

Cubans at the Cuban Embassy in Mexico. But the Mexican authorities gave us complete and the most helpful cooperation in full investigation of this matter.

The CHAIRMAN. Are there any further questions? Mr. Dulles.

Mr. DULLES. Had you finished?

Mr. RANKIN. Yes; I have.

(Discussion off the record.)

The CHAIRMAN. Are we ready to go back on the record?

All right, the Commission will be in order.

Mr. RANKIN. Mr. Chief Justice, I should like to offer in evidence at this point Commission Exhibit No. 984 being the communication from yourself as Chairman of the Commission to the Secretary of State, dated March 11, 1964, and the Note Verbale in regard to the inquiries of the Soviet Union.

And Commission Exhibit No. 985 being the responses of the Soviet Union, including all of the medical as well as all other responses together with the transmittal letters from the Soviet Union and from the State Department.

The CHAIRMAN. They may be admitted under those numbers.

(Commission Exhibits Nos. 984 and 985 were marked for identification and received in evidence.)

Mr. RANKIN. I would like to assign, Mr. Chief Justice, Commission Exhibit No. 986, if I may, to those prior communications from the files of the Soviet Embassy in Washington that were furnished to us by the State Department.

The CHAIRMAN. They may be admitted under that number.

(Commission Exhibit No. 986 was marked for identification and received in evidence.)

Mr. RANKIN. Commission Exhibit No. 986 will be the copies of the records from the Soviet Embassy in Washington that were supplied to the Commission earlier by the State Department as a part of the records that were furnished to us by the State Department.

The CHAIRMAN. Those were the ones that were voluntarily offered by the Russians before any request was made of them?

Mr. RANKIN. Yes, Mr. Chairman.

The CHAIRMAN. They may be admitted under that number.

Mr. RANKIN. Mr. Secretary, will you tell us whether you know of any credible evidence to show or establish or tending to show any conspiracy either domestic or foreign involved in the assassination of President Kennedy?

Secretary RUSK. No; I have no evidence that would point in that direction or to lead me to a conclusion that such a conspiracy existed.

Mr. RANKIN. That is all I have.

The CHAIRMAN. Are there any further questions, gentlemen?

If not, thank you very much, Mr. Secretary.

Secretary RUSK. Thank you very much, Mr. Chief Justice and gentlemen.

TESTIMONY OF FRANCES G. KNIGHT

The CHAIRMAN. The Commission will be in order.

Mr. Coleman, will you state to Miss Knight, please, the reason we asked her to come here today?

Mr. COLEMAN. Miss Frances G. Knight is the head of the Passport Office of the State Department.

Miss KNIGHT. Yes, sir.

Mr. COLEMAN. We want to ask her concerning the standard operating notice with respect to the lookout card system which was in effect as of November—as of February 28, 1962, and we also wanted to ask her concerning the decision of the Passport Office that Mr. Oswald had not expatriated himself and, therefore, he should be reissued his passport.

Miss KNIGHT. Yes, sir.

The CHAIRMAN. Would you raise your right hand and be sworn, Miss Knight?

Do you solemnly swear the testimony you are about to give before the Commis-

sion shall be the truth, the whole truth, and nothing but the truth, so help you God?

Miss KNIGHT. I do.

The CHAIRMAN. Be seated. Mr. Coleman will ask you the questions.

Mr. COLEMAN. Miss Knight, will you state your name for the record?

Miss KNIGHT. Frances G. Knight.

Mr. COLEMAN. What is your present address?

Miss KNIGHT. Home address?

Mr. COLEMAN. Yes.

Miss KNIGHT. 2445 Wyoming Avenue NW.

Mr. COLEMAN. What is your present position?

Miss KNIGHT. I am Director of the Passport Office in the Department of State.

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

Miss KNIGHT. Since May 1, 1955.

Mr. COLEMAN. Do you have any independent recollection of having ever looked at any files dealing with Lee Harvey Oswald prior to the time of the assassination?

Miss KNIGHT. No, sir.

Mr. COLEMAN. I would like to mark as Commission Exhibit No. 989 a memorandum from Frances G. Knight to Mr. William O. Boswell, which bears the date of December 26, 1961, and is found among the State Department file No. X1, document No. 12 and ask you whether you have seen the original of that document? (Commission Exhibit No. 989 was received in evidence.)

Miss KNIGHT. Sir, you want to know whether I personally saw this before it went out?

Mr. COLEMAN. Yes.

Miss KNIGHT. This is a little difficult to answer. There are a great many communications that go out over my name particularly a memo of this sort, which would be prepared in the Passport Office, and I would—I might sign it or if I were not in the office at the time my deputy might sign it for me.

But these communications usually go out over my name.

Mr. COLEMAN. Well, Miss Knight, does that document—

Miss KNIGHT. This one looks as though it was initialed by me because it has the type of a "K" that I make.

Mr. COLEMAN. That document indicates that it was prepared by Miss B. Waterman, is that correct?

Miss KNIGHT. There is no indication here, sir. It was prepared in the foreign division of the Passport Office, but there is no indication on this communication as to the individual who prepared it.

Mr. COLEMAN. Would you be kind enough to read what is on the memorandum into the record, please?

Miss KNIGHT. Yes, sir; the memorandum is addressed to "SY," Mr. William O. Boswell from PPT—Frances G. Knight, subject "Lee Harvey Oswald."

"We refer to the Office Memorandum of July 27, 1961, from SY which stated that the subject '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."

The blue file copy would indicate who prepared this memorandum in the Passport Office and who signed it.

Mr. COLEMAN. Do you have the file copy?

Miss KNIGHT. I don't think we have it with us, do we? [Note: The file copy was shown to Miss Knight.] The memorandum was prepared by Mr. H. F. Kupiec, who is in the Foreign Operations Division of the Passport Office. It was signed for me by Mr. Hickey, who is the deputy.

Mr. COLEMAN. You have no independent recollection of ever having seen that document prior to the assassination?

Miss KNIGHT. No, sir.

Mr. COLEMAN. Did you ever participate or make any decision as to whether Lee Harvey Oswald lost his citizenship?

Miss KNIGHT. No.

