

The original documents are located in Box 15, folder “Intelligence - Interception of Non-Verbal Communications by FBI and NSA: Hearings Transcripts (2)” of the Loen and Leppert Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

THE WHITE HOUSE
WASHINGTON

Copies sent to

Marsh

Buchen

Stenographic Transcript Of

HEARINGS

Before The

Subcommittee on Government Information
and Individual Rights

COMMITTEE
ON
GOVERNMENT OPERATIONS

HOUSE OF REPRESENTATIVES

THE INTERCEPTION OF NON-VERBAL COMMUNICATIONS

MARCH 3, 1976

Washington, D. C.



COURT REPORTING SERVICES, INC.
1911 Jefferson Davis Hwy, Suite 300-A
Arlington, Virginia 22202
(703) 920-6155

TABLE OF CONTENTS

TESTIMONY OF:

PAGE

Western Union International

5

Represented by:

Thomas S. Greenish
Executive Vice President
Western Union International

George Callahan
Technical Operations Supervisor
New York Office
Western Union International

RCA Global Communications, Inc.

56

Represented by:

Howard R. Hawkins
Chairman of the Board and
Chief Executive Officer
RCA Global Communications, Inc.

Thomas Algie
Operations Manager
Washington, D.C. Office
RCA Global Communications, Inc.

Edward Grunberg
Supervisor
Washington, D.C. Office
RCA Global Communications, Inc.

Lawrence J. McKay
Counsel

1 HEARING ON THE INTERCEPTION OF NON-VERBAL COMMUNICATIONS

2 - - -

3 WEDNESDAY, MARCH 3, 1976

4 - - -

5 House of Representatives

6 Subcommittee on Government
7 Information and Individual
8 Rights, Committee on Government
9 Operations

10 Washington, D.C.

11 The Subcommittee met, pursuant to notice, at 10:10 a.m.,
12 in Room 2154, Rayburn House Office Building, Honorable Bella
13 S. Abzug (Chairwoman of the Subcommittee) presiding.

14 Present: Representatives Abzug, Moss, Harrington,
15 Maguire, Moffett, and McCloskey.

16 Also present: Timothy H. Ingram, Counsel; Eric
17 Hirschhorn, Counsel; Thomas Sullivan, Minority Counsel; and
18 Robert Fink, Professional Staff Member.

19 - - -

20 Ms. Abzug. The Government Information and Individual
21 Rights Subcommittee is called to order.

22 I ask that this hearing may be broadcast in accordance
23 with the rules.

24 If the following are present, would each of them stand
25 and identify himself when his name is called?

Thomas S. Greenish?

1 (No response.)

2 Ms. Abzug. George Callahan?

3 (No response.)

4 Ms. Abzug. Howard R. Hawkins?

5 (Rises.)

6 Ms. Abzug. Thomas Algie?

7 (Rises.)

8 Ms. Abzug. Edward Grunberg?

9 (Rises.)

10 Ms. Abzug. Today we resume our inquiry into the inter-
11 ception of certain communications by and for Federal agencies.
12 This investigation began late last summer and has continued
13 since then. We have previously held hearings on October
14 23, 1975 and last Wednesday, February 25.

15 This investigation comes under several of the areas of
16 our Subcommittee's jurisdiction -- Government policies as
17 to the gathering and use of information; individual rights,
18 including the right of privacy; the Department of Justice,
19 including the Federal Bureau of Investigation; and the
20 Federal Communications Commission, which is responsible for
21 the administration of the Communications Act of 1934.

22 Under the Rules of the House, our Committee -- the
23 Committee on Government Operations -- is directed to study
24 Government activities generally and to conduct investigations
25 into any and all matters coming within the legislative

1 jurisdiction of the House under Article I of the Constitution.

2 In the present investigation we are considering
3 allegations that the FBI, the National Security Agency, and
4 perhaps other Federal agencies or their agents, have for many
5 years intercepted some or all of the wire and radio traffic
6 being transmitted to or from this country by various com-
7 munications companies.

8 We are also interested in any interception of communica-
9 tions which are both sent and received in the United States.

10 As I explained in some detail when we met on February
11 25, a number of representatives of the White House, the
12 Department of Defense, and the Department of Justice asked
13 that we postpone or cancel our October 23rd hearing.

14 On that day we heard from the C&P Telephone Company and
15 its parent, AT&T, who admitted that it was their policy to
16 permit national security taps to be made through their
17 equipment if they received a letter from the FBI Director
18 stating that a certain tap was required in the interest of
19 national security. They also stated that they never went
20 behind such a request to ascertain whether there were in fact
21 any national security considerations present.

22 While our investigation was in progress, the Senate
23 Select Committee on Intelligence released its report on
24 Operation Shamrock on November 6, 1975. That report con-
25 firmed some of the allegations that had been made about message

1 interception, including that the three major international
2 communications common carriers had turned over copies of most
3 of the international telegrams with a United States terminal
4 to the NSA, which in turn selected about 150,000 messages a
5 month for analysis and review.

6 At the start of the hearing I requested whether certain
7 persons were present.

8 Thomas Greenish, are you here?

9 Mr. Greenish. Yes.

10 Ms. Abzug. Is George Callahan here?

11 (No response.)

12 Mr. Greenish. He is on his way down from New York.

13 Ms. Abzug. When we resumed our hearings last Wednesday,
14 all five of the witnesses whom we had subpoenaed -- four FBI
15 agents, one NSA employee, and one former FBI agent --
16 refused to testify on the ground of executive privilege.
17 Acting at a meeting immediately following that hearing,
18 the Subcommittee voted to recommend to the full Committee
19 that these five individuals be cited for contempt of
20 Congress.

21 We have also had one private corporation, Western Union
22 International, refuse to respond to our subpoena duces tecum,
23 also -- incredibly -- on the ground that the President had
24 ordered the refusal as a matter of executive privilege.

25 There are also questions as to the compliance of the other

1 companies.

2 Further, Attorney General Levi has written to each of the
3 two companies whose officials are scheduled to testify this
4 morning to ask that they defy our subpoenas; this action,
5 too, is under a claim of executive privilege.

6 We will first begin by hearing the testimony of Mr.
7 Thomas Greenish and Mr. George Callahan, two witnesses from
8 Western Union International. We will then hear three
9 witnesses from RCA Global Communications, Mr. Howard Hawkins,
10 Mr. Edward Grunberg, and Mr. Thomas Algie.

11 After that we shall continue with a brief presentation
12 by two technical experts from the Federal Communications
13 Commission, Mr. Earl Barbely and Mr. W. Randolph Young.
14 These gentlemen will explain how telegrams and telex
15 messages are transmitted and how they can be intercepted.

16 I will now call Thomas Greenish and George Callahan
17 to the stand, please.

18 Mr. Greenish, do you solemnly swear to tell the whole
19 truth and nothing but the truth so help you God?

20 Mr. Greenish. I do.

21 Ms. Abzug. Is Mr. Callahan here?

22 Mr. Callahan. Here.

23 Ms. Abzug. Mr. Callahan, raise your right hand.

24 Do you swear to tell the truth, the whole truth, and
25 nothing but the truth in your testimony here today?

1 Mr. Callahan. I do.

2 Ms. Abzug. Who else is seated at the table?

3 Mr. Hammer. Norman Hammer.

4 Ms. Abzug. Mr. Greenish, would you state your name and
5 address for the record?

6 Mr. Greenish. Thomas S. Greenish, 44 Nutmeg Ridge,
7 Ridgefield, Connecticut.

8 Ms. Abzug. Mr. Callahan, would you please state your
9 name and address for the record?

10 Mr. Callahan. George J. Callahan, 113BAC, Tent Street,
11 Brooklin, New York.

12 Ms. Abzug. You are accompanied by counsel, as is your
13 right. Please have him state his name and address for the
14 record.

15 Mr. Hammer. Norman Hammer, 61 Broadway, New York,
16 New York.

17 Ms. Abzug. Are you representing both Mr. Greenish and
18 Mr. Callahan?

19 Mr. Hammer. Yes, ma'am.

20 Ms. Abzug. Mr. Greenish, have you been supplied with
21 a copy of the rules of this Subcommittee and of Clause 2 of
22 Rule XI of the Rules of the House?

23 Mr. Greenish. Yes, madam, I just received them as I
24 came in.

25 Ms. Abzug. Mr. Callahan, have you been supplied with

1 a copy of the rules of this Subcommittee and of Clause 2 of
2 Rule XI of the Rules of the House?

3 Mr. Callahan. Here.

4 Ms. Abzug. Inasmuch as you both came in late I will
5 accord you the opportunity of rereading part of my opening
6 statement which states the nature of this investigation.

7 Please pay attention to what I have to say here.

8 This investigation comes under several of the areas
9 of our Subcommittee's jurisdiction -- Government policies
10 as to the gathering and use of information; individual
11 rights, including the right of privacy; the Department of
12 Justice, including the Federal Bureau of Investigation;
13 and the Federal Communications Commission, which is
14 responsible for the administration of the Communications
15 Act of 1934.

16 Under the Rules of the House, our Committee -- the
17 Committee on Government Operations -- is directed to study
18 Government activities generally and to conduct investigations
19 into any and all matters coming within the legislative
20 jurisdiction of the House under Article I of the Constitution.

