

## Chapter 9

# *The CIA's Mail Intercepts*

During the early 1950's, at the height of the so-called cold war, the CIA initiated the first of a series of programs to examine the mails between the United States and Communist countries for purposes of gathering intelligence. During the years since that time, interception and examination<sup>1</sup> of the mails for intelligence purposes was carried out at various times by the CIA at four different locations in the United States, until the last project was terminated in 1973.

An intercept project in New York City was the most extensive of the CIA mail operations, and lasted for twenty years.

Three Postmasters General and one Attorney General were informed of the project to varying degrees. The CIA, the record discloses, was aware of the law making mail openings illegal, but apparently considered the intelligence value of the mail operations to be paramount.

The stated purpose of the New York mail intercept project was best described in the report of the Chief of Counterintelligence presented to Director James R. Schlesinger in 1973 when termination of the project was being considered. The report stated:

The mail intercept project is a basic counterintelligence asset designed to give United States intelligence agencies insight into Soviet intelligence activities and interests.<sup>2</sup>

Three other mail projects carried out by the Agency during the same period occurred in San Francisco, Hawaii and New Orleans. The intercept in San Francisco took place during four separate periods of a month or less in 1969, 1970 and 1971. The one in Hawaii occurred in late 1954 and early 1955; and the New Orleans intercept lasted only about three weeks, in 1957.

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<sup>1</sup> Mail intercepts or mail openings involve the opening and examination of the contents of letters. Mail cover operations involve only examination and copying information on the outside or covers of letters.

<sup>2</sup> Among these Soviet activities was mail censorship. Presumably all mail to and from the USSR is censored by the Soviets.

In addition, the Office of Security, acting alone over a 24-year period, ran over 91 separate mail cover operations and conducted about 12 mail openings relating to particular individuals within the United States. Most of the cases involved CIA employees under investigation, although some of the activity was directed against foreign nationals and some against citizens who had no connection with the CIA.

This chapter discusses and analyzes these projects, concludes that the interceptions were illegal and improper, and recommends steps to prevent their reinstatement.

## A. East Coast Mail Intercept

### *1. Inception of the Project*

During 1952, interception of mail was perceived by the CIA as a potential source of intelligence. The Agency concluded that it was willing to devote the technical personnel and resources that would be required to carry such an operation into effect. Nevertheless, the CIA recognized the necessity for caution in approaching the subject with the postal authorities. The Chief of the Special Security Division said in a planning memorandum dated July 1, 1952, "I believe we should make contact in the Post Office Department at a very high level, pleading relative ignorance of the situation and asking that we, with their cooperation, make a thorough study of the volume of such mail, the channels through which it passes and particularly the bottlenecks within the United States in which we might place our survey team."

The Post Office Department was initially to be approached with a request that the CIA be allowed to examine only the outside or covers of the mail. The actual ultimate intent of the CIA was, however, made clear in the last paragraph of the July 1, 1952, memorandum:

Once our unit was in position, its activities and influence could be extended *gradually*, so as to secure from this source every drop of potential information available. At the outset, however, as far as the Post Office is concerned, our mail target could be the securing of names and addresses for investigation and possible further contact.

The memorandum also outlined the possible benefits of such a program. It would allow determination of the nature and point of origin of communications from the Soviet Union. Technical analysis of the mail might also reveal secret communication methods.

By September 30, 1952, the Office of Security of the CIA had determined, through its investigation of the mails in the United States, the volume of mail flow from the Soviet Union. Security had also determined from the FBI that the Bureau then maintained no records

of correspondence between United States and Soviet citizens except that which was uncovered incidentally in investigation of internal security or espionage cases. The Security Office requested the Deputy Director for Plans to inform the Director of Central Intelligence that Security planned to undertake activities to accumulate information on all letter envelopes, or covers, passing through New York City, originating in the Soviet Union or destined for the Soviet Union. Security noted that the Operation would require the cooperation of the United States Post Office Department and the FBI. The sensitivity of the operation was deemed "patently obvious."

On November 6, 1952, the CIA wrote to the Chief Postal Inspector and asked that arrangements be made for one or two designated CIA employees to work with a Postal Inspector in securing certain information from the mails. The expressed intention was to examine the outside of envelopes only.