Mr. COLEMAN. In 1959?

Miss KNIGHT. No.

Mr. COLEMAN. Did you ever make any personal decision or participate in any decision as to whether he should be reissued a passport in July 1961?

Miss KNIGHT. No.

Mr. COLEMAN. I, therefore, take it you personally had nothing or you can't recall anything that you had to do with Lee Harvey Oswald up to the time of the assassination?

Miss KNIGHT. No; I had nothing to do with the papers that were involved at that time.

Mr. COLEMAN. But the decision that he had not renounced his citizenship was made in your department?

Miss KNIGHT. It was made in the Passport Office by the citizenship lawyers. The two persons who were primarily involved were members of the staff, of long-standing service and with a great deal of experience in citizenship law and in expatriation.

Mr. COLEMAN. Could you state the names, their names for the record?

Miss KNIGHT. Yes; Miss Bernice Waterman, and Mr. John T. White.

Both of those employees have now retired from the Passport Office.

Mr. COLEMAN. You said both were lawyers?

Miss KNIGHT. Miss Waterman was not a lawyer but she worked directly under Mr. John T. White who was a lawyer in charge of the Foreign Operations Division.

Mr. COLEMAN. Well, since the assassination of President Kennedy, have you had occasion to review the passport file.

Miss KNIGHT. Well, the first time that I actually had an opportunity to look through the passport file was last Saturday.

Mr. COLEMAN. Did you get a chance to read each document in the file?

Miss KNIGHT. I read through the file; yes.

Mr. COLEMAN. Did you have occasion to form any judgment whether based upon the information that was in the file you would have reached the same decision as Waterman and White did with respect to Oswald?

Miss KNIGHT. Yes; I certainly did. From that standpoint, I did go through the papers carefully. I am convinced that insofar as any expatriative act is concerned that we made the only decision that we could. The same decision was reached by the consul who interviewed Mr. Oswald in Moscow, at the Embassy, and I think, with all the facts on record, we had to come to the conclusion that Oswald did not perform any expatriative act.

(At this point, the Chief Justice left the hearing room.)

Miss KNIGHT (continuing). May I ask one question, please?

Mr. COLEMAN. Yes.

Miss KNIGHT. I have a statement here, some notes that I prepared this morning which are based on the information I read in the file. These are some comments I would make and I think they may be helpful to you. Could I refer to them or possibly read them to you?

Would that be all right?

Mr. COLEMAN. That would be fine.

Miss KNIGHT. After reading the file—

Mr. COLEMAN. And by "file" you mean the passport file?

Miss KNIGHT. The passport file of Lee Harvey Oswald, I would say the handling of the case would break down into three separate actions: One, the adjudication of his citizenship; two, the documentation of his repatriation loan, and, three, the issuance of a passport to Oswald on June 25, 1963.

As I understand it, the Commission has been furnished with detailed information covering all these actions, and in addition we have supplied replies which were prepared in the Passport Office by our staff to the specific questions that were posed by the Commission.

My comments on the citizenship and expatriation phase of the Oswald case are these: Insofar as the Oswald citizenship status is concerned, it is my firm belief that Lee Harvey Oswald, despite his statement to the U.S. consul in Moscow, that he wished to divest himself of U.S. citizenship, did not do so.

At no time did he sign the required documents which were available to him for that purpose. Oswald was a 20-year-old ex-Marine, and the U.S. consul made it quite clear in his despatches to the Department, that Oswald was arrogant and aggressive, and angry and unstable.

I had not had the opportunity to read the file until last Saturday, because it was taken out of the Passport Office on November 23, 1963. However, I do not recall—

Mr. DULLES. By whom?

Miss KNIGHT. It was asked for and sent to the Administrator of the Bureau of Security and Consular Affairs, Mr. Abba Schwartz. I want to make a correction on that date. It was on November 22 that the file was taken out of the Passport Office. Late at night, I believe.

I do not recall that the file, the passport folder, contained any information that would tag Oswald as a U.S. Communist or a Communist sympathizer prior to his visit to the U.S. Embassy in Moscow, and there is no record that he engaged in any public denunciation of the United States.

During the time Oswald's citizenship status was in question, that is from the time he had advised the U.S. consul in Moscow that he wished to renounce his citizenship, to the time it was determined he had not committed an expatriative act, a period of almost 2 years, his file was flagged and according to our records a lookout card was ordered for the lookout file.

On March 28, 1960, the Passport Office advised the U.S. Embassy in Moscow that "An appropriate notice has been placed in the look-out card section of the Passport Office in the event that Mr. Oswald should apply for documentation at a post outside the Soviet Union."

Mr. COLEMAN. We will note for the record that document you are referring to—I think it is the Operations Memorandum of May 28, 1960—has been given Commission Exhibit No. 963.

Miss KNIGHT. In view of the volume of our work it would be impossible at this late date for a clerk in the Passport Office to remember whether a card was actually made or not made. Apparently no card was found in the 1961 search of the lookout file, but again it is possible that such a card was misfiled. It is also possible if a card was made it was destroyed in error, but whether there was a card made or not has no bearing on the final outcome of the decision regarding the Oswald citizenship.

Mr. DULLES. May I ask a question there. Would you prefer to read this entire document first?

Miss KNIGHT. No; it is easier—

Mr. DULLES. Is it conceivable that the lookout card could have been removed in 1961 when his passport was extended to return to the United States?

Under your procedure would that have been done?

Miss KNIGHT. Under our procedure when he was issued the passport that card would have been removed; yes. So that in 1961 there would not have been a card in the file.

Mr. COLEMAN. Even though the passport was issued specifically saying it was only good for return to the United States and only good for 1 month.

Miss KNIGHT. That is right.

The passport was limited and could not be used beyond the time it was limited for.

Mr. DULLES. Would that have caused the card to be removed?

Miss KNIGHT. Yes.

Mr. DULLES. Issuance of that passport, even a limited passport would have resulted in the card being withdrawn?

Miss KNIGHT. The card would have been withdrawn at the time that his citizenship was adjudicated, and when it was found that he had not expatriated himself. The card which was put in the file related only to his citizenship status.

