read it?

Mr. SEELEY. No, sir; I signed it in Mr. Johnson's stead, to send it on its way to Mr. Boswell.

Mr. COLEMAN. In effect, you said that based upon the evidence and information of record, that Oswald had not expatriated himself under the pertinent laws of the United States?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. Did you review the file before you wrote that memorandum?

Mr. SEELEY. I didn't write the memorandum. Before I signed it?

Mr. COLEMAN. Yes.

Mr. SEELEY. I don't have any recollection of it. I presume the file was with

the memorandum. That is in the normal course of business, that would be the way it was handled.

Mr. COLEMAN. But you don't have any independent recollection of whether you checked through the file to see whether—

Mr. SEELEY. No, sir; I do not.

Mr. COLEMAN. Could you tell me who wrote the memorandum from looking at the initials?

Mr. SEELEY. I think it was a Mrs. Abboud.

Mr. COLEMAN. Did you discuss it with her before?

Mr. SEELEY. No, sir; I did not. This came from the citizenship area. She is in the citizenship area.

Mr. COLEMAN. If they prepare a memorandum for your signature, just merely because somebody in the citizenship area drafts it doesn't mean that you sign it, does it?

Mr. SEELEY. No, sir; it does not. I would imagine, although I don't have any recollection, that I did look into the file.

Mr. COLEMAN. Is it fair to say that you would not just initial it merely because somebody else had drafted it?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. And normally you would look through the file?

Mr. SEELEY. Yes, sir; in the normal course of business I would look at the file—see what my own conclusion was.

Mr. COLEMAN. After you drafted or after you initialed the memorandum which has been marked as Seeley Exhibit No. 6, what was the next occasion you had to look at the Oswald file?

Mr. SEELEY. The next occasion concerned the two items that are identified as X-5.

Mr. COLEMAN. Could we mark as Seeley Exhibit No. 7 a photostatic copy of an article which appeared in the Washington Post on Saturday, June 9, 1962, and also attached is a reference slip.

(The document referred to was marked Seeley Exhibit No. 7 for identification.)

Mr. COLEMAN. Are they the two items that you refer to?

Mr. SEELEY. Yes, sir; they are.

Mr. COLEMAN. Now, I take it you just read this and put it in the file.

Mr. SEELEY. I would presume that I cut this article out. I see that it is my printing on the side there where it says, "Oswald, Lee Harvey" on the right-hand side.

Mr. COLEMAN. That is your printing?

Mr. SEELEY. Yes, sir; and I would presume that I saw the article in the newspaper, cut it out and brought it to be filed with this case.

Mr. COLEMAN. Sir, I show you a sheet which has the word "Refusal" Commission Exhibit No. 962, and ask you whether that hand printing that appears there is your printing, too?

Mr. SEELEY. No, sir; that is not. I have looked at that. It doesn't look like mine.

Mr. COLEMAN. Now, after you put this newspaper article in the file, did you have anything else to do with the file?

Mr. SEELEY. Yes; I sent this item, this is CS, these items to our Special Services, Miss Waters.

Mr. COLEMAN. Do you know what she did?

Mr. SEELEY. No; I don't. I have no recollection. I see that it was as requested. It may have been a telephone request.

Mr. COLEMAN. Did you have anything else to do with the file?

Mr. SEELEY. Yes, sir; I did.

Mr. COLEMAN. What was that?

Mr. SEELEY. That was on October 22, 1963.

Mr. COLEMAN. What occasioned your looking at the file on October 22, 1963?

Mr. SEELEY. I am looking right now at State Department Exhibit X-3.

Mr. COLEMAN. And what occasioned your looking at the file on October 22, 1963?

Mr. SEELEY. It was the transmittal from INR of the Department transmitting a secret—well, I know what it is, a CIA document, telegram, to the Passport Office.

Mr. COLEMAN. Can you recall what the CIA telegram said?

Mr. SEELEY. The telegram said in effect that Lee Oswald had appeared or had contacted, I believe was the word, the Soviet Embassy in Mexico City in October 1963.

Mr. COLEMAN. Now, did the telegram also indicate that Oswald was the person who in 1959 had attempted to defect?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. Now, when you got the telegram on your desk, did you also get the file with it?

Mr. SEELEY. Yes, sir; the passport file.

Mr. COLEMAN. That came to you at the same time, or did you get the telegram and then send for the file?

Mr. SEELEY. I had the whole thing. I am morally certain on this, that I had the whole file. I can tell by the reconstruction on this. Mr. Ritchie and myself have discussed this. We are both sure how this went about.

Do you want me to give this reconstruction?

Mr. COLEMAN. You can, if you wish to; yes.

Mr. SEELEY. I notice that there was a little note. "Mr. Anderson pull previous." "Previous" means to pull the file, whatever file there is. This was on October 17. The file was pulled according to our records in our office on October 17 or 18, I forget the exact date. It was within a day or so thereafter this. And I presume that this was first reviewed by Mr. Ritchie and then reviewed by myself.