Arrangements were made on December 8, 1952, with the Chief Postal Inspector to survey all mail to and from the Soviet Union passing through New York City, and to provide for selective photographing of the envelopes or covers. The mail was removed in bulk from the regular Post Office channels for purposes of examination, and by December 18 the Office of Security had completed the survey of how all mail passing to and from the Soviet Union was handled through New York.

By September 1953, the mail operation had been in progress for about a year. Analysis by the Agency of the materials examined showed that the CIA had gained both substantive and technical intelligence. This was deemed sufficiently valuable to warrant expansion of the project and the photographing of all the mail covers passing through the New York Post Office to and from the Soviet Union. On December 23, 1953, Security reported to the CIA's Director of Operations that it was ready to install the photography equipment at the Post Office and that the Post Office would cooperate by making the mail available to the CIA agents. Both sides of all first class mail were to be photographed. The December 23 memorandum closed by suggesting that the support of Allen Dulles, then Director of Central Intelligence, be solicited for securing Post Office approval of this second step of the venture. Agency documents show that by this time (and probably as early as February 1953) selected items of the mail were already being opened and the contents analyzed by the CIA.

## ***2. Initial Contact with the Postmaster General***

In a memorandum to the Director of Central Intelligence dated January 4, 1954, the Director of Security explained that the Postal Inspectors were unwilling to go forward without higher authorization from within the Post Office Department. Security suggested to the

DCI that arrangements be made for a meeting between the DCI and the Postmaster General, who had already been briefed generally on the project by the Chief Postal Inspector and was waiting for the Director's call. The Director of Security said that in his meeting with the Postal Inspectors, no mention was made of informing the FBI. In fact, the FBI apparently did not become aware of the mail project until four years later, in February of 1958.

On May 17, 1954, Allen Dulles and Richard Helms, the latter then Chief of Operations in the Plans Directorate, met with Postmaster General Arthur Summerfield and three of Summerfield's assistants. According to Helms' contemporaneous memorandum of the meeting, Dulles described the importance of the mail program and asked that it be allowed to continue. No mention appears to have been made of covert mail opening. Summerfield made no specific comment but, according to Helms' memorandum, it was clear that he was in favor of giving the CIA any assistance he could. Helms' memorandum pointed out that Director Dulles, during the conference, did not mention the potential for passing material on internal security matters to the FBI and thought it would be better to leave that until a later date.

### ***3. Formal Counterintelligence Proposal***

By late 1955, the Office of Security had eight full-time employees and several others on a part-time basis engaged in opening the mail. The project was ready to be expanded. The Chief of Counterintelligence asked Helms, by memorandum dated November 21, 1955, for formal approval of a new counterintelligence program in conjunction with the mail project.

The Counterintelligence Staff, which had previously not been involved with the project, proposed that the CIA expand the operation and "gain access to all mail traffic to and from the USSR which enters, departs or transits the United States." Counterintelligence further suggested that the "raw information acquired be recorded, indexed, analyzed and that various components of the Agency be furnished items of information." According to the November 21 memorandum, the only added function that would be performed by the Office of Security was that "more letters will be opened." "They are presently able to open only a very limited number."

The project description which accompanied the November 21 memorandum noted that the mail opening did not have the express or tacit approval of the postal authorities. It also recognized that "there is no overt, authorized or legal censorship or monitoring of first-class mails which enter, depart, or transit the United States at the present time." It could be assumed, therefore, the proposal said, that foreign espionage agents used the mail as a means of communication, relying upon the policy of the government against any monitoring of mail. Because

of this policy, however, it was conceded that any disclosure of the mail project would probably cause "serious public reaction in the United States, perhaps leading to a congressional inquiry." But, the project description said, "it is believed that any problem arising could be satisfactorily handled."

The proposed counterintelligence project was approved by the Deputy Director for Plans and the Director of Security in January 1956, but difficulties in organization delayed commencement of operations until approximately November 1956.

#### ***4. FBI Liaison with the Mail Project***

In January 1958, the FBI approached the Post Office Department for the purpose of instituting similar coverage of mail to and from the Soviet Union. The Post Office Department brought the Bureau's request to the Agency's attention, and shortly thereafter CIA representatives told the FBI of the Agency's ongoing mail project. Up to that time, the CIA had avoided telling the FBI of the mail project—and no materials derived from the project were disseminated to the FBI.