Mr. DULLES. That is what—somewhat earlier, that is several months before the passport was extended?

Miss KNIGHT. Oh, yes.

Mr. COLEMAN. That would mean when he came back into the United States and he then reapplied 2 days later for another passport it would have gone through routinely and you would not have picked up the fact that it was Oswald the defector that was now going to go back out of the United States?

Miss KNIGHT. Well, that would be possible, I think; yes.

The experienced citizenship attorneys in the Passport Office, as well as the U.S. consul in Moscow determined individually that Oswald had not expatriated himself. His passport was renewed in May 1962, and limited for return to the United States.

In the adjudication of his citizenship, we can only deal with the facts on record. The fact is that Oswald did not avail himself of the prescribed procedure to renounce his U.S. nationality.

In applying for his passport renewal, he stated under oath that he had not committed an expatriative act. He denied an earlier statement that he had applied for Soviet citizenship, and produced some evidence that he had never been declared a Soviet citizen.

Now, as far as the repatriation loan is concerned, the recording of such a loan in the Passport office is a very routine procedure.

Apparently there is some question as to whether a lookout card was inserted in the lookout file at the time that the repatriation loan was made to Oswald. The Passport Office must depend on the Office of Finance to inform it with regard to repatriation loans. We require certain information such as the name of the individual, the place and date of birth, and other information which will identify the individual in our files.

It is very important that this information be complete and accurate to guard against embarrassing situations which could develop from misidentification.

The criteria for the procedure were developed over several years by the Office of Finance in cooperation with the Passport Office. Memorandum between the Passport Office and the Office of Finance have been provided to the Commission.

The important one is dated January 16, 1962, and spells out the criteria that we established by mutual consent. The Passport Office was and is directly concerned with only two actions in repatriation cases.

The insertion of an accurate and identifiable card in the lookout file and the prompt removal of such a card when the loan has been repaid.

Between August 1961 and December 1962 there was a purge of our lookout file because the cards were so shoddy and unreadable that they had to be refreshed.

We call them cards. But they actually were not cards, merely slips of pink paper 3 by 5 inches which were very badly worn and torn.

More than 1 million applications are cleared over this file annually, and it was imperative for us to find a system which would provide fast and accurate clearances.

During the renovation of this lookout file we found over 3,000 cards relating to repatriation loans which were unidentifiable. They had been in the file for decades, and they were of no value. They failed to give us any leads to either the passport or security files. The individuals involved may long since have passed to their reward. We did not know what had happened to them so we took these cards out of the files.

The record indicates that the Finance Office did not have Oswald's place and date of birth, and did not advise the Passport Office of the repatriation loan.

There may have been efforts to obtain the information necessary to make up a lookout card and this may have been suspended because Oswald started a series of payments within 10 weeks of the loan.

In any case, the Passport Office was notified when the loan was fully paid about 6 months later, which was January 1963. Had a card been placed in the lookout file it would have been removed upon such notification.

In other words, there would have been no card in the files relating to the repatriation loan at the time Oswald made his application for a passport at the New Orleans Passport Agency on June 24, 1963.

Mr. COLEMAN. Miss Knight, when Oswald was issued the June 1963 passport, I take it that there was no reference made to his passport file, is that correct?

Miss KNIGHT. No reference was made to his passport file. When he made his application at the New Orleans agency it was handled in a routine manner which I believe has been described to the Commission in some documents we prepared for you. Oswald's name was included in a list of applicants sent by teletype from New Orleans to Washington for clearance over the lookout file.

It was cleared within a day. There was no card relating to the repatriation loan because Oswald had made his final payment on the loan 6 months prior to his application for the passport.

There was no lookout card relating to loss of nationality because it had been determined by that time he had committed no expatriative act and therefore did not lose his citizenship. There was no lookout card on Oswald indicating that he was under indictment or wanted by an investigative agency or by the police. There was no fraud committed, and there was no evidence that he was a member of the Communist Party or active in it. In other words, there was nothing on record in our files in June 1963 which would have given the Passport Office any reason for delaying or denying Lee Harvey Oswald a passport.

Mr. COLEMAN. Is it your testimony that if when the teletype had come in from New Orleans, and someone in your office had gone and looked at the passport file, and found out that Oswald attempted to defect in 1959 and had made the statements that he made at the Embassy in 1959, that nevertheless you feel that under the existing regulations you would have to issue him a passport?

Miss KNIGHT. Yes; we would. We wouldn't have had a lookout card based on that at the time of his application for a passport because all the situations we mentioned were resolved by that time.

Mr. COLEMAN. I would like to show you a Commission document which has already been marked as Exhibit No. 951, which is the standard operating notice of the passport office, dated February 28, 1962, and ask you are you familiar with this document?

Miss KNIGHT. Excuse me for a second, please. There is one subsequent to this.

Mr. COLEMAN. Yes; but that is the one that was in effect as of June 1963, isn't it?

Miss KNIGHT. Yes.

Mr. COLEMAN. Attached thereto is a list which indicates the various categories for the lookout card.

Miss KNIGHT. That is right.

Mr. COLEMAN. Would you look at category K, and I would like to ask you whether the information which was in the file on Mr. Oswald, including the FBI reports, which were in the file of June 1963, should have caused Oswald to be put in category K?

Miss KNIGHT. No; I don't think so.

Mr. COLEMAN. How about category R?

Mr. DULLES. Could you read category K?

Miss KNIGHT. Yes; certainly. "K" is "Known or suspected Communist or subversive". And "does not include those falling within categories O and P".

Mr. COLEMAN. Would you tell me what "O" and "P" categories are?

Miss KNIGHT. "O" is a category of cards in which the FBI has special interest. And "P" is also a project of the same sort.

Mr. COLEMAN. Has the FBI ever put defectors in that category?

Miss KNIGHT. Yes; we are given the names and we put a lookout card in the file. But we are not told the reason why. We simply advise the agency involved.

Mr. COLEMAN. In other words, if the FBI merely sends you a report on a

particular person, that wouldn't cause you to put someone in "O" and "P"? It is only when the FBI says put the person in "O" or "P"?