21 In the present investigation, we are considering
22 allegations that the FBI, the National Security Agency, and
23 perhaps other Federal agencies or their agents have for
24 many years intercepted some or all of the wire and radio
25 traffic being transmitted to or from this country by various

1 communications companies.

2 We are also interested in any interceptions of communica-
3 tions which were both sent and received in the United States.

4 Mr. Greenish, did you receive a subpoena duces tecum
5 from this Subcommittee dated February 4, 1976 returnable
6 February 18, 1976?

7 Mr. Hammer. Madam Chairman --

8 Mr. Moss. Madam Chairman, I suggest that the counsel
9 direct his attention to the Rules of the Committee which
10 permits counsel to appear with witnesses for the sole purpose
11 of consulting with them and advising them on their con-
12 stitutional rights.

13 Counsel is not here to respond to questions put to the
14 witnesses.

15 I insist upon that rule.

16 Mr. Hammer. Mr. Moss --

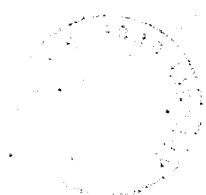
17 Mr. Moss. I insist upon regular order.

18 Mr. Hammer. I --

19 Mr. Moss. I insist, sir, upon regular order.

20 Ms. Abzug. Mr. Hammer, I have directed a question to Mr.
21 Greenish. I shall repeat it, Mr. Greenish, and would you be
22 good enough to answer the question.

23 Did you receive a subpoena duces tecum from this
24 Subcommittee, dated February 4, 1976, and returnable February
25 18, 1976?



1 Mr. Greenish. Yes, ma'am, I did so receive.

2 Ms. Abzug. You have failed to comply with that subpoena.
3 Have you brought the requested documents with you today?

4 Mr. Greenish. Yes, ma'am.

5 Ms. Abzug. Are you now prepared to deliver those
6 documents?

7 Mr. Hammer. Madam Chairperson, the answer --

8 Mr. Moss. Madam Chairman, I am again forced to raise a
9 point of order, and I do raise the point of order.

10 If you will refer to page 16 of the blue copy of the
11 Rules of the House presented to you, you will find that under
12 Item 3, witnesses at investigative hearings may be
13 accompanied by their own counsel for the purpose of advising
14 them concerning their constitutional rights.

15 The question was -- is Mr. Greenish now prepared to
16 supply the material to the Committee? That is not a question
17 of constitutional right, and I insist, Madam Chairman,
18 upon my point of order, that the witness respond to the
19 inquiry placed to him and not to his counsel.

20 Ms. Abzug. Mr. Greenish?

21 Mr. Greenish. Madam Chairwoman --

22 Ms. Abzug. You have the document with you as a result
23 of the subpoena duces tecum?

24 Mr. Greenish. Yes, ma'am.

25 Ms. Abzug. Are you now prepared to supply it to this

1 Committee?

2 Mr. Greenish. Yes, ma'am, I am. I would like to read
3 a statement first.

4 Ms. Abzug. Would you do so, Mr. Greenish?

5 Mr. Greenish. Western Union International has supplied
6 the Chair with letters from the Attorney General expressing
7 the invocation of executive privilege by the President in
8 requesting that it not produce and deliver documents nor
9 appear and testify until procedures can be agreed upon to
10 assure that the present invocation of privilege is not
11 effectively undone by this testimony.

12 The Chair replied to these letters in a letter addressed
13 to me that Western Union International and the witnesses
14 are ordered to comply with the subpoena of the Committee.

15 This morning I received a letter from the General
16 Counsel of the Department of Defense.

17 This letter will confirm in writing our response to your
18 request earlier this afternoon that we specify those
19 matters which are included within the broad area of the
20 Committee's subpoena which raised important national security
21 concerns.

22 Any testimony that would pinpoint the target of any
23 foreign government organizations based in this country and
24 which would relate to sophisticated techniques or methods
25 that may have been used to select the traffic of foreign

1 entities would adversely affect the security of the United
2 States communications intelligence activities.

3 We are advised by the Department of Justice that the
4 foregoing guidelines would be equally applicable to comparable
5 testimony which may be requested from you relating to the
6 operations of the Federal Bureau of Investigation in these
7 areas.

8 Under these circumstances, Western Union International
9 proposes to reply to the Chair and the Committee with such
10 safeguards as the Chair and the Committee deem appropriate.

11 Mr. Moss. Madam Chairwoman?

12 Ms. Abzug. Yes.

13 Mr. Moss. Are the documents here and have they been
14 delivered to the Clerk of the Committee as directed by the
15 subpoena?

16 Ms. Abzug. Mr. Greenish, prior to the reading of your
17 statement I asked whether you had these documents requested
18 in the subpoena. You said you did.

19 I asked you whether you were prepared to present them
20 to the Subcommittee.

21 Do you have those documents?

22 Mr. Greenish. Yes.

23 Ms. Abzug. Are you prepared to present them to this
24 Committee?

25 Mr. Greenish. Yes, ma'am.

1 Ms. Abzug. Would you please present them to the Clerk
2 of this Committee?

3 (Witness complies.)

4 Ms. Abzug. Are these all the documents requested in the
5 subpoena duces tecum?

6 Mr. Greenish. Yes, ma'am, these are all the papers
7 we have available from our files.

8 Ms. Abzug. That is not the question I asked you. Are
9 these all of the documents that you have available? Are these
10 all the documents that there are?

11 Mr. Greenish. Except my affidavit to the Senate
12 Committee of last October. I believe you have a copy of that.

13 Ms. Abzug. Would you step down from the stand while we
14 examine these documents?

15 (The witnesses and counsel comply.)

16 Ms. Abzug. The witnesses will resume the stand.

17 (The witnesses return to the witness table.)

18 Ms. Abzug. Let the record indicate that we have
19 received documents identified as 1 and 2 from Western
20 Union International.

21 Mr. Greenish, I want to read to you from the subpoena
22 duces tecum which was issued to you.

23 It reads as follows: "To produce and deliver items
24 specified in the schedule attached here any and all records
25 in his possession, under his dominion or control, or within

1 his means to produce, concerning or relating to the inter-
2 ception by, examination by, requests by or from, or delivery
3 to or for any employee or agent of any department, agency,
4 bureau, or other entity of the United States, since January
5 1, 1947, of --

6 "(1) information as to the existence, contents, sub-
7 stance, purport, effect, meaning, sender, or recipient of
8 any interstate or foreign communication by wire, cable,
9 radio, carrier frequency, or other means; and

10 "(2) information as to users or customers of Western
11 Union International, including but not limited to information
12 as to the identity of such users or customers and the
13 communications line distribution channel numbers of such
14 users or customers.

15 "The term "records" as used herein includes, but is not
16 limited to, writings, documents, contracts, agreements,
17 memoranda, reports, correspondence, lists, tables, receipts,
18 minutes, and electronic records and recordings."

19 Now, I have received from you two documents which I have
20 submitted and which you have submitted for the record,
21 identified as 1 and 2.

22 Is it your testimony that the documents submitted to
23 this Subcommittee by you, documents 1 and 2, are responsive
24 to the subpoena duces tecum of this Subcommittee?

25 Mr. Callahan. Yes, Madam Chairlady.

1 Ms. Abzug. Are these the only documents which you have?

2 Mr. Callahan. Yes.

3 Ms. Abzug. Have you no other documents concerning the
4 areas outlined in the subpoena duces tecum?

5 Mr. Callahan. Nothing else, madam.

6 Mr. Moss. Madam Chairlady?

7 Mx. Abzug. Yes, Mr. Moss.

8 Mr. Moss. Mr. Greenish, do you mean to tell this Sub-
9 committee that Western Union International and all the people
10 in International cable and communications traffic have but
11 two pieces of paper in their filing cabinets?

12 Mr. Greenish. Relating to this subject, yes.

13 Mrs. Moss. Relating to what subject?

14 Mr. Greenish. The subpoena as read by Madam Chairlady.

15 Mr. Moss. This paper would list all of your customers,
16 would it not?

17 Mr. Greenish. Yes, sir. We have a list of all our
18 customers which is published in a telex directory. I don't
19 think that --

20 Mr. Moss. As I read the subpoena, it asks for that.
21 These are the only customers where any interception of
22 any kind occurred from 1947 until the date of the subpoena?

23 Mr. Greenish. Other than those stated in my affidavit,
24 sir.

25 Mr. Moss. What affidavit?

1 Mr. Greenish. Affidavit submitted to the Senate Committee,
2 which I mentioned earlier. I think your staff has a copy.

3 Mr. Moss. I don't follow documents submitted to the
4 other body.

5 Mr. Greenish. We supplied a copy to this Committee back
6 in October.

7 Mr. Moss. Madam Chairlady, what is the affidavit?

8 What does the affidavit --

9 Ms. Abzug. Mr. Moss, our records indicate we have
10 not received any direct information beyond these two
11 documents directly from them.

12 Mr. Callahan. I gave them to Mr. Fink, I believe. We
13 certainly discussed it over the telephone. I am pretty sure
14 we sent you a copy. If we did not, I will be happy to give
15 you a copy right now.