Discussions between Agency and Bureau representatives in February 1958 resulted in an agreement that the CIA would send to the FBI mail project items which were of internal security interest. The FBI, in turn, would provide the Agency with watch lists of particular persons or matters in which the Bureau was interested. The Bureau agreed with the CIA's suggestion that the project should be handled by the CIA alone. Eventually, the FBI would become, by far, the principal recipient of mail project materials outside of the CIA's Counterintelligence Staff.

#### ***5. The Mail Project in Full Operation***

The mail opening project, which started in the early months of the operation with only a few letters, had expanded by 1959 to include the opening of over 13,000 letters a year. By 1961, the CIA had installed a small laboratory for technical examination of letters to uncover foreign espionage techniques of communication.

The physical scanning of the mail was performed by CIA officers in a facility located at the New York intercept. The envelopes of letters selected during the scanning process were photographed, opened and the contents photographed. The letters were then resealed. Technical testing of some of the letters and their contents was also accomplished at a CIA facility in the region. Copies of letters were analyzed in CIA headquarters.

Individuals or organizations of particular intelligence interest were specified in watch lists provided to the mail project by the Counterintelligence Staff, by other CIA components, and by the FBI. The total

number of names on the watch list varied, from time to time, but on the average, the list included approximately 300 names including about 100 furnished by the FBI. The watch list included the names of foreigners and of United States citizens. Operation CHAOS (see Chapter 11), in an effort to focus the mail project upon communications of dissidents, provided the mail project with a watch list of 41 American citizens.

Dissemination of the information derived from the mail intercept was made to those CIA departments which filed watch lists. The principal user of the information within the CIA was the Counterintelligence Staff. Information of an internal security nature derived from the intercept was forwarded to the FBI.

### ***6. Second Briefing of a Postmaster General***

With the inauguration of the Kennedy Administration in 1961 and the appointment of a new Postmaster General, consideration was again given in the CIA to briefing high postal officials on the program. The Deputy Chief of Counterintelligence pointed out in a January 27, 1961, memorandum that "there is no record in any conversation with any official of the Post Office Department that we have admitted opening mail." The memorandum continued that although "all conversations have involved examination of exteriors," it nevertheless seemed "quite apparent that they must feel sure that we are opening mail." No further explanation was given to support the last remark.

Counterintelligence suggested to Richard Helms, then the Deputy Director for Plans, who was about to meet with J. Edward Day, the new Postmaster General, that ". . . if the Postmaster General asks if we open any mail, we confirm that some mail is opened. He should be informed, however, that no other person in the Post Office has been so informed."

Allen Dulles, Director of Central Intelligence, accompanied by Helms and another CIA officer met with Postmaster General Day on February 15, 1961. According to Helms' memorandum for the record made the following day, the CIA representative told Day "the background, development and current status (of the mail project), withholding no relevant details." The Postmaster General, according to Helms' memorandum, ended the February 15 meeting by "expressing the opinion that the project should be allowed to continue and that he did not want to be informed in any greater detail on its handling."

Whether the "relevant details" told to Day included the fact of mail openings is not entirely clear.

Day testified on May 7, 1975, before the House Committee on the Post Office and Civil Service that, when Dulles came to visit on February 15, 1961, and said he had something "very secret" to talk about,

Day responded that he would rather not know about the secret, and so Dulles did not tell him about it.

Helms stressed in his testimony that, while he could not recall the specific conversation, his memorandum of February 15, 1961, states that no information was withheld. An August 1971 note on the subject, apparently written by the chief of the mail project, tends to point the other way. In any event, the mail project continued.

### **7. Consideration of "Flap Potential" and Cover Stories**

Concern over the "flap potential" of the mail project appears to have been constant. Even the CIA's Inspector General, after a review of the Office of Security in 1960, had recommended preparation of an "emergency plan" and "cover story" if the mail project were somehow revealed. Despite general realization in the Agency of the dangers involved, the Inspector General in the 1960 review did not suggest termination of the project or raise the issue of its legality.<sup>3</sup>

Detailed consideration of the "flap" problem was set forth in a memorandum sent by the Deputy Chief of Counterintelligence to the Director of Security on February 1, 1962. This memorandum warrants attention. It conceded that everyone realized from the outset of the mail project that "... a flap would put us [the project] out of business immediately and give rise to grave charges of criminal misuse of the mail by government agencies." It had been decided, however, that "the effort was worth the risk." It was assumed that any compromise of the project would "unavoidably be in the form of a charge of violations of the mails." The memorandum continued:

Since no good purpose can be served by an official admission of the violation, and existing Federal Statutes preclude the concoction of any legal excuse for the violation, it must be recognized that no cover story is available to any government agency.