Miss KNIGHT. Only when a request is specific.

Mr. COLEMAN. How about category "R", if you will put that in the record.

Representative FORD. May I ask a question first, what is the criteria for the determination as to whether or not a person is a Communist?

Miss KNIGHT. Well, the criteria are based on the information that we get from the investigative agencies regarding his activities and membership in the Communist Party.

I think that it would help you very much if, for instance, I would spell out what the lookout file actually is and how it operates in the Passport Office and just what the categories mean to us. This would only take a minute and I think this would clarify things.

Mr. COLEMAN. I have picked out the categories that I think you would have to consider, and that is the reason I put the question to you.

Miss KNIGHT. The purpose of the file is rather important because it is two-fold. Its principal role is to identify the applications which require other than routine adjudication in determining an applicant's eligibility for passport services. The second role of the file is to identify certain incoming applications and to insure expeditious action on them.

As background, I think it is important to know, that prior to 1955 the lookout file was part of a master index comprising 20 million 3 by 5 inch cards.

Mr. DULLES. 20 million?

Miss KNIGHT. 20 million. Within this voluminous file were 600,000 pink slips. Now these were known in those days as "catch cards," and these were withdrawn in 1958 to establish the nucleus of the present lookout file.

The reason for doing so was quite obvious. It was impossible and totally impracticable to clear every passport application across a 20 million card file which was expanding at the rate of 1 million cards a year.

Cards at that time were being made for every applicant and his relatives who were listed on the passport application. Every individual whose name appeared in any investigative report which was sent to the Passport Office, whether or not the individual applied for a passport; every individual who appeared before an investigative committee of Congress, whether or not he applied for a passport; as well as persons whose names appeared in such situations as gambling raids, lottery winners, and so forth. These were all in the passport file, and part of the master index.

File experts from the General Services Administration estimated at that time that 30 percent of this master index was misfiled.

By a program of refinement in 1959 and 1960, the lookout file was reduced to 415,000 cards. We felt we were reasonably safe in disregarding catch cards on persons who were a hundred years old or over. So these were eliminated from the files.

From the standpoint of accuracy in identification, the cards that remained still left much to be desired in the file.

Now again I would say these were not "cards" in any sense that they had physical substance. They were 3 by 5 inch slips of tissue-thin pink paper. They were very mutilated and many of them were totally illegible.

Many of them were of no significance since they contained no identifying data, such as place or date of birth, no full names, no reason for the inclusion in the file. As far as we could determine they were not related to anything in the Passport Office.

So further culling and screening reduced this basic file to the present size of 250,000 cards.

This project was very—

Mr. DULLES. Is that two or four?

Miss KNIGHT. 250 now.

Mr. DULLES. 250. It is different.

Miss KNIGHT. We had reduced it to 450,000 and we culled it some more and it is now 250,000.

Mr. DULLES. That is a reduction from the earlier 450,000?

Miss KNIGHT. That is right. This project was very time-consuming and tedious but it had to be done, and it was completed in 1962, at which time we transferred all the data on the cards we considered active onto a permanent IBM key punch card system which was coded and legible.

To relate this file, this tremendous file, to the Oswald case, I think it should be remembered that the Passport Office is not a police organization, nor is it an investigative agency. We must depend on other sources in and out of the Government to supply us with the information which we must adjudicate under the criteria of the passport regulations.

When we issued a passport to Oswald in June 1963 we felt that he had not expatriated himself and that determination was made.

Mr. COLEMAN. In 1963 you didn't make any judgment at all. He just wasn't in the lookout file so you just issued it. You didn't make any independent judgment at that time in 1963, did you?

Miss KNIGHT. If we had thought he had expatriated himself we would have had a card in his file.

Mr. COLEMAN. Yes; but in 1963 no decision was made.

Miss KNIGHT. There was no question raised. There was never a question at that time.

Mr. COLEMAN. It was never a question because your Office never looked at the file.

Miss KNIGHT. Not at the file, but his application was checked over the lookout cards.

Mr. COLEMAN. Yes.

Miss KNIGHT. Oswald didn't owe money to the Government, and he was not involved in fraud or criminal activity. So, in retrospect, I feel that Oswald could have had a catch card inserted in the lookout file under a very broad and undefined category which is right here, as number "R" and that is, "Individuals whose actions do not reflect credit to the United States abroad," but for practical reasons this category is very narrowly construed in view of the hundreds of U.S. citizen bad-check artists, the drunks, the con men, the psychotics who travel worldwide, and so forth.

My office is deluged with requests from irate U.S. citizens returning from abroad asking us to do something about some of the people they find traveling overseas.

We have no such authority, and we are not in a position to determine the good or bad behavior of U.S. citizens here or abroad.

(At this point, Senator Cooper entered the hearing room.)

I think it is a debatable question as to whether Oswald fell into this broad category of "R" and finally there was no request in the file from any Government agency or any area of the Government for a lookout card on Oswald for this reason or any other reason at the time that his 1963 passport was issued.

Mr. DULLES. Who finally determines whether a lookout card should be made? Would you determine that or in your office?

Miss KNIGHT. That would be determined within our domestic operation division, our foreign operation or our legal division. An adjudicator, for instance, is the first person to make a decision.

Mr. DULLES. If the FBI or CIA asked you to put in a card you would do it?

Miss KNIGHT. Yes, sir; and this is part of "O" and "P" project.

Mr. DULLES. Would you read again that paragraph about Communist or Communist sympathizer?

Miss KNIGHT. Category K is, "Known or suspected Communist or subversive."

Mr. DULLES. And you interpret that pretty narrowly?

Miss KNIGHT. Yes.

Representative FORD. Why do you interpret it narrowly?

Mr. DULLES. Well, this goes back to a question of passport regulations and the decision, the Supreme Court decision in the Kent-Briehl case and passport denials. I believe we sent you the regulations currently in effect.

Mr. COLEMAN. The record will note that it is attached to Commission Exhibit No. 948, which is the letter from Mr. Chayes.

Miss KNIGHT. Would you like an extra copy of it?

Mr. DULLES. May I ask a further question there? When you issue a pass-

port limited solely to returning to the United States, isn't that some indication that you don't want the fellow traveling around abroad?