Mr. COLEMAN. When you pulled the file which is the State Department file X—

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. Did you send for the security file?

Mr. SEELEY. No, sir; I did not.

Mr. COLEMAN. Why wouldn't you send for the security file if you get a telegram from a security agency saying that the gentleman who was down at the Russian Embassy in Mexico City is the same guy who in 1959 attempted to defect?

Mr. SEELEY. I looked at this report strictly from a passport office point of view. The significance which, of course, might have great intelligence significance, had little or no significance insofar as any action that we would take in the Passport Office is concerned.

Mr. COLEMAN. Why would that be, sir?

Mr. SEELEY. Well, we have to have some basis under our regulations to take any action.

Mr. COLEMAN. I mean why, if you get information which you can immediately realize may have intelligence significance, why wouldn't you look at it from a point of view of intelligence?

Mr. SEELEY. Well, I am working for the Passport Office. Certainly, if I saw something that I could do something about, I would take whatever action I thought was necessary.

Mr. COLEMAN. Why didn't you, for example, write a letter to the FBI saying that this fellow is down in Mexico City, are you interested, or do you want to see the file?

Mr. SEELEY. Well, I would say the probability is that a copy of this was apparently furnished to the Federal Bureau of Investigation.

Mr. COLEMAN. And you noted that, I take it, at the time of reviewing the file?

Mr. SEELEY. I have no independent recollection that I did.

Mr. COLEMAN. But the fair assumption is that you did?

Mr. SEELEY. I would assume that.

Mr. COLEMAN. I take it that is also the reason why you didn't notify the CIA, because the telegram had come from the CIA?

Mr. SEELEY. Yes; from the CIA.

Mr. COLEMAN. When you looked at the file, did you know or were you aware after looking at the file that Oswald in June 1963 had been issued a passport?

Mr. SEELEY. I presume I was. The passport is the next item there, and I am sure that I looked at it and saw that he did have a passport.

Mr. COLEMAN. Did you after you looked at it say to yourself "can we revoke this passport?"

Mr. SEELEY. I am sure that is why I looked at it. I am sure of that, Mr. Coleman, that I looked at it with that view in mind, if there was any action to be taken of that sort.

Mr. COLEMAN. Did you know that he had defected or attempted to defect in 1959?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. Did you know that when he attempted to defect that he had indicated that he was going to pass some radar information to the Russians if they gave him citizenship?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. Did you know that the Soviet desk had indicated in 1961 or 1962 that it would be to the interests of the United States to get him out of Russia and back to the United States?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. Did you note in his passport application for his 1963 passport that he indicated that one of the countries that he intended to travel to was Russia?

Mr. SEELEY. I don't have an independent recollection of that. I presume I did note that.

Mr. COLEMAN. And you are saying with all that information that you would look at that file, I take it you did it on October 22?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. Read it and just put it back and did nothing about it?

Mr. SEELEY. I did nothing about it other than to note the fact that I had read the telegram.

Mr. COLEMAN. All I am saying, just asking for your best recollection—

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. I realize you did nothing, but wouldn't that cause you to at least do something, to talk to somebody and say, "Can we do something about this?"

Mr. SEELEY. Mr. Ritchie and I undoubtedly talked about this, or at least we both saw it. I was well aware of the file. But there was no particular passport significance to the fact that a man shows up down at the Soviet Embassy in Mexico City. He was married to a Soviet citizen. I think there is an indication somewhere she was supposed to report or something. I don't know what the score was on that.

Mr. COLEMAN. But the problem is, sir, that—

Mr. SEELEY. But even if she was to report, I don't get the significance of an individual appearing at a Soviet Embassy, either here or anywhere else in the world, by itself meaning anything insofar as passports is concerned.

Mr. COLEMAN. Sir, the problem is, if there is a problem, that on June 24, 1963, when Mr. Oswald applied for his passport, the State Department issued it routinely because under the lookout system there was nothing on Oswald, so, therefore, it went out the next day.

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. And we think, from what we know, that as of June 24 or 25 no one looked at the file, so, therefore, there is no reason why the passport wouldn't go out.

Mr. SEELEY. I would presume from looking at this file, that that is absolutely correct.

Mr. COLEMAN. But our problem is that if on June 24 or June 25 someone had looked at the file, would you have issued the passport based upon what was

in the file as of June 24 or 25, or would you have at least talked to people to see whether some action should be taken?

Mr. SEELEY. If I had seen this application on June 24 or 25, before it had been issued, I think I probably would have discussed it. But that would have been the end of it. We have no basis upon which to deny him or hold up his passport. There would have been a discussion.

Mr. COLEMAN. Are you saying, then, it is your opinion that after reviewing the file that if the request for a passport had come in, and you had looked at the file before the passport was issued, there was no regulation or legal basis on which you could refuse him a passport?

Mr. SEELEY. That is correct. That is absolutely correct.

Mr. COLEMAN. And, therefore, I take it then, that the only additional information you got in the October CIA telegram was that he was in Mexico City, and he had visited the Russian Embassy in Mexico City.