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Unless the charge is supported by the presentation of interior items from the project, it should be relatively easy to "hush up" the entire affair, or to explain that it consists of legal mail cover activities conducted by the Post Office at the request of authorized Federal Agencies. Under the most unfavorable circumstances, including the support of charges with interior items from the project it might become necessary, after the matter has cooled off during an extended period of investigation, to find a scapegoat to blame for unauthorized tampering with the mails.

The response of the CIA to this Commission's inquiries on the mail project was the opposite of that suggested in the memorandum. All CIA files and personnel connected with the mail project appear to have

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<sup>3</sup> A July 1969 Inspector General review of the Counterintelligence Staff, however, did recommend that the Deputy Director of Plans discuss with the Director of Central Intelligence the transfer of the mail operation to the FBI or in the alternative that the project be cancelled. The recommendation was not followed.

been made available to the Commission staff, and a detailed, accurate description of the project was provided to the Commission by the former Chief of Counterintelligence. The 1962 memorandum is, however, significant because it shows the thought processes of those involved and illustrates the need for a method of periodic review of CIA operations by objective persons.

A further indication that the CIA was aware of the possible criminality of the mail project exists in a September 26, 1963, memorandum by the officer in charge of the mail project to an officer in the CIA's Operations Division. That memorandum states "there is no legal basis for monitoring postal communication in the United States except during time of war or national emergency . . ." The Commission staff found nothing in the CIA records indicating that the Agency's legal counsel was asked to give an opinion on the mail intercept prior to its inception. As previously noted, the Inspector General, in looking into the project in 1960, simply proposed that an adequate "cover story" be developed.

Substantial consideration was given again to the possible efforts of exposure of the operation, after testimony before a Senate subcommittee in April 1965 had apparently indicated that governmental agencies were "snooping into the mail." According to a contemporaneous memorandum of an April 25, 1965, conference which included the Assistant Deputy Director for Plans, Thomas Karamessines, consideration was given to suspending the mail project pending the conclusion of the Senate hearings. The idea was rejected because the project was deemed sufficiently secure and the project's facilities at the post office could be dismantled and removed on an hour's notice.

Consideration was given during the April 25 meeting to briefing Postmaster General Gronouski about the project because no officials then in the Post Office Department had been briefed. This was rejected because of testimony which Mr. Gronouski had given before the Senate subcommittee. The Assistant Deputy Director for Plans instead gave instructions that "steps be taken to arrange to pass this information through McGeorge Bundy to the President" after the subcommittee investigation was completed. No evidence could be found to confirm that President Johnson was ever advised of the project.

#### ***8. The Appointment of William Cotter, a Former CIA Officer, as Chief Postal Inspector***

On April 7, 1969, William J. Cotter, previously a security officer in the Plans Directorate, was sworn in as Chief Postal Inspector of the United States Post Office Department. Cotter was recommended for the position by Richard Helms, who, along with the heads of other governmental components, had been asked by Postmaster General Blount for suggestions as to persons who might fill the Chief Inspec-

tor's job. Cotter was considered the best qualified among three or four persons suggested to Helms by the CIA's Director of Security.

Cotter had been with the Agency since 1951, and from 1952 through 1955 he had served as deputy head of the CIA field office which coordinated the East Coast mail intercept. Cotter knew of the project from its outset and he was aware that letters were opened surreptitiously. Although Cotter had no direct contact with the mail intercept project from 1956 to 1969, when he was appointed Chief Postal Inspector, he knew that it was still in operation.

As Cotter left the CIA headquarters on April 8, 1969, to be sworn in as Chief Postal Inspector, he coincidentally met an officer in the Counterintelligence Staff. A CIA memorandum for the record of the same date sets forth the substance of the conversation which ensued. According to that memorandum, Cotter was concerned that circumstances in his new position might compel him to reveal the existence of the mail project. If he were asked about mail intercepts under oath, Cotter—unlike his predecessor—could not truthfully state he thought the project involved only mail "covers." Further, because of his CIA background, he would be in a particularly precarious position if the project were compromised.