Miss KNIGHT. There would be some indication, yes, but there may be many reasons for it. It may be a general indication that he should not be traveling around abroad.

Mr. DULLES. So that normally you wouldn't issue a passport with that limitation and then let him come right into the Passport Office and reissue a passport to go abroad.

Miss KNIGHT. Well, if it is a case which merits a stop card we wouldn't do it. But in this case of Oswald—

Mr. DULLES. In this case would there be a stop card?

Miss KNIGHT. In the case of Oswald?

Mr. DULLES. No; I mean in the case of anybody who is abroad and you issue him a passport only to travel back to the United States, to get him back to the United States, if then in the next week he went into the Passport Office and wanted a passport to travel back to Europe, which means Russia if he wants to go to Russia, would you issue him a passport or would you not?

Miss KNIGHT. I think that depends very much on the record that we would have on him.

The issuance of passports is pretty well defined in the new regulations. I would say that a decade ago a passport application for Oswald would have been denied, or at least it would have been substantially delayed.

But this was prior to the Supreme Court decision of June 16, 1958. Prior to that there was very little challenge to the Secretary's discretionary authority in the issuance of passports.

But I think it is important to realize that the Supreme Court in its decision held that there was no legislative authority for the Secretary's regulations in denying a passport to persons supporting the world Communist movement. The Court stated in that decision that the freedom of travel is indeed an important aspect of the citizen's liberty.

Since that time Congress has made numerous attempts to provide legislation to curb the travel of U.S. Communists, and those citizens whose travel abroad is not in the best interests of the United States, but for one reason or another Congress has failed to pass any such legislation.

On January 12, 1962, the Secretary of State promulgated passport regulations which provide for the confrontation and full discovery in all cases involving the curtailment of passport privileges.

So, as a result, the Department's decisions in all passport cases have to be based on an open record.

It is quite evident that these regulations make it virtually impossible to deny passports to U.S. Communists because the source and record and details of their nefarious activities are not an open record, as you well know, and quite obviously they cannot be made an open record by the Government.

Mr. COLEMAN. Don't you have a specific statute and a specific regulation which says that if a person is a member of the Communist Party after it has been required to register that you have to deny him a passport?

Miss KNIGHT. This is true, but with these regulations, we are directed to issue passports to active members of the Communist Party despite the fact that section 6 of the Internal Security Act prohibits the issuance of passports to those individuals whom we have reason to believe or know are members of the Communist Party.

Mr. COLEMAN. What regulation requires you to issue them a passport?

Miss KNIGHT. Well, the Department's regulations are very specific on this point. They state and I quote, "In making its decision"—

Senator COOPER. Could you identify the regulation?

Miss KNIGHT. Yes, sir; it is 51.138(b).

Would you like me to read that section?

Mr. COLEMAN. Yes.

Miss KNIGHT. All right.

"(b) The applicant shall, upon request by the hearing officer, confirm his oral statements in an affidavit for the record. After the applicant has presented his case, the Passport Office shall review the record and advise the applicant

of its decision. In making its decision, the Passport Office shall not take into consideration confidential security information that is not made available to the applicant in accordance with paragraph (a) of this section. If the decision is adverse to the applicant, he shall be notified in writing, and the notification shall state the reasons for the decision. Such notification shall also inform the applicant of his right to appeal to the Board of Passport Appeals under section 51.139."

Mr. COLEMAN. What in there says you have to issue a passport to a person that you know is a member of the Communist Party after there has been a decision that the Communist Party has to register under the 1950 act?

Miss KNIGHT. In accordance with these regulations we cannot consider information in the passport file if that information is confidential and can't be used in open court or in an open hearing. The information on persons who are involved in the Communist activities is, for the most part, confidential information and cannot be revealed in open court.

Mr. COLEMAN. You say, if you have an FBI report which says that "Mr. So and So" is a member of the Communist Party, and that is in your record, and if he applies for a passport, you have to issue him that passport?

Miss KNIGHT. Under the regulations of the Department we would have to issue him a passport if the information in the FBI report cannot be made public.

Representative FORD. There has to be information which is confidential, however?

Miss KNIGHT. Well, the information in the report and the determination as to whether that information can be made public and can be used in court is made by the investigative agency that provides it.

Representative FORD. Well, if the agency, the security agency has a card issued by the Communist Party to this individual, and that information is given to the applicant, you can still deny this passport under section 51.135, can't you?

Miss KNIGHT. You mean if the FBI, let's say an FBI report, gave us information that the person is an active member of the Communist Party?

Representative FORD. That he has actually, just for illustrative purposes, a card issued by the Communist Party and the Department gives this information to the applicant, it is not confidential, it is given to the applicant, can't you deny a passport under section 51.135?

Miss KNIGHT. Yes; yes.

Representative FORD. Well, then, I think the answer is that you do have authority to deny passports to Communists where the information——

Miss KNIGHT. Is made available.

Representative FORD. Is made available.

Miss KNIGHT. Yes; where the information is made available and can be used in an open hearing.

But from a practical operation, this is very difficult to do because most of the information in the FBI reports is confidential and by bringing forth their informers they certainly destroy their security.

Mr. COLEMAN. Miss Knight, the same regulation that is in effect today was also the regulation in effect in 1963, isn't it?

Miss KNIGHT. Yes.

Mr. COLEMAN. Now, as of March 14, 1964, didn't the Department establish another category for lookout cards, namely for defectors?

Miss KNIGHT. Yes; we have that. I think that was provided to the Commission.

Mr. COLEMAN. Yes.

Miss KNIGHT. Yes.

Mr. COLEMAN. Now, you do that under whatever authority that you had as of 1963, don't you? You haven't been given any additional congressional authority, have you?

Miss KNIGHT. No; but we haven't denied passports to any of them, either.

Mr. COLEMAN. Does that mean that despite this memorandum from Mr. Schwartz to you under date of March 14, 1964, if a known defector came in and asked for a passport, you would issue him one today?