16 Mr. Moss. What does the affidavit have to say -- that
17 these are the only two documents?

18 Mr. Greenish. Shall I read it, sir?

19 Mr. Moss. It says these are the only two documents or
20 does it say you have additional documents?

21 Mr. Greenish. It states that at one time we had a
22 machine on our premises where we instructed our operators
23 to put into the machine and have copies made, and these copies
24 were then picked up by a government agency. That is what the
25 statement says.

1 Mr. Moss. And you retained none of the copies?

2 Mr. Greenish. No, sir.

3 Mr. Moss. Nor any records of the messages intercepted
4 and copied?

5 Mr. Greenish. We retained for six months all messages
6 handled by our company.

7 Mr. Moss. Of those intercepted, did you retain those
8 for only six months or did you make a special record of
9 those?

10 Mr. Greenish. They were taken from an operating
11 position, put into the machine for copying, put back in with
12 the regular messages and filed away. All messages are
13 filed away.

14 Mr. Moss. And from that point after copies were treated
15 no differently from any other messages.

16 Mr. Greenish. That is correct, sir.

17 Mr. Moss. And all copies were delivered to the United
18 States Government?

19 Mr. Greenish. The film itself that was in the
20 machine that took the picture was picked up by the United
21 States Government, yes, sir.

22 Mr. Moss. And nothing retained by Western Union
23 International?

24 Mr. Greenish. No, sir.

25 Mr. Moss. Did you have a written opinion from the

2 ful?

3 Mr. Greenish. No, sir. I might clarify it if I can
4 read from the affidavit.

5 Mr. Moss. I would prefer to develop it this way in view
6 of the fact we have not been supplied with a copy of the
7 affidavit. I will repeat my question.

8 Mr. Greenish. No, sir, we did not.

9 In 1965, when the machine was brought to my attention,
10 that such a machine was on the floor of our operating room,
11 I asked at that time for a documentation.

12 There was no document on file. The best I could glean
13 from anywhere was that the paper machine had been there since
14 the war. Nobody really knew.

15 When I asked for documentation from the Government
16 official, he came and told me he was taking the machine out.

17 Mr. Moss. Do you have any kind of written opinion from
18 counsel that the activities you were conducting for the
19 Government were lawful activities?

20 Mr. Greenish. No, sir.

21 Mr. Moss. You did not feel that was necessary?

22 Mr. Greenish. Yes, sir, I certainly did.

23 Mr. Moss. But you did not seek an opinion?

24 Mr. Greenish. I asked the man to show me his
25 authorization, or give me some authorization, papers from the

1 Government, whatever authorization he had.

2 He obviously had none because he took the machine out.

3 Mr. Moss. Well, it was there for quite a while before
4 it was taken out.

5 Mr. Greenish. Not to my knowledge. To my knowledge --
6 from the day I saw it it was taken out. It was taken out
7 very shortly thereafter.

8 Mr. Moss. When did you take it out?

9 Mr. Greenish. The early part of 1965, I believe, sir.

10 Mr. Moss. When was it put in?

11 Mr. Greenish. I couldn't determine that.

12 Mr. Moss. When did you become aware of it?

13 Mr. Greenish. Early in 1965.

14 Mr. Moss. Early in 1965. Did you try to determine how
15 long it had been operating prior to your being aware of it?

16 Mr. Greenish. Yes, sir.

17 Mr. Moss. Did you have a predecessor in office who was
18 aware of the machine?

19 Mr. Greenish. I might explain, the company did not come
20 into existence until 1963, September of 1963.

21 At the time it came into existence, our offices were
22 at 60 Hudson Street and our operating room was at 26 Broadway.

23 We didn't move down into 26 Broadway until early 1965 --
24 I am sorry, early 1964.

25 Mr. Moss. Weren't there even memoranda in the files

1 explaining actions of employees intercepting and permitting
2 this machine to operate?

3 Mr. Greenish. No, sir.

4 Mr. Moss. Wasn't there, then, any interest on your part
5 in determining who had authorized the placing of this
6 intercepting device in the Government offices? Didn't you feel
7 any obligation to your customers to protect their privacy?

8 Mr. Greenish. Yes, sir.

9 Mr. Moss. And you have made no kind of inquiry of
10 employees and no contemporaneous memorandum or records?

11 Mr. Greenish. I interviewed the employees.

12 Mr. Moss. You didn't even know that?

13 Mr. Greenish. No, sir.

14 Mr. Moss. You have a most informal method of operating,
15 don't you?


16 Mr. Greenish. No, sir. I had the machine removed.

17 Mr. Moss. I wouldn't think of operating with my staff
18 on the Hill without memoranda regarding my discussions with
19 them. I require each member of my staff to make memoranda
20 for the files regarding contacts and inquiries. You are not
21 at all interested in keeping any kind of a record in the
22 event of an inquiry of this type or any other?

23 Are you a common carrier?

24 Mr. Greenish. Excuse me?

25 Mr. Moss. Are you a common carrier?



1 Mr. Greenish. Yes, sir.

2 Mr. Moss. Are you not subject to regulations?

3 Mr. Greenish. Yes, sir.

4 Mr. Moss. Are you not subject to law?

5 Madam Chairlady, I will have to insist that counsel
6 adhere to the rules of the Committee, or that he be moved .
7 at least one row behind the witness.

8 I think the witness has the right to seek the advice
9 of counsel as the rules provide, but if I wanted the
10 counsel's answers to my questions I would direct them to the
11 counsel.

12 The counsel is breaching the rules and I don't intend
13 to tolerate it.

14 Ms. Abzug. Would counsel --

15 Mr. Moss. I say counsel should be directed to be bound
16 by the rules.

17 Ms. Abzug. Would counsel please refrain from coaching
18 the witness? Counsel is available to the witness for the
19 purpose of the witness' requesting advice, but would
20 counsel please refrain from coaching the witness?

21 Mr. Moss. Again I ask, are you regulated as a common
22 carrier?

23 Mr. Greenish. Yes, sir.

24 Mr. Moss. And you are answerable for any laws that
25 might be breached through improper disclosure of contents of

1 messages to others of the sending or receiving parties;
2 is that correct?

3 Mr. Greenish. Yes.

4 Mr. Moss. I would hope so. Then I would hope that as
5 the Executive Vice President you should have been able to,
6 off the top of your head, give that answer.

7 I would feel far less than confidence in entrusting any
8 message unless it is just as easy to publish it in the
9 newspapers. You had no interest at all in where these messages
10 went and what use was made of them?

11 Mr. Greenish. Sir, I did ask for the machine to be
12 removed. I don't think you are being fair.

13 Mr. Moss. In 1965.

14 Mr. Greenish. As soon as I found out about it.

15 Mr. Moss. Well, did you inquire as to how long it had
16 been there before you found out about it?

17 Mr. Greenish. Yes, sir. I did.

18 Mr. Moss. But you didn't think enough of it, Mr.
19 Greenish, to keep any kind of record of your inquiry.

20 Mr. Greenish. I just thought it was necessary to get
21 the machine out of the office, sir.

22 Mr. Moss. Well, if you are immortal and there is no
23 possibility of your sudden demise, it is possible perhaps
24 to operate without records, but most companies feel it is
25 necessary to maintain records in order to assure continuity of

1 policy.

2 Don't you have that problem in your company?

3 Mr. Greenish. Yes, sir.

4 Mr. Moss. But in this instance you had no interest in
5 maintaining any kind of contemporaneous record of any of the
6 inquiries, and apparently you had no curiosity about how long
7 it was there.

8 Mr. Greenish. I was not going to start a file in 1965
9 and none existed prior to that.

10 Mr. Moss. I would darn well start one if I found all the
11 messages had been intercepted and I was responsible for
12 removing it. I would at least want to get that credit.

13 Mr. Greenish. Yes, sir, but these are not all the
14 messages. These were messages only to foreign governments,
15 to and from.

16 Mr. Moss. Exclusively to and from foreign governments?

17 Mr. Greenish. As far as I know, yes, sir.

18 Mr. Moss. Well, now, you made the statement they were.
19 You should have made it only if you knew that to be the case.

20 So I ask, were they exclusively messages to and from
21 foreign governments?

22 Mr. Greenish. Well, every operator on every position
23 was instructed to take a government message and to put it
24 into the machine and have a copy made. Whether he took other
25 messages or missed some government messages it is very

1 difficult for me to answer that question.

2 Mr. Moss. Did you try to find out?

3 Mr. Greenish. Yes, sir.

4 Mr. Moss. What was the nature of your inquiry?

5 Mr. Greenish. I was told that generally speaking the
6 operators followed the instructions.

7 Mr. Moss. Oh, but "generally speaking" is a very broad
8 statement. What were the exceptions?

9 Mr. Greenish. The exceptions were when the operator was
10 too tired to get up and get to the machine, perhaps.

11 Mr. Moss. So a lot of messages might have gone through
12 that were not to foreign governments.

13 Mr. Greenish. That is correct, sir. That is one of
14 the --

15 Mr. Moss. Did you make any determination as to what
16 happened to those messages?

17 Mr. Greenish. They were delivered as every other
18 message was delivered.

19 These messages were merely copied after --

20 Mr. Moss. The automatic device copied all the
21 messages unless the operator was alert enough to limit it
22 to the communications between foreign governments?