According to the April 8 memorandum, Cotter said he planned to enter his new job without making inquiries about the project, and he planned to do nothing about the project unless it was mentioned to him. Cotter said that eventually he would probably inspect the mail intercept facility and might find it necessary to brief Postmaster General Blount. But, according to the memorandum, Cotter assured the counterintelligence officer that he would not take any action without consulting first with the CIA.

### ***9. Cotter's Dilemma About the Mail Project***

In January 1971, Cotter, as Chief Postal Inspector, received a letter from an association of American scientists inquiring about possible Post Office acquiescence in opening first-class mail. Cotter apparently forwarded a copy of the letter to the CIA. A CIA memorandum in March 1971 indicates that Cotter also was concerned that the impending alteration of the Post Office Department from a governmental agency to a corporation in mid-1971 might cause organizational changes which would result in revelation of the mail project. Before this Commission, Cotter testified that the reorganization was not of major concern to him in this respect.

In any event, Director Helms convened a meeting of his associates on May 19, 1971, to discuss the mail project. The May 19 meeting was attended by the Deputy Director for Plans, the Director of Security, the Chief and the Deputy Chief of Counterintelligence, and the officer in charge of the mail project. According to a memorandum made

after the meeting, the discussion in part concerned the extent of knowledge of the project outside the CIA and the likelihood of exposure. Thomas Karamessines, now Deputy Director for Plans, was particularly concerned about compromise of the project because it would cause the CIA “the worst possible publicity and embarrassment.” Cotter’s “dilemma” was evident. While he was presumably loyal to the CIA, he could not deny knowledge of the project under oath and, furthermore, in his new job his loyalty belonged to the Postmaster General.

Karamessines suggested during the meeting that the mail project be handled by the FBI. As he said, “they could better withstand such publicity, inasmuch as it is a type of domestic surveillance.”

The Counterintelligence Chief responded that his staff regarded the operation as foreign surveillance—and that the FBI did not have the facilities or trained personnel to take care of the operation. The Chief of Counterintelligence also contended that the CIA could live with the known risks and should continue the project.

Director Helms decided to discuss the matter with Cotter and determine whether Postmaster General Blount should be informed. Helms then met with Cotter, and it was agreed that higher level approval in the Post Office Department for the mail project was necessary. Helms said he would first talk with the Attorney General.

### ***10. Helms Briefs the Attorney General and the Postmaster General on the Mail Project***

The Director met with Attorney General Mitchell on June 1 and with Postmaster General Blount on June 2, 1971, to discuss the mail project. Helms reported on June 3, 1971, to the Deputy Director for Plans, the Director of Security, and the Counterintelligence Chief that Attorney General Mitchell had fully concurred in the value of the operation and had no “hang-ups” concerning it. Mitchell also reportedly encouraged Helms to brief the Postmaster General.

Helms said he met with Postmaster General Blount and showed him selected items derived from the project and explained Cotter’s situation. Blount, according to Helms, was “entirely positive regarding the operation and its continuation.” Further, Blount felt “nothing needed to be done” and rejected a “momentarily held thought” to have someone review the legality of the project because to do so would widen the circle of knowledgeable persons. The project was therefore continued with Director Helms’s admonition that if there were even a suspicion of a leak, the project was to be stopped; investigation could be made later.<sup>4</sup>

<sup>4</sup>In a telephone interview with the Commission staff, Mr. Blount said he could not recall the specifics of his conversation with Helms. Mr. Mitchell’s attorney, in response to a staff inquiry, said that Mitchell could recall the conversation with Helms but thought they had only discussed mail covers.

### ***11. Termination of the East Coast Mail Project***

Postmaster General Blount resigned his cabinet post later in 1971 and Attorney General Mitchell resigned at the end of February 1972, leaving Cotter as once again the senior governmental official outside the CIA with knowledge of the mail project. Cotter expressed his misgivings about the propriety of the project and his continuing concern about the conflict in his loyalties in a conversation with Mr. Karamesines and the Chief of the Office of Security. Finally, in early 1973, Cotter said that unless the CIA obtained higher level approval for the project by February 15, 1973, it would have to be terminated.

This ultimatum was brought to the attention of James R. Schlesinger, who was then Director of Central Intelligence. The Counterintelligence Staff forwarded a memorandum to the Director arguing the importance to both the CIA and the FBI of continuing the project. The correspondence was reviewed at a meeting on February 15, 1973, between Schlesinger and William Colby, who was the CIA Executive Director-Comptroller. Schlesinger determined at the meeting that the project should be turned over to the FBI and that he was not convinced that "the product to the CIA [from the mail project] was worth the risk of CIA involvement."