Miss KNIGHT. No; we wouldn't issue. A card would be put in the lookout file to indicate that this person was a defector, and in such a case the file would go to Mr. Johnson's office, our legal counsel. It would be referred to his security branch, and be adjudicated. However, I don't believe that a passport could be denied to them on the basis of that.

Mr. COLEMAN. Now, you know that in October 1963 the Passport Office received information that Mr. Oswald had been down to the Russian Embassy in Mexico?

Miss KNIGHT. That is correct.

Mr. COLEMAN. Would that fact cause the Department to attempt to revoke a passport which had already been issued?

Miss KNIGHT. No, sir; because there are many U.S. citizens who go to Soviet Embassies, and the fact he went there may have been for the purpose of getting information; it certainly was not a reason to deny a passport.

Representative FORD. There aren't many people like Lee Harvey Oswald, with a record of that background. It would seem to me that that, the availability of that information, ought to have flagged some interest some place in the State Department or the Passport Office.

Miss KNIGHT. Well, in my opinion, passports are being issued today to individuals whose activities and past record of behavior are patently more detrimental to the security and best interests of the United States than any report or any record that we had in the file of Lee Harvey Oswald.

Representative FORD. That may be true, and I might agree with you, but we can only deal with the specific case, and it concerns me that this information which was made available, somehow didn't get some attention in the Passport Division.

Miss KNIGHT. I think my answer to that is that there was attention given to it but there was no action that could be taken on it.

The fact that we gave attention to it is beside the point.

If we had had a lookout card in the file, and under different circumstances, there may have been some reason for seeking further information. I do know that the FBI was reviewing his file at regular intervals, and I think the file shows that.

To get the full import of our action one would have to read the security files and the records of certain individuals to whom we have been forced to give passports, and put them beside the Oswald file. The comparison would be very interesting.

Senator COOPER. Might I ask just a few questions?

First, let me say I missed part of the testimony because I was in the Senate and could not come here until after we had voted.

I am now looking at Federal Register, Title 22—Foreign Relations, Chapter 1: Department of State, part 51, dealing with passports. This title refers to the issuing officer.

Who is the issuing officer? Does that mean you or those who are under you, who are responsible to you?

Miss KNIGHT. Well, this is a question. Up until recently, I think the director of the Passport Office was considered the issuing officer. However, passports are issued in the name of the Secretary of State, who has the authority and the responsibility on passports.

Senator COOPER. And you are responsible to the Secretary of State?

Miss KNIGHT. Through the echelons.

Senator COOPER. Yes.

Now, Representative Ford and Mr. Dulles have gone into this, as well as counsel, but I would like to pursue it just a little bit.

Section 51.135, entitled "Denial of passports to members of Communist organizations," states, "A passport shall not be issued to, or renewed for, any individual who the issuing officer knows or has reason to believe is a member of a Communist organization registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950, as amended."

Was there any evidence in the files of Lee Harvey Oswald which could give to the issuing officer either the knowledge that he was a member of a Communist organization or such evidence as would lead the issuing officer to believe that he was?

Miss KNIGHT. No, sir.

Senator COOPER. Why do you say that?

Miss KNIGHT. Because, there was nothing in the passport file or in the reports that we received from investigative agencies that would indicate that he had any Communist leanings or any Communist affiliations prior to his sojourn in the Soviet Union.

Senator COOPER. There wasn't anything in his file from the reports of the State Department concerning his defection to Russia and his return which indicated that he was a member of the Communist Party?

Miss KNIGHT. No, sir.

Senator COOPER. Or a Communist organization?

Miss KNIGHT. No, sir.

Senator COOPER. Was there anything in the files from the FBI or any other security agency which would give you that information?

Miss KNIGHT. None that I saw; no, sir. I do know that there were two recent intelligence reports from the FBI, and they were dated October 31, 1963, and October 25, 1963, and these were logged into the Passport Office on November 20, 1963, and on November 22, 1963, respectively.

Senator COOPER. They were then, of course, would have been, received in the office after the time.

Miss KNIGHT. That was the date of the assassination.

Senator COOPER. After the time that the passport had been renewed.

Mr. COLEMAN. That included the information that he was active in the Fair Play for Cuba Committee.

Miss KNIGHT. That is correct, and these were referred to us by the Office of Security, and then on 5:30 a.m. on November 23, 1963, these reports were called for on an urgent basis by the Administrator of the Bureau of Security and Consular Affairs and we delivered them to him at approximately 7:30 that morning.

I never saw these reports and no one in the Passport Office had an opportunity to read them or see them.

Senator COOPER. The point I am making is, am I correct or are you correct, when you say at the time Oswald's passport was either issued or renewed to make the trip to Mexico City, that there was no evidence in his files of any kind which would indicate that he was a member of a Communist organization?

Miss KNIGHT. No, sir; there was nothing in the file.

Senator COOPER. What weight would you give to the fact that he had defected and had returned to the United States, and had claimed once that he wanted to renounce American citizenship? Would that be a fact to which you would give weight in determining whether or not you believed he was a member of the Communist organization?

Miss KNIGHT. Yes, sir; I understand your question. I did not adjudicate the Oswald citizenship case. But I would say that the adjudicators must have taken into consideration his instability which was reported in the dispatches, his attitude, his age, he was 20 years old at the time, and the fact that when he finally made his appeal to come back to the United States, he denied that he had asked for Soviet citizenship, that he was considered a Soviet citizen, and he further denied that he had offered anybody information.

He denied practically everything that he, in very bad temper, had told the consul that he was going to do. This, I think, is fairly well established in the document he signed, and which was sent to us when his passport was renewed and limited for return to the United States.

Senator COOPER. I am first directing my attention to the issuance or renewal of the passport which enabled him to go to Mexico City. I want to keep on that for a moment.

Miss KNIGHT. He didn't have a passport for Mexico City.

Senator COOPER. Not a passport for Mexico City.

Mr. COLEMAN. He had the passport in June 1963.

Senator COOPER. Yes; to go over to Cuba and different places.

Miss KNIGHT. We did not know, and there was nothing, I think I am right about this, there is nothing in our files to indicate that he went to Cuba or that he went to the Cuban Embassy in Mexico City. I understand this was brought out.