23 Mr. Greenish. No, sir, I am sorry. I must have misled
24 you. There was a machine, a Recordak machine, located in the
25 middle of the room, if you will, or to the side of the room.

1 The operator would sit at an operating position. He would
2 punch the message.

3 Then at a given time, when he had time to spare, he would
4 take the messages of government, bring them to the machine,
5 shoot a copy, come back and put them back into the file.

6 The only messages he would bring there specifically
7 and put into the machine were copies.

8 Mr. Moss. And were strictly government?

9 Mr. Greenish. Yes, sir.

10 Mr. Moss. And you determined that by what method?

11 Mr. Greenish. By asking the operator.

12 Mr. Moss. We have no record. Who were the operators?

13 Mr. Greenish. I couldn't tell you their names. It
14 was 1965, sir. We had maybe 150 to 200 operators.

15 Mr. Moss. Oh, you went around and asked 150 or 200
16 operators. You made no notes, nothing for the files, and
17 you satisfied yourself that they were limiting their copying
18 strictly to the list which you have now supplied to this
19 Committee. Is that correct?

20 Mr. Greenish. No, that is not correct, sir.

21 Mr. Moss. Then tell me wherein I erred.

22 Mr. Greenish. I asked what the machine was used for.
23 I spoke to a few operators. I asked by what authority the
24 machine was there. They had no authority. They had no records.

25 I asked them to get the machine out. The machine was

1 taken out very shortly thereafter.

2 Ms. Abzug. Thank you, Mr. Moss.

3 Mr. Moss. For the meantime I am finished.

4 Ms. Abzug. Did Western Union International conduct an
5 internal investigation of this matter?

6 Mr. Greenish. I am sorry. Investigation of the machine
7 itself?

8 Ms. Abzug. No, an investigation of this process you
9 have described.

10 Mr. Greenish. The only investigation was myself. I
11 asked the man who supplied the machine to come up and see me.

12 Ms. Abzug. I want to be sure you understood my question.
13 An inquiry and hearing has been held by this Committee, an
14 inquiry also held by another committee.

15 Were you every asked to supply a memorandum of any
16 kind concerning an internal investigation of the method of
17 operation that you have described here and described else-
18 where, or any other method of interception?

19 Mr. Greenish. Yes, ma'am; that was the affidavit
20 submitted to the Senate Committee.

21 Ms. Abzug. Is the only thing you submitted to the
22 Senate Committee an affidavit?

23 Mr. Greenish. Yes, ma'am.

24 Ms. Abzug. Were there any other underlying documents
25 that you have concerning that investigation?

1 Mr. Greenish. No, ma'am.

2 Ms. Abzug. Did you supply any other kind of report to
3 the other body or other hearing in connection with this?

4 Mr. Greenish. I am not sure I got the question.

5 Ms. Abzug. I asked you earlier whether you conducted
6 an internal investigation before preparing any documents
7 to give to the other hearing in the other body. You said
8 only what you have just described.

9 I then asked you whether there was any other document
10 that you prepared or gave to the Senate Committee.

11 Mr. Greenish. Yes, ma'am. The only document we gave was
12 the affidavit.

13 Ms. Abzug. What about documents that you used to inquire
14 into this matter but did not give to the Senate Committee?

15 Mr. Greenish. There are no such documents.

16 Ms. Abzug. Were there ever?

17 Mr. Greenish. No, ma'am.

18 Ms. Abzug. In other words, you conducted an operation
19 in which a machine copied cables, and the installation of
20 this machine and its operation was not pursuant to any agree-
21 ment of any kind with Western Union International.

22 Mr. Greenish. None that I could determine in 1965.

23 Ms. Abzug. How long had that operation been in effect?
24 For how long a period was that in operation?

25 Mr. Greenish. I was unable to determine the length but

1 I was told probably since World War II.

2 Ms. Abzug. How did you proceed to determine the length
3 of time?

4 Mr. Greenish. I didn't. That wasn't important to me.
5 What was important was to get the machine out.

6 Ms. Abzug. What was your answer? I am sorry.

7 Mr. Greenish. I said it did not occur to me it was
8 important how long it had been there. I just wanted it out
9 unless I had some documentation which authorized its use.

10 Ms. Abzug. In the affidavit to the Senate Committee,
11 did you mention the documents that you handed up here today?

12 Mr. Greenish. I don't believe so, ma'am.

13 Ms. Abzug. Was that a response to a request for docu-
14 ments which you had?

15 Mr. Greenish. They didn't ask for all documents. They
16 asked for statements.

17 Ms. Abzug. What was that, sir?

18 Mr. Greenish. They didn't ask for documentation. They
19 asked for a statement, which I gave them.

20 Ms. Abzug. In reading the Shamrock report, which I have,
21 as released by Senator Church on November 6, 1975, "It is
22 not altogether clear what Western Union International was
23 and was not making available to the National Security
24 Agency during the 12-year period it participated in Shamrock."

25 Mr. Greenish. Western Union International came into

1 existence in 1963.

2 Ms. Abzug. I am aware of that. It was in 1963 to 1975.

3 Mr. Greenish. Yes, ma'am.

4 Ms. Abzug. Isn't that correct? Isn't that 12 years?

5 Mr. Greenish. I thought you were referring to a prior
6 period of time. I am sorry. I misunderstood.

7 Ms. Abzug. I think you did, or your counsel did.

8 Now, did your company ever make blanket turnover of
9 cables or did your company also pre-select cables?

10 Mr. Greenish. Pre-selected.

11 Ms. Abzug. The report also indicated that other com-
12 panies turned over blanket cables. How come? And by what
13 processes did your company decide not to make a blanket
14 turnover?

15 Mr. Greenish. We were not requested to turn over
16 blanket -- I might say we did not have public acceptance
17 offices the way other carriers had.

18 Ms. Abzug. What telex communications did Western
19 Union International make available to the National Security
20 Agency?

21 Mr. Greenish. I am sorry, madam. What telex -- ?
22 I didn't understand the question.

23 Ms. Abzug. Have you made any telex communication
24 turnover available to the National Security Agency?

25 Mr. Greenish. I really don't understand what a telex

1 communication turnover could be.

2 Ms. Abzug. Are you saying that you have only turned
3 over cable communications and not any form of telex com-
4 munications?

5 Mr. Greenish. Oh, that is the point. Yes, we did not
6 turn over telex. We did not turn over telex communications.

7 Ms. Abzug. Were communications of U.S. corporations
8 handed over?

9 Mr. Greenish. No, ma'am.

10 Ms. Abzug. You just explained earlier there may have been
11 some communications other than government-to-government
12 communications.

13 Mr. Greenish. I can't tell you with absolute certainty
14 with the hundreds of messages that one has not been turned
15 over. The instructions were certainly no.

16 To my knowledge the answer is no, ma'am.

17 Ms. Abzug. During these 12 years, is it your testimony
18 that the company at no time turned over private communications
19 of American citizens or United States corporations?

20 Mr. Greenish. That is correct; to the best of my know-
21 ledge that is absolutely factual.

22 Ms. Abzug. The Shamrock report of the Senate Select
23 Committee was terminated by the Secretary of Defense on
24 May 15, 1975. What information is your company now giving
25 any entity of the U.S. Government in making communications

1 available?

2 Mr. Greenish. To date?

3 Ms. Abzug. Yes.

4 Mr. Greenish. We have no arrangement at all to turn over
5 anything.

6 Ms. Abzug. You are turning over no communications of
7 any kind to any agency of government?

8 Mr. Greenish. That is correct.

9 Ms. Abzug. Since what date?

10 Mr. Greenish. Early 1965.

11 Ms. Abzug. I want to be certain that I understood,
12 and you understood, what I asked. Western Union does have
13 telex communications.

14 Mr. Greenish. Yes, ma'am.


15 Ms. Abzug. My question to you was whether you ever in
16 any form, in any form, made available information concerning
17 telex communications to an agency of government -- in any
18 form.

19 Mr. Greenish. As indicated on the two lists which I
20 furnished earlier, that information was turned over to the
21 United States Government. That is all, what is on that list.

22 Ms. Abzug. And nothing other than that?

23 Mr. Greenish. Nothing other than that.

24 Ms. Abzug. Could your communications be intercepted
25 without your knowledge?



1 Mr. Greenish. Yes, ma'am.

2 Ms. Abzug. What steps have you taken to prevent that
3 interception?

4 Mr. Greenish. There are no steps we can possibly take.
5 Somebody could go out and cut a cable and intercept it, tap
6 it. Somebody could listen in on a satellite circuit. There is
7 no way we can prevent that.

8 Ms. Abzug. Would you have knowledge of such interception?

9 Mr. Greenish. No, ma'am.

10 Ms. Abzug. Have you ever had knowledge of any such
11 interception?

12 Mr. Greenish. No, ma'am.

13 Mr. Moss. Madam Chairman, I can understand the problem
14 of the interception of messages by satellite not being de-
15 tectable, but I cannot understand that a cable can be tapped
16 without there being an awareness that it was done. The area
17 might take some time but you would have an awareness of
18 a cable tap, would you not?