Mr. SEELEY. That is correct.

Mr. COLEMAN. And it is your position that he had the right to go back to Russia if he wanted to go anyway; is that correct?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. And so, therefore, there is nothing that you could have done about it?

Mr. SEELEY. No, sir.

Mr. COLEMAN. Did you make any memorandum or any memoranda when you looked at the file in October 1963?

Mr. SEELEY. Aside from this notation which is in my handwriting, which says "Noted CHS 10-22-63" that is the extent of the documentation that I gave to them.

Mr. COLEMAN. But you do say you had some discussions with the other gentlemen that looked at the file?

Mr. SEELEY. I don't have a recollection. I don't know whether Mr. Ritchie does. I don't believe he does, either, but the fact that we both had it, he may have passed it to me. You have to get this in context. We have hundreds of these cases. This is one case out of hundreds.

I am surprised that I have got any recollection, but I do have some, as I mentioned before in my testimony here, that I did have some recollection of it.

Mr. COLEMAN. No one called you and said, "Well, look, let him have the passport, don't do anything about it." I take it?

Mr. SEELEY. Oh, no, sir. At the time the passport was issued, it was issued.

Mr. COLEMAN. But I mean when you got the telegram, nobody called you and said, "Look, just skip it. Let him have the passport."

Mr. SEELEY. No, sir.

Mr. COLEMAN. "Don't do anything about it"?

Mr. SEELEY. No, sir.

Mr. COLEMAN. All the action you took, you took independently?

Mr. SEELEY. Yes, sir; as my own independent action.

Mr. COLEMAN. I take it if faced with the situation again, knowing only what you knew on October 22, 1963, you would take the same action today?

Mr. SEELEY. Yes, sir; that is correct. There is one additional item, and that is under our new regulations we do put a card in on a defector or a person—I think I can give you the definition here.

"Defectors, expatriates and repatriates whose activities or background demand further inquiry prior to issuance of passport facilities."

I presume that under this criteria, in fact I know under this criteria that Oswald would have a card placed against him today.

Mr. COLEMAN. Is it your opinion as assistant legal counsel to the Passport Office that you still in the final analysis couldn't deny him the passport?

Mr. SEELEY. That is definite.

Mr. COLEMAN. And you would have to give it to him?

Mr. SEELEY. Yes, sir.

Mr. COLEMAN. Has there been any other case of a defector where you have actually issued him another passport?

Mr. SEELEY. We have issued passports to defectors, at least one that I know of, and I think we have furnished a report on that.

Mr. COLEMAN. You say there is a case of another defector?

Mr. SEELEY. Yes, sir; in connection with the answer to this question, we did a research job on a list of defectors which had been furnished to the Department of State by the Department of Defense, and our search disclosed that only one of these individuals, a Paul David Wilson, had applied for passport facilities since his return to the United States, and he was issued a passport.

Mr. COLEMAN. To go where, sir?

Mr. SEELEY. To visit Mexico, Colombia, South America, and was uncertain of others.

Mr. COLEMAN. Was that done routinely or was that done after looking at his file?

Mr. SEELEY. My recollection of this, that this was a routine issuance of a passport to a person on whom we had no information.

Mr. COLEMAN. In other words, this was another case where because you didn't have a lookout card—

Mr. SEELEY. Yes.

Mr. COLEMAN. Nobody ever looked at the file?

Mr. SEELEY. Yes, sir; well, there was no file. We have no file on this man other than his name. The Passport Office has no file on this man, Paul David Wilson.

Mr. COLEMAN. But there has been no case where you had a file, you knew he had defected, and then he applied for another passport and before you issued the second passport you had to make a decision as to whether you could refuse to issue him a passport?

Mr. SEELEY. None to my knowledge.

Mr. COLEMAN. I have no further questions, unless you have something else you would want to say.

Mr. SEELEY. I have nothing further, Mr. Coleman. I will be glad to help all I can. That is all I can say.

Mr. COLEMAN. Thank you for coming over.

AFFIDAVIT OF LOUIS FELDSOTT

The following affidavit was executed by Louis Feldsott on July 23, 1964.

**PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY**

AFFIDAVIT

**STATE OF NEW YORK,
County of Rockland, ss:**

I, Louis Feldsott, being duly sworn say:

1. I am the President of Crescent Firearms, Inc., 2 West 37th Street, New York 18, New York.

2. On November 22, 1963, the F.B.I. contacted me and asked if Crescent Firearms, Inc., had any records concerning the sale of an Italian made 6.5 m/m rifle with the serial number C 2766.

3. I was able to find a record of the sale of this rifle which indicated that the weapon had been sold to Kleins' Sporting Goods, Inc., Chicago, Illinois on June 18, 1962. I conveyed this information to the F.B.I. during the evening of November 22, 1963.

4. Further records involving the purchase, sale, and transportation of the weapon have been turned over to the F.B.I.

Signed the 23d day of July 1964.

(S) Louis Feldsott,
LOUIS FELDSOTT.