Mr. COLEMAN. Yes; that is true.

Miss KNIGHT. Is that right?

Mr. DULLES. Not until October 1963.

Mr. COLEMAN. Even then, Mr. Dulles, they didn't know. The notice they got from Mexico only stated that he had been at the Soviet Embassy and not that he had been over to the Cuban Embassy.

Mr. DULLES. Is that correct?

Mr. COLEMAN. Yes.

Senator COOPER. The point I am trying to develop at some point in 1963 prior to the assassination he went to the office in New Orleans.

Miss KNIGHT. That is right, the New Orleans Passport Agency.

Senator COOPER. And he secured a passport there.

Miss KNIGHT. He applied for a passport.

Senator COOPER. To travel, applied for a passport, to travel in a number of countries.

Miss KNIGHT. That is right.

Senator COOPER. And that was issued to him.

Miss KNIGHT. That is right.

Senator COOPER. On the following day?

Miss KNIGHT. That is right.

Senator COOPER. At that time, of course, the issuing officer was under the restrictions of the regulations here that we have been talking about. What would the officer—would the officer in New Orleans have any information available to him?

Miss KNIGHT. No, sir.

Senator COOPER. About Oswald?

Miss KNIGHT. No, sir; the operation works like this: New Orleans is one of eight passport agencies in the United States. They are connected with the main office by teletype. Oswald made an application for a passport at the New Orleans agency, and they TWX'd to us, his name and identification—that is, date and place of birth, and so on. His name was one on a list of names. There may have been 15 or 20 of them.

Mr. COLEMAN. The record shows there were 25.

Miss KNIGHT. 25.

These names were then checked over the lookout file which I have explained here.

Senator COOPER. Here in Washington?

Miss KNIGHT. Yes; and if there is no card in the lookout file, it is presumed that he is clear, because if we had information that he was an active Communist, or that we had reason to believe that there should be further check on him, this would have been reflected in the lookout file. There was no such card in the file.

Senator COOPER. All right. At that time, then, when he had made his application and the information was sent to your office, there was no lookout card?

Miss KNIGHT. No, sir.

Senator COOPER. Which would indicate that he was a Communist or a member of a Communist organization, registered, and so forth. And did you have such a system then?

Miss KNIGHT. Yes, sir.

Senator COOPER. Of lookout cards?

Miss KNIGHT. Yes, sir; we have had that system for a long time.

Senator COOPER. Was your reason for not having a lookout card for Oswald, that there wasn't anything in his file to indicate that he was a member of a Communist organization?

Miss KNIGHT. That is correct.

Senator COOPER. Is that the reason?

Miss KNIGHT. That is correct. Because the FBI reports which had come to the Passport Office during his sojourn in the Soviet Union and after, did not indicate that he was a Communist. As a matter of fact, they were concerned

with several other things, his mother's concern regarding his whereabouts, the fact that he had made a declaration that he wished to become a Soviet citizen; and the question of expatriation. But there was nothing in the files to indicate that he had had any contact or any active part in the Communist Party.

Senator COOPER. The fact that he had married a Russian girl and brought her to the United States have any significance in the determination that the issuing officer would have to make?

Miss KNIGHT. No.

Senator COOPER. You are sure that the FBI nor any other security agency had placed any information in that file which would fall within the scope of this first section dealing with, applicable to passports?

Miss KNIGHT. I am sure of that; yes, sir.

Senator COOPER. Have you yourself examined those files?

Miss KNIGHT. I examined the file last Saturday for the first time.

Senator COOPER. And do you know who had charge of the file?

Miss KNIGHT. The file was in the Passport Office up until November 22, the day of the assassination.

Senator COOPER. Where did it go then?

Miss KNIGHT. It went to the Bureau of Security and Consular Affairs, to Mr. Schwartz.

Senator COOPER. Who is in charge there?

Miss KNIGHT. Mr. Schwartz. He is the Administrator.

Mr. EHRLICH. I might add he turned them over immediately, he turned them over to Mr. Chayes who was authorized to take charge of all files and they were maintained in the Office of the Legal Adviser.

And anyone in the Department who wanted to review them was free to do so but we kept them all in one place.

Senator COOPER. Have you been testifying?

Mr. EHRLICH. I have broken in.

Senator COOPER. Just for the purpose of the record identify yourself.

Mr. EHRLICH. I have not been sworn in. My name is Thomas Ehrlich, I am Special Assistant to the Legal Adviser to the Department of State.

Mr. DULLES. I might add Mr. Chayes testified in some detail that he was asked by Mr. Ball, Acting Secretary of State, on the night, afternoon, late afternoon and late evening of the assassination, to get all the files regarding Oswald together and to prepare for him and the Secretary of State, who was returning the next morning, a detailed report on the whole Oswald case, and I assume that the file went from you to Mr. Schwartz, to Mr. Chayes.

And from there Mr. Chayes collected reports from other sources.

Miss KNIGHT. That is right.

Senator COOPER. I am not questioning any fact that these people testified to but I think for the record it is important to know where the file was and whether or not it is the same file, with the same papers in it that were in existence on November 22, which you turned over to your superior.

Miss KNIGHT. Well, of course, we presume all the papers are in there. The file was pretty thick, and, of course, it takes time to go over the papers. We had not time to look at the file or to check it, and there is no way of knowing whether any papers were taken in or out.

Mr. COLEMAN. Senator Cooper, we have the files and we also have letters from Mr. Chayes that to the best of his knowledge and ability every piece of paper which the State Department had which in any way bore on Oswald has now been turned over to the Commission and those letters were marked today.

Senator COOPER. I go a little further.

Look at 51.136, "Limitations on issuance of passports to certain other persons. "In order to promote and safeguard the interests of the United States, passport facilities, except for direct and immediate return to the United States, shall be refused to a person when it appears to the satisfaction of the Secretary of State that the person's activities abroad would: (a) Violate the laws of the United States; (b) be prejudicial to the orderly conduct of foreign relations; or (c) otherwise be prejudicial to the interests of the United States."

Now, at the time this passport was issued to Oswald in New Orleans, was there any information in his passport file about his conduct in New Orleans in connection with the Fair Play for Cuba Committee?