19 Mr. Greenish. Not necessarily, sir. If there was a
20 tapping there had to be a sophisticated technique we know
21 nothing about. There had to be some means of induction.
22 We don't operate the cables. They are operated mostly by
23 European administration and AT&T long lines. We just use the
24 cables.

25 Mr. Moss. Thank you.

1 Ms. Abzug. Did Western Union make its cables available
2 to authorities in any country other than the United States?

3 Mr. Greenish. No.

4 Ms. Abzug. These operators that operated this machine,
5 what clearance do they have? What security clearance did
6 they have?

7 Mr. Greenish. We didn't have security clearance.

8 Ms. Abzug. Do you want to answer that, Mr. Callahan?

9 Mr. Callahan. The only thing we had, we had the
10 employees read the Communications Act as it pertained to
11 secrecy of messages. That is the only clearance we had.

12 Ms. Abzug. Did you read the documents that you handed
13 up to the Committee today pursuant to the subpoena duces
14 tecum?

15 Mr. Greenish. Yes, ma'am.

16 Ms. Abzug. What security clearance do you have?

17 Mr. Greenish. What is my security rating?

18 Ms. Abzug. Yes.

19 Mr. Greenish. I guess it is up to secret.

20 Ms. Abzug. To what?

21 Mr. Greenish. Secret. Did you --

22 Mr. Moss. Madam Chairwoman, would you yield a moment?

23 Ms. Abzug. In one moment, Mr. Moss.

24 Did your attorney see that document or those documents
25 you handed up to me today?

1 Mr. Greenish. Yes, ma'am.

2 Ms. Abzug. Would you ask your attorney what security
3 rating he has?

4 I asked you directly, Mr. Hammer.

5 Mr. Hammer. None, madam.

6 Ms. Abzug. You have none?

7 Mr. Hammer. No, ma'am.

8 Ms. Abzug. Who else has seen these documents?

9 Mr. Greenish. Mr. Callahan.

10 Ms. Abzug. Mr. Callahan, what is your security
11 clearance?

12 Mr. Callahan. Secret.

13 Ms. Abzug. Who else has seen these documents?

14 Mr. Greenish. I don't know any. I couldn't answer. I
15 don't know.

16 Ms. Abzug. That is a very poor copy. It is very
17 difficult for me to read it. Who made the copies?

18 Mr. Greenish. We have a copy we made. We had typed
19 a copy cleaner than that.

20 Ms. Abzug. Who typed the copies?

21 Mr. Greenish. Typed this copy I have in my hand here?

22 Ms. Abzug. I don't have the copy you are talking about.
23 Tell me about that one. Is that a duplicate of what you
24 handed the Committee?

25 Mr. Greenish. Not a duplicate. We tried to read from

1 that because it is very difficult to read from that and we
2 rewrote it.

3 Ms. Abzug. Who typed it?

4 Mr. Greenish. I don't know.

5 Do you know?

6 Mr. Hammer. No.

7 Mr. Greenish. Do you know?

8 Mr. Callahan. No.

9 Mr. Greenish. One of the officials or one of the
10 secretaries of the company. I don't know who.

11 Ms. Abzug. One of the officials of your company typed
12 a piece of paper?

13 Mr. Greenish. Yes, ma'am.

14 Ms. Abzug. Or was it the secretary who typed it?

15 Mr. Greenish. We are almost all operators. We type,
16 too.

17 Ms. Abzug. But you don't know who typed it?

18 Mr. Greenish. No.

19 Ms. Abzug. And you don't know whether the person who
20 typed it had a security clearance?

21 Mr. Greenish. No, ma'am.

22 Ms. Abzug. Who made a photostat of it?

23 Mr. Greenish. Probably our legal department.

24 Ms. Abzug. You don't know how many people in that
25 legal department did that processing of getting the original

1 and making photocopies and stapling it and putting it in
2 an envelope for your attorney? Do you?

3 • Mr. Greenish. No, ma'am.

4 Ms. Abzug. Do any of them have security clearances?

5 Mr. Greenish. Yes, they do. It was distributed in
6 a confidential envelope.

7 Ms. Abzug. That is not a security clearance.

8 Mr. Greenish. No, but it was restricted in its
9 distribution.

10 Ms. Abzug. To whom outside of this Committee?

11 Mr. Moss. Confidential.

12 Ms. Abzug. It was confidential. What does that mean?

13 Mr. Greenish. It means we didn't spread it around the
14 company.

15 Ms. Abzug. You mean not everybody in the company saw it.

16 Mr. Greenish. No, ma'am.

17 Ms. Abzug. Only some people. -

18 Mr. Greenish. That is right.

19 Ms. Abzug. Among the people who do not have security
20 clearance.

21 Mr. Greenish. That is correct. We didn't consider it
22 a classified document.

23 Ms. Abzug. It was not considered a classified document?

24 Mr. Greenish. We did not consider it a classified
25 document.

1 Ms. Abzug. You did not consider it a classified docu-
2 ment.

3 Mr. Greenish. We did not.

4 Mr. Moss. Do you now?

5 Mr. Greenish. I have been asked --

6 Ms. Abzug. Wait a second. Then why did you not hand
7 that document over pursuant to that subpoena duces tecum on
8 February 18?

9 Mr. Greenish. If I might remind the Chairlady, I had
10 the document with me and I was ready to hand it over on a
11 voluntary basis. We stayed here for several hours when I
12 called. We had the documents ready to hand over at that
13 time.

14 Ms. Abzug. You were subpoenaed and you were then given
15 a subpoena duces tecum which you disobeyed. On what ground
16 did you disobey that subpoena duces tecum?

17 Mr. Greenish. We handed it over. I believe we were
18 in compliance.

19 Ms. Abzug. On what ground did you not hand it over
20 on the return date of that subpoena?

21 Mr. Greenish. On the advice of the Attorney General.

22 Ms. Abzug. Is the Attorney General your counsel?

23 Mr. Greenish. No, ma'am.

24 Ms. Abzug. What was that advice of the Attorney General?

25 Mr. Greenish. Shall I reread the statement?

1 Ms. Abzug. I am asking you a question. You answer in
2 whatever way you see fit.

3 Mr. Greenish. "We supplied the Chair with letters
4 from the Attorney General expressing the invocation of
5 executive privilege by the President, requesting that Western
6 Union International not produce and deliver documents nor
7 appear and testify."

8 Ms. Abzug. Did you then secure additional advice of
9 your own counsel as to the basis of this baseless claim which
10 you now indicate that these documents, at least in your
11 opinion, are not of any classified nature in any case?

12 Mr. Greenish. That is correct.

13 Ms. Abzug. Did you then seek advice from your own
14 counsel as to whether you might not be in jeopardy in making
15 a claim that in your opinion did not have any basis, as far
16 as you were concerned in any case?

17 Mr. Greenish. Yes, ma'am.

18 Ms. Abzug. What did your counsel tell you?

19 Mr. Greenish. Told me to come down today and hand over
20 the documents.

21 Ms. Abzug. What about on February 18?

22 Mr. Greenish. At that stage he was still recommending
23 we consult and try to see whether the two branches of
24 government would get together so we wouldn't be caught in the
25 middle.

1 Ms. Abzug. I find it extremely fascinating that a
2 private corporation is in a position where it seeks to claim
3 powers of an executive branch, and a executive branch of
4 government seeks to determine the actions of a private corpora-
5 tion to the point of suggesting illegal activity or a
6 violation of the law. This is hardly what I think is the
7 nature and structure of democracy in our country.

8 Mr. Moss. Madam Chairlady, I would like to be recognized
9 for a moment.

10 Ms. Abzug. I will recognize you, Mr. Moss.

11 Mr. Moss. I was interested in the statement, I believe
12 by Mr. Callahan, that the employees were asked or instructed
13 to read the Federal Communications Act regarding the
14 secrecy or security of messages.

15 Am I correct in my recollection?

16 Mr. Callahan. That is correct.

17 Mr. Moss. And there were about 200 or more operators
18 in the section where the intercepts took place. Is my
19 recollection on that correct?

20 Mr. Callahan. Roughly that figure, about 200 operators.

21 Mr. Moss. How did you know, then, which operators
22 had read the Communications Act security section if you
23 kept no records of any kind?

24 Mr. Callahan. I can only give you a recollection as to
25 the course of events. The notice was first posted on the

1 company bulletin board, a copy of the Act, and at one time I
2 personally remember receiving a copy with my sign on it --
3 for all operating people. It had a sign and they were given
4 an individual copy.

5 Mr. Moss. In other words, there was a copy circulated
6 and initialed by all operating personnel and individual copies
7 delivered to them?

8 Mr. Callahan. I did not say initialed. I say with
9 initials on.

10 Mr. Greenish. It is a method of distribution.

11 Mr. Moss. You had turnover among the 200 operators,
12 I assume.

13 Mr. Callahan. Yes, sir.

14 Mr. Moss. Did you upon the hiring of a new operator
15 then require him to read the appropriate section of the
16 Communications Act?

17 Mr. Greenish. Yes, sir.

18 Mr. Moss. How did you know whether or not they read it?

19 Mr. Greenish. It was handed them to read.

20 Mr. Moss. Don't you ever circulate a memo which requires
21 a statement of "read and initial" and then return to the file?