As a result of another meeting shortly thereafter, with both Colby and the Counterintelligence Chief, Schlesinger decided that Cotter should be asked to defer termination of the project while the CIA took it to a "very high level." But Cotter refused the request for delay, stating that the project should be shut down now and could be renewed once appropriate authority was obtained. The New York mail project was therefore terminated by the Agency on February 15, 1973.

There is no record to indicate that the CIA attempted to obtain President Nixon's approval of the project in 1973. Indeed, although CIA files reflect suggestions made in January 1954 (Eisenhower Administration) and in April 1965 (Johnson Administration) that the President be advised of the mail project, no evidence could be found that any briefing of any President occurred.

### ***12. Evaluating the Mail Project***

Statistics gathered by the CIA show that in the last full year of its operation, the New York mail intercept handled approximately 4,350,000 items of mail and examined the outside of over 2,300,000 of those items. Photographs were taken of the exteriors of approximately 33,000 items. Some 8,700 items were opened and the contents analyzed.

Selections for opening were made on the basis of a watch list given to the crew and upon various other intelligence factors. During the last year, approximately 5,000 of the selections were made on the basis of the watch list.

In the last year, the program made over 3,800 separate disseminations of information derived from the project within the Agency and sent some 1,400 separate items of information to the FBI. At the end of 1972, the active watch list of names totaled approximately 600. The number of names watch-listed varied from month to month as they were supplied by CIA components and the FBI.

Although only mail coming into the United States was intercepted in the early years of the project, both outgoing and incoming mail were involved during most of the project's operation. CIA personnel estimate that, overall, approximately 30 percent of the mail intercepted was outgoing.

The project not only disseminated current information but provided file data back to 1955 in a compartmented, computerized machine record system containing almost 2,000,000 entries. Institutional and organizational files were also maintained for reference and analytical purposes.

The intelligence value of the mail project is not easy to assess. While the Commission staff examined materials derived from the mail intercept, it is difficult to judge their significance without knowing a great deal about the cases to which the materials may relate.

All components of the Agency seemed to agree that the project was useful as a source of technical communications intelligence on such matters as secret writing, censorship techniques and the like.

There are also indications that the FBI found the mail project valuable in internal security matters.

The Counterintelligence Staff regarded the mail project as a unique source of intelligence of strategic importance. It was, they said, a source of counterintelligence leads and of confirmation of otherwise questionable information.

During his 1973 review of the project, however, Director Schlesinger was not convinced that the intelligence derived from the mail intercept was worth the risk of continued CIA involvement.

## **B. West Coast Mail Intercept**

An August 26, 1969, two CIA officers from the technical division of the Plans Directorate spoke with the Deputy Chief Postal Inspector for the United States about commencing a CIA mail cover operation on the West Coast. The proposed operation was to encompass international mail from the Far East. According to a contemporaneous CIA memorandum, the Agency officers said during the August 26 meeting that the proposed activity would not involve opening the mail; rather, the Agency wanted only to analyze the exteriors of

relevant envelopes. The postal official stated that he wanted to look further into the matter.

The same CIA officers met with the Deputy Chief Postal Inspector on September 12, 1969, to make arrangements for a survey on the West Coast of the mail flow from the designated communist-controlled areas overseas. The postal official agreed to the proposed survey. A CIA memorandum made shortly after the September 12 meeting indicates that "the key factor" in the official's decision to permit the survey was "the fact that no envelopes would be opened."

Several days after the meeting on September 12, the two CIA officials visited a postal facility in the San Francisco area. They conducted a week-long survey of the incoming mail from the Far East. In all, over 1500 envelopes were reviewed. No indication could be found that any mail was opened during this survey.

CIA records do not show that any high level approval was requested or obtained within the Agency for the September 1969 mail survey. The CIA officers who undertook the survey apparently did so in order to determine the feasibility of the mail project before they sought approval for it.

On October 6, 1969, the two officers who had conducted the survey convinced the chief of their division in the Plans Directorate that the project was feasible and that approval should be sought for it. The proposal was also discussed on October 23, 1969, with the Director of Security, who agreed with it but said that the approval of Director Helms had to be obtained. The Director of Security also suggested during this meeting that, in view of the obvious sensitivity of the proposal, all CIA personnel should "avoid preparing or exchanging any formal communications on the project." (No such communications were located, but hand-written notes made by one CIA officer detailed the events occurring throughout the formative stages of the project.)