Miss KNIGHT. There was nothing in the passport file on that. It is my understanding that there were two FBI reports that had come in and they were logged into the Passport Office on November 20 and November 22.

Senator COOPER. I know, but I am thinking of June 24, 1963. This decision to issue a passport to Oswald to go to Mexico and various other countries was made on when?

Mr. COLEMAN. June 24, 1963.

Senator COOPER. Was there any information in his file relative to his participation in the Fair Play for Cuba Committee in New Orleans?

Miss KNIGHT. No, sir.

Senator COOPER. The first information that came to the office came in November?

Miss KNIGHT. November 20 and 22.

Senator COOPER. And November 22.

Miss KNIGHT. And I think, Senator, you would be interested to know that these FBI reports are sent to us by the Office of Security.

A large volume of these reports come to us in the Passport Office on a very routine basis.

The last 6 months of 1963 over 3,000 such reports were received, that is 500 security reports a month, and in order to be effective and to render the ultimate in security these reports should be read by individuals who are knowledgeable; who are trained to spot information of security significance.

The staff that is assigned to this task is very limited, and it is heavily overburdened with many assignments, some of which take priority to the reading of reports, and it is physically impossible for the present staff of our legal division, which is headed by Mr. Johnson, to read and analyze the information in these reports as promptly and as thoroughly as should be done.

The eternal question that we are faced with is a matter of diminishing returns. It is almost impossible to staff the Passport Office 100 percent for security and with knowledgeability of everything that goes on, and in the course of the year the Passport Office puts in thousands of hours of overtime, uncompensated overtime, trying to catch up with this work and believe me, this makes little or no impression on the vast amount of paperwork, the reading, the reporting and the analyzing of reports which come in to us.

Senator COOPER. I can see your problem.

But now, assuming that this report from the FBI about Oswald's activities in New Orleans with the Fair Play for Cuba Committee in which he was distributing material, and had been arrested, and was operating under assumed names, had been known, had been in the file at the time the application for a passport to go to Mexico and other countries had been made, would that have been of any significance?

Miss KNIGHT. Oh, yes, sir.

Senator COOPER. In determining whether or not a passport should be issued?

Miss KNIGHT. Yes, sir; very definitely. If those reports had reached us prior to the passport application we certainly would have put a card in the file.

As a matter of fact, it seems to me that if they had come to the Passport Office we would have advised the Bureau of Security and Consular Affairs that this had become a Cuban case. These are handled by Mr. Schwartz personally.

Senator COOPER. Do you know when the report from the FBI concerning Oswald's activities in New Orleans in the Fair Play for Cuba Committee reached the State Department rather than the Passport Division?

Miss KNIGHT. When it reached the Department, I don't know. I think maybe Mr. Ehrlich might know.

Mr. EHRLICH. I will look to see if I have it.

Miss KNIGHT. I have the dates of them.

Senator COOPER. Will you give the date?

Miss KNIGHT. The date of the reports?

Senator COOPER. The date when it was sent, when it was received.

Miss KNIGHT. The reports were dated October 31, 1963, and October 25, 1963, and they were logged into the Passport Office on November 20, 1963, and November 22, 1963.

Senator COOPER. All of those dates are after the date of the issuance of the passport?

Miss KNIGHT. Yes, sir.

Senator COOPER. I have just one more thing I want to inquire about.

Are you familiar with the—were you the Chief of the Passport Division at the time Oswald returned from Russia to the United States?

Miss KNIGHT. Yes, sir.

Senator COOPER. Who was empowered to issue passports in Moscow to Oswald?

Miss KNIGHT. Well, it was the consul, but he would not issue a passport or, in this particular case even limit the passport for return to the United States, without clearance from our office.

Senator COOPER. Then when Oswald made his application to return to the United States and to secure a passport to return to the United States, that application had to be cleared by the division, your division, in Washington?

Miss KNIGHT. Yes.

Senator COOPER. Did you make the determination as to whether the passport should be issued to him?

Miss KNIGHT. I personally did not. This was made by experienced citizenship lawyers.

Senator COOPER. By whom?

Miss KNIGHT. The decision was made by experienced citizenship lawyers in the Foreign Operations Division of the Passport Office. It was determined that Oswald had not expatriated himself. He had signed the necessary papers and he answered the required questionnaire under oath, and to the satisfaction of the Passport Office. Both the consul, who had an opportunity to talk to Oswald, and the citizenship lawyers, who handled the case in the Passport Office, were in agreement that he had not expatriated himself.

Mr. DULLES. Those details are in the file in considerable extent.

Mr. COLEMAN. Senator Cooper, for the record let me note we have Oswald's passport which is Commission Exhibit No. 946 and it states on page 15 thereof that the passport was renewed on May 24, 1962, and it expired on June 24, 1962, and it also stated when Mr. Oswald came into the United States on June 13, 1962.

Senator COOPER. I have just two more questions.

One, at the time you issued the passport that Oswald was issued in New Orleans to go to Mexico and the other countries there was no requirement at that time that a lookout card be fixed to his file as a defector?

Miss KNIGHT. No, sir.

Senator COOPER. Whatever decision has been made on that has come since that time?

Miss KNIGHT. When you say "defector," the answer to that is in the questionnaire.

Senator COOPER. When I say "defector," was there any regulation, I mean in the Department, which required any special attention to be given to a defector—

Miss KNIGHT. No, sir.

Senator COOPER. With regard to the issuance of passports?

Miss KNIGHT. No, sir; and we cannot deny them passports.

Senator COOPER. My last question is, is it your statement that at the time you issued the passport in Moscow for his return to the United States, at the time the passport was issued in New Orleans, 1963, for his trip to Mexico and other countries, that there was nothing in the regulations relevant and nothing in the files which precluded you from issuing a passport to him?

Miss KNIGHT. This is my opinion; yes, sir.

Mr. COLEMAN. I have no other questions.

Mr. DULLES. I have no further questions.

Mr. COLEMAN. Thank you, Miss Knight. We appreciate your coming in.

(Whereupon, at 6:35 p.m., the President's Commission recessed.)