22 Mr. Greenish. Yes, sir.

23 Mr. Moss. But you didn't in this case?

24 Mr. Greenish. No, sir.

25 Mr. Moss. You can tell me what you did and I can only

1 express my amazement at the very informal and almost disorderly
2 method of conducting a business. It hardly instills a sense
3 of confidence.

4 I like to have a feeling somehow that there is more
5 attention being paid to the privacy of individuals than has
6 been demonstrated here.

7 I do want to commend you for taking the step you took
8 in 1965 to remove the machine. I am just sorry that you had
9 no form of contemporary memorandum.

10 Who advised you that the employees should be required
11 to read the Communications Act security sections?

12 Mr. Greenish. That is standard in all telegraph com-
13 panies, sir.

14 Mr. Moss. Sort of something you become aware of?

15 Mr. Greenish. Yes. As you come on board you usually
16 conform.

17 Mr. Moss. When you move into room "X" you reread it?

18 Mr. Greenish. You are supposed to.

19 Mr. Moss. I wish I could communicate as effectively,
20 and I don't have a staff anywhere near as large as 200.

21 Ms. Abzug. If the gentleman would yield.

22 In connection with that you testified that you turned
23 over cables, at least until 1965, and that you did not secure
24 advice of counsel on the legality of this procedure. Is this
25 correct?

1 Mr. Greenish. Yes. We didn't actually turn over the
2 cables. As I explained, the cables were taken from an
3 operating position, government messages, foreign governments,
4 put into the machine and copies.

5 Ms. Abzug. Were those cables entrusted to your care by
6 your customers?

7 Mr. Greenish. Yes. .

8 Ms. Abzug. And they wound up in a place other than
9 where they were being sent?

10 Mr. Greenish. Yes.

11 Ms. Abzug. Therefore you did, in fact, permit the
12 turnover of these documents or these cables.

13 I asked you two questions. One, is it possible that
14 any of those documents that were turned over were documents
15 belonging to American citizens?

16 Mr. Greenish. Very highly unlikely but possible.

17 Ms. Abzug. Do you now believe that this operation which
18 you had until 1965 was lawful?

19 Mr. Greenish. I wouldn't care -- I am not an attorney.

20 Ms. Abzug. I appreciate that but you have to run a
21 business according to law.

22 Mr. Greenish. I felt that the machine should be either
23 justified or taken out. It was not justified; it was taken
24 out.

25 Ms. Abzug. Do you think it was unlawful?

1 Mr. Greenish. I don't think I am in a position to be
2 able to tell whether or not it was lawful.

3 Ms. Abzug. If it was not unlawful, why did you take
4 the machine out?

5 Mr. Greenish. Because I wanted some documentation that
6 should be there. Obviously it is unlawful to copy messages
7 without some sort of documentation, some sort of authoriza-
8 tion, someone in elected and appointed authority.

9 Ms. Abzug. Is it only a court order that justifies that?

10 Mr. Greenish. Yes, under normal circumstances.

11 Ms. Abzug. Under the Communications Act isn't that
12 what you are required to have?

13 Mr. Greenish. My attorney points out Section 605 of
14 the Telecommunications Act permits government to request
15 copies. There are certain provisions in the Act for that.

16 Ms. Abzug. Lawful demand. Under what circumstances
17 do you consider it a lawful demand? In other words, it
18 says "demand of lawful authority."

19 Suppose a cop on the beat walked in and said, "Let me
20 have your cables." Is that lawful authority?

21 Mr. Greenish. No, ma'am.

22 Ms. Abzug. What did you ask for or what did your
23 company ask for which represented lawful authority before
24 you agreed to have a machine which turned over documents
25 which could very well have invaded the privacy of American

1 citizens, by your own testimony?

2 Mr. Greenish. My attorney tells me I was wrong. There
3 is a case where a policeman on the beat did have a right to
4 ask for a copy.

5 Ms. Abzug. You think that is what the Communications
6 Act provides?

7 Mr. Greenish. There is a case.

8 Ms. Abzug. What court? What police court?

9 Mr. Greenish. Florida.

10 Ms. Abzug. What level of court? What jurisdiction?
11 Give me the citation, counsel.

12 Mr. Hammer. Madam Chairman, I did not brief this point,
13 but when we reviewed 605 it has very extensive annotations
14 with some remarkable exceptions. I don't claim the validity
15 of them.

16 Ms. Abzug. Would you supply those for the record? I
17 would be very interested in that. I was extremely interested.

18 Would counsel please supply that for the record?

19 Mr. Hammer. The policy request, yes.

20 Ms. Abzug. On that question, yes.

21 The question before us is whether there was any lawful
22 authority and what is the obligation under the Federal
23 Communications Act of a company to hand over messages without
24 lawful authority and what is the obligation and what steps
25 and what evidence of lawful authority a company is required

1 to make and take and what do you now consider to be lawful
2 authority.

3 Mr. Greenish. There was no lawful authority and we
4 haven't had any requests.

5 Ms. Abzug. Do you admit the law was violated?

6 Mr. Greenish. No, ma'am.

7 Ms. Abzug. You just said there was no lawful authority.

8 Mr. Greenish. To my knowledge.

9 Ms. Abzug. Until you can correct the record it is
10 obviously stated by you there was no lawful authority and
11 the law was violated by your company.

12 Mr. McCloskey. Will the Chairlady yield?

13 Ms. Abzug. Yes.

14 Mr. McCloskey. This is a subject which we discussed
15 over the past few years. I think in fairness to the
16 witness, without intruding on the question, I don't think
17 that I know what the law is in this field.

18 Congress in 1951 passed Section 798 of Title 18 of
19 the U.S. Code.

20 We provided there that anyone who knowingly and
21 willfully communicated or makes available to an
22 unauthorized person or publishes any classified information
23 concerning the communication intelligence activities of the
24 United States or any foreign government or obtained by the
25 processes of communications intelligence from the

1 communications of any foreign government, knowing to have been
2 obtained by such processes, commits a felony.

3 We clearly in the law in 1951 defined the term
4 "communication intelligence," meaning all procedures and
5 methods used in the interception of communications and the
6 obtaining of information from such communications by other
7 than the intended recipients.

8 By making it a felony to willfully disclose information
9 about government communications intelligence we certainly
10 raised a legal question as to whether or not it is lawful.

11 As I say, I don't mean to interfere with the questioning
12 of the witness but I am in doubt as to what lawful communica-
13 tion intelligence activities are by the United States
14 Government.

15 This is one area where Congress should act.

16 Ms. Abzug. I appreciate the comments of the gentleman
17 from California.

18 I would like to suggest I was speaking of a violation
19 of the Communications Act. I was speaking with respect to
20 the legislative history of 18 U.S. Code 798 which the
21 gentleman refers to. The legislative history which I have
22 researched shows communications intelligence activities refer
23 to "breaking the secret codes of a foreign nation."

24 I don't think it is applicable to the line of questioning
25 that we have just engaged in.

1 I now recognize Mr. Maguire.

2 Mr. Maguire. I thank the Chairwoman.

3 Mr. Greenish, what assurances do you give your customers,
4 if any, that their messages will be kept private?

5 Mr. Greenish. Specifically we don't give assurance.
6 They take it for granted.

7 Mr. Maguire. They take it for granted, so there is
8 a presumption that their messages will be --

9 Mr. Greenish. It is a rightful assumption. Normally,
10 or abnormally, we do not give out contents.

11 Mr. Maguire. Unless, ironically, a presidential agency
12 of some sort comes to you under some guise of lawful
13 authority. Then the question is whether or not they themselves
14 are violating the Constitution. I guess that is really the
15 problem we have here.

16 Let me ask you a little more about what actually was
17 turned over.

18 You indicated corporate cables were not turned over.
19 You have indicated that generally speaking what was turned
20 over was turned over within the guidelines of the Federal
21 Communications Act.

22 I would like to know more precisely what was turned
23 over. Could you give us a positive description of what was
24 turned over as opposed to a negative description of what was
25 not turned over? What categories of things?



1 Mr. Greenish. A cable under the classification of
2 what is known as Etat which is government-paid messages.

3 Mr. Maguire. What does that mean?

4 Mr. Greenish. It comes in at a different rate so we
5 classify it. At that time the rate was about one-half normal
6 rates for the average person. The Government had privileged
7 rates.

8 Mr. Maguire. Does that mean some government agency is
9 sending those messages?

10 Mr. Greenish. Yes. It was originated by a government
11 agency usually to another government agency.

12 Mr. Maguire. Foreign or American?

13 Mr. Greenish. Foreign as a rule. The ones we are
14 referring to here.

15 Mr. Maguire. Is that the only category?

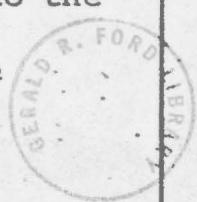
16 Mr. Greenish. That is correct.

17 Mr. Maguire. You are saying no messages that would
18 be sent by a private citizen to some address abroad would have
19 been copied by this machine. Is that correct?

20 Mr. Greenish. Yes, other than the circumstances I
21 explained to the Chairlady where it could happen.

22 Mr. Maguire. Were there any internal memoranda to the
23 operators? You indicated the operators would make the
24 decisions as to when to turn the copy machine on.