Thomas Karamessines, the Deputy Director for Plans, orally approved the project on November 4, 1969. He had secured Director Helms' approval for the project the prior week. Karamessines testified that he approved of the project because it was the only way to obtain intelligence vital to the safety of agents involved in certain ongoing operations.

Later in November 1969, the CIA Director of Security explained the project to Chief Postal Inspector Cotter, who gave his approval. Cotter, of course, was familiar with the New York mail intercept project. He said he wanted the West Coast project "to go slow and develop gradually."

Neither Cotter nor any other postal official appears to have been told that the West Coast project would involve opening mail. CIA records indicate that the Agency representatives ostensibly agreed

with the Post Office instructions that no mail was to be removed from Post Office premises or opened. Nevertheless, the CIA's plan from the outset was to open the mail, if possible, without informing postal authorities.

The CIA officers involved in the West Coast project were aware that questions might be raised as to its propriety under United States laws, but they believed the likely intelligence potential from the project was worth the risk. The successful operation of the mail project in New York over the prior 16 years also played a part in the decision to proceed with the West Coast project.

The first formal operation of the San Francisco project occurred in early 1970, and another operation was run later that year. A third effort was made in 1971. Each of the operations lasted for approximately two or three weeks and followed the same pattern: Late in the evening, CIA personnel went to the postal facility, where a special official met them and opened the relevant bags of mail. The postal official remained present while the CIA representatives performed tests on the outside of envelopes. During virtually every session, the CIA officers, apparently without the knowledge of the postal official, concealed selected pieces of mail in an equipment case or a handbag. The selected items were then taken surreptitiously from the post office facility, opened, photographed, analyzed, resealed and returned to the mail flow during the next visit to the facility.

CIA records indicate that a great majority of the mail examined had originated outside the United States, although, on at least one occasion, a bag of outgoing mail was opened for the CIA officers. The primary objective of the San Francisco mail intercept, unlike the East Coast mail project, was to obtain technical intelligence concerning foreign censorship, secret writing and the like. Agency records indicate the San Francisco project was highly successful in meeting this objective.

### **C. Hawaiian Mail Intercept**

An intercept of mail from the Far East was carried out in the territory of Hawaii from late 1954 until the end of 1955, when the intercept was terminated. The project was initiated by a single CIA officer, who photographed, opened and analyzed selected items of mail.

CIA Headquarters was not informed of the one-man Hawaiian operation prior to its beginning, nor was express approval ever granted for it. Tacit approval of the project may nevertheless be implied from the favorable response given to the operation report submitted by the officer in charge of the project. The Hawaiian intercept appears to have been successful in producing technical postal intelligence.

## D. New Orleans Mail Intercept

A fourth mail intercept was conducted in New Orleans for approximately three weeks in August 1957 as a counterintelligence operation. Approximately 25 sacks of international surface mail were examined each day. The mail examined did not originate in the United States, nor was it destined for delivery in the United States; it was simply in transit. Approximately 200 items were opened and photographed, but no substantive intelligence was gained and the project was terminated.

### Conclusions

While in operation, the CIA's domestic mail opening programs were unlawful. United States statutes specifically forbid opening the mail.

The mail openings also raise Constitutional questions under the Fourth Amendment guarantees against unreasonable search, and the scope of the New York project poses possible difficulties with the First Amendment rights of free speech and press.

Mail cover operations (examining and copying of envelopes only) are legal when carried out in compliance with postal regulations on a limited and selective basis involving matters of national security. The New York mail intercept did not meet these criteria.

The nature and degree of assistance given by the CIA to the FBI in the New York mail project indicate that the primary purpose eventually became participation with the FBI in internal security functions. Accordingly, the CIA's participation was prohibited under the National Security Act.

### *Recommendation (13)*

a. The President should instruct the Director of Central Intelligence that the CIA is not to engage again in domestic *mail openings* except with express statutory authority in time of war. (See also Recommendation 23.)

b. The President should instruct the Director of Central Intelligence that *mail cover* examinations are to be in compliance with postal regulations; they are to be undertaken only in furtherance of the CIA's legitimate activities and then only on a limited and selected basis clearly involving matters of national security.