25 Mr. Greenish. No, sir, I could find no memoranda in the



1 file whatsoever.

2 Mr. Maguire. How did they make the distinctions, then?
3 How were they advised as to when to copy and when not to copy?

4 Mr. Greenish. It was explained to them when they came
5 on the job and as they became operators, that this was the
6 procedure.

7 Mr. Maguire. It was explained to them orally?

8 Mr. Greenish. Yes, sir.

9 Mr. Maguire. Who did the briefing?

10 Mr. Greenish. The supervisor.

11 Mr. Maguire. On the basis of what instructions did they
12 do those briefings?

13 Mr. Greenish. They had received the instructions when
14 they were operators. They were just handed down.

15 Mr. Maguire. There are no pieces of paper anywhere in
16 the files pertaining to these instructions, by whom they
17 were to be given, when they were to be given, to whom they
18 were to be given, and what they were to include?

19 Mr. Greenish. No, sir.

20 Mr. Maguire. Were any documents that might have been
21 relevant to the subpoena that was issued to you which would
22 have been supplied to the Committee under the subpcena ever
23 destroyed?

24 Mr. Greenish. No, sir.

25 Mr. Maguire. You have said that it is possible for the

1 messages to be intercepted and that you would not know when
2 tapping might occur.

3 Mr. Greenish. Yes, sir, it could happen either side
4 of the ocean. It could happen any place.

5 Mr. Maguire. Have you ever consulted -- you indicated
6 earlier there was a presumption on the part of people who sent
7 messages that they would be privately held. Yet, on the
8 other hand, you did and presumably did acknowledge in your
9 own mind, at least, that interception could take place.

10 I am wondering whether you ever consulted with the FCC
11 or the FBI or any other agency or counsel about the
12 protection of those messages which were entrusted to you as
13 a carrier or how they might be protected.

14 Mr. Greenish. No, sir.

15 Mr. Maguire. Can you give the Subcommittee the names
16 of any of your supervisors who are currently employed by
17 you who did those briefings we discussed a moment ago?

18 Mr. Greenish. This goes back to the war time. I can
19 give you the name of supervisors obviously who are presently
20 in our operating floor.

21 Mr. Maguire. It was only 10 years ago that the
22 machine was taken out.

23 Mr. Greenish. Yes, sir.

24 Mr. Maguire. Presumably some of those people are still
25 with the company.

1 Mr. Greenish. Yes, but the original instructions that
2 came down, we can't find anybody who was there when the
3 machine came in or knew about the machine. They just knew
4 the instructions were there.

5 Mr. Maguire. I am interested in who might have been
6 giving some of the instructions as late as 1965 to operators
7 and whether or not we can have the names of some of those
8 people.

9 Mr. Greenish. I can supply that.

10 Mr. Maguire. Would you please supply that to the
11 Committee?

12 If there is no objection, Madam Chairwoman, I have asked
13 for the names of people presently with the company who were
14 in a supervisory capacity and who instructed operators on
15 what to copy and what not to copy. It was indicated there
16 are such people still with the company who would have been
17 given such instructions in 1965.

18 I have asked for those names.

19 Ms. Abzug. Without objection so ordered.

20 (Material to be supplied follows:)
21
22
23
24
25

1 Mr. Maguire. I have no further questions, Madam Chair-
2 woman.

3 Ms. Abzug. Mr. Harrington?

4 Mr. Harrington. Mr. Greenish, I am not quite as
5 concerned as Congressman Moss is on the question of records,
6 but I am interested in the uniqueness of the situation in-
7 sofar as coming upon the machine you described. I would like
8 a little more background, given the information I have from
9 ITT, as to whether you went beyond the authorization point
10 and whether it was discussed at the level of your superior,
11 what the policy of the company would be with respect to the
12 use of that machine. Was this done?

13 Mr. Greenish. Yes, sir.

14 Mr. Harrington. At that time?

15 Mr. Greenish. Yes.

16 Mr. Harrington. Enlarge on it.

17 Mr. Greenish. I was told to follow the line that I did
18 follow, which I suggested. Since we located nothing in the
19 files, we didn't know upon what authority the machine was
20 there. We should ask for the authority. If there was no
21 authority forthcoming, the machine should be removed.

22 It was as simple as that. Within the next few days
23 the machine was removed.

24 Mr. Harrington. With whom did you discuss this dis-
25 covery?

1 Mr. Greenish. With the gentleman who was coming to
2 pick --

3 Mr. Harrington. I am talking now within the company.

4 Mr. Greenish. With the group in the executive committee
5 level. That would be with the president of the company and
6 my colleagues.

7 Mr. Harrington. None of them were aware of the existence
8 of the machine?

9 Mr. Greenish. No, sir. Remember, sir, they were not
10 operating level people. They would not normally go into that
11 area.

12 Mr. Harrington. What about in your own background
13 having formerly worked in a similar field? Was there a
14 practice similar to this pursued in the same area?

15 Mr. Greenish. No, sir. Most of my service with the
16 other companies I worked for was at an overseas capacity. We
17 didn't have any kind of surveillance of any kind by either
18 government, the local government where we were stationed or
19 the U.S.

20 Mr. Harrington. And no one at the executive level, with
21 your coming in at a new role, was aware of this practice?

22 Mr. Greenish. None of the executive people, no, sir.

23 Mr. Harrington. Had any of them pre-dated you in their
24 service with the company?

25 Mr. Greenish. I came in 1964. The company was formed

1 in 1963. I guess almost all of the executives came in
2 about that period of time, 1963, except for the president
3 who had been with the Western Union Telegraph Company in
4 prior days.

5 Mr. Harrington. Was this thought to be sufficiently
6 serious to warrant somewhat broader investigation as to the
7 origin of the machine?

8 Mr. Greenish. No, sir. It was just a question that we
9 felt there should be authority or get the machine out. We
10 didn't put that much more importance to it than to find out
11 who put the machine in there and get it out or get the
12 lawful authority.

13 Mr. Harrington. Was it your responsibility to do this?

14 Mr. Greenish. Yes, sir.

15 Mr. Harrington. With whom did you deal?

16 Mr. Greenish. With the government agency that was
17 picking up the film. Specifically, a gentleman came to see
18 me, I believe in 1965. He showed me his identification. I
19 believe it was the National Security Administration.

20 Mr. Harrington. The gentleman's name?

21 Mr. Greenish. I don't recall.

22 Mr. Harrington. And have no record of that?

23 Mr. Greenish. I have no record of it. I really didn't
24 know the gentleman's name. At least I didn't remember it at
25 the time. It didn't seem that important to me.

1 Mr. Harrington. How many occasions would you have
2 had contact with that particular gentleman or anyone connected
3 with the NSA?

4 Mr. Greenish. Since that time up to the present time this
5 matter has just been -- it has not been current at all and
6 has not come to my attention.

7 Mr. Harrington. But at the time you were following
8 instructions as to this course of action, did you have just
9 the one meeting?

10 Mr. Greenish. Yes, sir, just one meeting.

11 Mr. Harrington. What was the substance of that?

12 Mr. Greenish. I asked them on what authority was the
13 machine there. He said he would get authority or have the
14 machine removed.

15 He came back and had the machine removed.

16 Mr. Harrington. And that is the substance of your
17 involvement?

18 Mr. Greenish. Yes, sir.

19 Mr. Harrington. With the policy of the company in
20 dealing with the copying of the messages on the part of
21 foreign governments?

22 Mr. Greenish. Yes, sir.

23 Mr. Harrington. And there was nothing until more
24 recent months, last fall or last year, that was of concern
25 to you or which warranted further contact with the NSA

1 regarding this particular matter?

2 Mr. Greenish. There was nothing.

3 Mr. Harrington. Over approximately a 10-year period?

4 Mr. Greenish. That is right.

5 Mr. Harrington. And no other records have been kept
6 except those provided which would deal with this rather
7 unusual situation? Was it considered unusual? I refer to the
8 copying practice discovered at the operating end of the
9 business.

10 Mr. Greenish. It was considered unusual by myself.

11 Mr. Harrington. And by the other executives?

12 Mr. Greenish. Oh, yes.

13 Ms. Abzug. Do you know Mr. Joseph Tomba?

14 Mr. Greenish. His name has been mentioned to me. I
15 don't think I would know him if I met him.

16 Ms. Abzug. Mr. Callahan, do you?

17 Mr. Callahan. Presently, no.

18 Ms. Abzug. What does that mean?

19 Mr. Callahan. I have never met the gentleman.

20 Ms. Abzug. What do you know about his name?

21 Mr. Greenish. I know he works for the United States
22 Government.

23 Ms. Abzug. What else?

24 Mr. Greenish. Reportedly he is the man I spoke to in
25 1965 but I couldn't be sure of that.

1 Ms. Abzug. You have no recollection?

2 Mr. Greenish. No.

3 Ms. Abzug. You don't remember?

4 Mr. Greenish. No.

5 Ms. Abzug. You, Mr. Callahan?

6 Mr. Callahan. I never met the gentleman.

7 Ms. Abzug. You don't know the name, either?

8 Mr. Callahan. I know the name because it has been
9 brought up as part of this investigation but I do not know the
10 gentleman.

11 Ms. Abzug. The witnesses are excused subject to
12 their recall by the Chair.

13 (Witness excused.)

14 Ms. Abzug. I now call Thomas Algie, Edward Grunberg,
15 and Howard Hawkins.

16 Mr. Hawkins, do you solemnly swear the testimony you
17 are about to give is the truth, the whole truth, and nothing
18 but the truth?

19 Mr. Hawkins. I do.

20 Ms. Abzug. Mr. Algie, do you solemnly swear the testi-
21 mony you are about to give is the truth, the whole truth,
22 and nothing but the truth?

23 Mr. Algie. I do.

24 Ms. Abzug. Mr. Grunberg, do you solemnly swear the
25 testimony you are about to give is the truth, the whole truth,

1 and nothing but the truth?

2 Mr. Grunberg. I do.

3 Ms. Abzug. Mr. Hawkins, would you please state your
4 name and address for the record?

5 Mr. Hawkins. Madam Chairwoman, my name is Howard R.
6 Hawkins.

7 With the Subcommittee's permission --

8 Ms. Abzug. Would you please state your name and address?

9 Mr. Hawkins. Howard R. Hawkins, 33 Meadowcroft Lane,
10 Greenwich, Connecticut.

11 Ms. Abzug. Please be seated.

12 Mr. Thomas Algie, would you please state your name
13 and address for the record?

14 Mr. Algie. Thomas Algie, 2208 Chestertown Drive,
15 Vienna, Virginia.

16 Ms. Abzug. Please be seated.

17 Mr. Grunberg, would you please state your name and
18 address for the record?

19 Mr. Grunberg. Edward Grunberg, 6602 Pyle Road,
20 Bethesda, Maryland.

21 Ms. Abzug. If you are accompanied by counsel, as is
22 your right, would you please have him state his name and
23 address for the record?

24 Mr. McKay. Lawrence J. McKay of 80 Pine Street,
25 New York City. My residence address is Bronxville, New York.

1 Ms. Abzug. Thank you very much.

2 Did each of the witnesses hear my opening statement this
3 morning in which I summarized the jurisdiction of this
4 Subcommittee and the nature of the present inquiry?

5 Mr. Algie. Yes.

6 Mr. Grunberg. Yes.

7 Mr. Hawkins. Yes.

8 Ms. Abzug. Have you been supplied with a copy of the
9 rules of this Committee, and Clause 2, Rule XI of the Rules
10 of the House?

11 Mr. Algie. Yes.

12 Mr. Hawkins. Yes.

13 Mr. Grunberg. Yes.

14 Ms. Abzug. Mr. Hawkins, did you receive a subpoena.
15 duces tecum from this Subcommittee dated February 4, 1976,
16 and returnable February 18, 1976?

17 Mr. Hawkins. Yes. That subpoena duces tecum was
18 received while I was out of the country and it was received
19 on my behalf by counsel.

20 Ms. Abzug. Were related documents supplied to this
21 Committee on or before February 18 or all related documents
22 supplied to this Committee on or before February 18, 1976?

23 Mr. Hawkins. To the best of our knowledge, as set forth
24 in the letter of February 18, 1976, addressed to Mr.
25 Hirschhorn and signed by Mr. McKay.

1 Ms. Abzug. Are you familiar with the documents supplied
2 the Subcommittee in response to that subpoena duces tecum?

3 Mr. Hawkins. Yes, I have them before me.

4 Ms. Abzug. Without objection I shall place those
5 documents which have been received into the record.

6 (Material to be supplied follows:)
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Ms. Abzug. Have you any additional documents
2 responsive to the subpoena?

3 Mr. Hawkins. Not to the best of our knowledge and
4 belief.

5 Ms. Abzug. Are there any other documents, other than
6 those you submitted, which exist?

7 Mr. Hawkins. Not that I am aware of, apart from those
8 referred to in the February 18th letter.

9 Ms. Abzug. Well, when the Senate Committee on
10 Intelligence conducted its investigation into the inter-
11 ception of international telecommunications by Federal
12 intelligence agencies, was your company requested to provide
13 the Committee with a report on its involvement in these
14 activities?

15 Mr. Hawkins. I understand that counsel for the company
16 did cooperate with the Church Committee.

17 Mr. Moss. Madam Chairlady?

18 Ms. Abzug. Just a moment, please.

19 I asked a question as to whether or not your company
20 was requested to provide the Senate Committee with a report
on its involvement in these activities.

Mr. Hawkins. I do not know whether it was requested.

Ms. Abzug. Who does know? Could there be such a report
that was turned over to the Senate?

Mr. Hawkins. I cannot answer. I do not know. The only

1 person who might know that would presumably be counsel who
2 handled this matter for the company with the Committee.

3 Ms. Abzug. Do you want to ask your counsel whether
4 they turned anything over to the Committee?

5 Mr. Hawkins. Counsel on my right, who handled this
6 matter for me, advises me that we did produce certain
7 witnesses for the Church Committee and that they did --

8 (Mr. Hawkins further confers with counsel.)

9 Mr. Hawkins. -- and these witnesses were deposed by the
10 staff of the Committee in private session.

11 Ms. Abzug. Was there anything submitted in writing?

12 Mr. Hawkins. Pardon?

13 Ms. Abzug. Was there anything submitted in writing to
14 the Senate Committee?

15 Mr. Hawkins. I am advised that nothing was submitted.

16 Ms. Abzug. Do you have copies of the depositions of
17 those witnesses?

18 Mr. Hawkins. I am advised that the depositions were
19 sealed by the Committee and are not available to us.

20 Ms. Abzug. Do you have copies of those depositions?

21 Mr. Hawkins. Not to my knowledge.

22 Ms. Abzug. Is it your testimony that you do not have
23 any report or any other internal memorandum or documents
24 concerning the scope of this inquiry, or rather concerning
25 the subpoena duces tecum request which I shall read to you?

1 Mr. Hawkins. Yes, to the best --

2 Mr. McKay. Just a moment.

3 Ms. Abzug. Any and all records, and "records" means
4 not limited to writings, documents, contracts, agreements,
5 memoranda, reports, correspondence, lists, tables, receipts,
6 minutes, and electronic records and recordings.

7 Mr. Hawkins. Yes.

8 Ms. Abzug. That means "all records in his possession,
9 under his dominion or control, or within his means to
10 produce, concerning or relating to the interception by,
11 examination by, requests by or from, or delivery to or for
12 any employee or agent of any department, agency, bureau,
13 or other entity of the United States, since January 1, 1947,
14 of --

15 "(1) information as to the existence, contents,
16 substance, purport, effect, meaning, sender, or recipient
17 of any interstate or foreign communication by wire, cable,
18 radio, carrier frequency, or other means; and

19 "(2) information as to users or customers of RCA
20 Global Communications, including but not limited to informa-
21 tion as to the identity of such users or customers and the
22 communications line distribution channel numbers of such
23 users or customers."

24 I ask you whether there are any possible documents,
25 memoranda, or any other communications as outlined in that

1 schedule in your possession concerning this matter, including
2 internal memoranda, and so on, letters, employees, lawyers,
3 and so on, that you have not produced today?

4 Are there any other such communications within the
5 scope of the subpoena as it was served upon you and it was
6 read to you today?

7 Mr. Hawkins. To the best of our knowledge and belief,
8 as the scope of the subpoena is understood by us and as set
9 forth in the February 18, 1976 letter addressed to Mr.
10 Hirschhorn.

11 Ms. Abzug. I just want to refresh your recollection.

12 In the letter to Mr. Hirschhorn on February 18, 1976,
13 counsel to this Committee, I think the letter was signed by
14 Lawrence J. McKay.

15 It says "RCA Global records do include correspondence
16 with your Subcommittee and with the Senate Committee and
17 recent internal memoranda of counsel relating to the conduct
18 and subject matter of their investigation."

19 Have those all been supplied to this Committee?

20 Mr. Hawkins. Mr. McKay advises me that the sentence you
21 refer to relates to memoranda which were considered attorney-
22 client privilege, and therefore not set forth as set forth
23 in the letter of February 18.

24 Ms. Abzug. What is correspondence? Would it include
25 a report?

1 Mr. Hawkins. I understand that sentence refers to
2 correspondence with this Subcommittee and with the Senate
3 Committee relating to dates and matters of that kind which
4 our counsel understood were not to be furnished in response
5 to the subpoena.

6 Ms. Abzug. Are you suggesting that you are making a
7 judgment there was nothing of substance in those letters?

8 Mr. Hawkins. I am so advised.

9 Ms. Abzug. That is okay. I don't care if it is nothing
10 of substance. I think those additional documents have to be
11 provided to this Committee under the scope of the subpoena
12 duces tecum.

13 Do you have them with you?

14 Mr. McKay. Might I address the Chairlady?

15 Ms. Abzug. Certainly.

16 Mr. McKay. My boss, Mr. Schumacher, is here. If I am
17 in error, he can correct me.

18 I had a telephone communication with Mr. Hirschhorn
19 prior or at the same time this letter was sent advising him
20 of what we were sending down to the Committee in response to
21 the subpoena duces tecum, and that they did not include such
22 things as court orders, subpoenas, which might have been
23 received many years ago, or whatever, correspondence with
24 this Committee setting up dates, to produce witnesses, and
25 internal attorney-client documents.