

INTELLIGENCE ACTIVITIES—MAIL OPENING

TUESDAY, OCTOBER 21, 1975

U.S. SENATE,
SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES,
Washington, D.C.

The committee met, pursuant to notice, at 10:05 a.m., in room 318, Russell Senate Office Building, Senator Frank Church (chairman) presiding.

Present: Senators Church, Tower, Huddleston, Morgan, Hart of Colorado, Goldwater, and Schweiker.

Also present: William G. Miller, staff director; Frederick A. O. Schwarz, Jr., chief counsel; and Curtis R. Smothers, counsel to the minority.

The CHAIRMAN. The hearing will please come to order.

Today, and through the rest of this week, we wish to resume our inquiry into the question of why the Federal Government has been opening the mail of American citizens for over two decades. It is a policy fundamentally at odds with freedom of expression and contrary to the laws of the land. This committee has already reviewed in public some details of the CIA mail openings while we were considering the Huston plan.

One provision of that plan was a recommendation to institute a mail opening program, though, ironically, intelligence officers were already busily unsealing envelopes in various parts of the country and had been doing so for years.

We are less concerned this week with the emphasis of the mail programs than with the workings of the institutions that allowed them to take root and flourish, even though they violated the laws of the land. How did this mail policy begin? Who in the CIA, the FBI, the White House, the Justice Department, and the Post Office knew about it? What reviews were made of the policies as the leadership changed within these institutions?

Though mail is the subject of this week's hearings, what interests us most are the reasons the Agency used to justify this violation of civil liberties. The question of mail openings, then, will be only the medium through which we probe in depth the way our intelligence services function.

As a case study, mail opening reveals the most revealing look of the inner life of the CIA and the FBI. In the instance of the CIA, with which we begin our examination today, the evidence suggests their mail program was allowed to continue despite the harshest criticism of it from investigators within the CIA Inspector General's

Office, and despite the fact that it was not very productive in terms of intelligence information.

Moreover, throughout the 20-year period, many senior Government officials were not told of the mail openings or were misinformed about them. These are serious charges which have arisen in our research into the mail opening program of the CIA and the FBI. We are here today to explore the decisionmaking process within the CIA, to ascertain how valid these public allegations are.

To assist us in our search for understanding and for ways to improve the Government, we have appearing before the committee this morning Mr. Gordon Stewart, Mr. John Glennon, and Mr. Thomas Abernathy, all of whom served in the CIA Inspector General's Office, which investigated mail opening programs in the sixties, and Howard Osborn, who will appear after these three gentlemen, who was the CIA Director of the Office of Security from 1964 to 1974.

Before I swear the witnesses, I would like to ask Senator Tower for opening remarks that he would like to make at this time.

Senator TOWER. Thank you, Mr. Chairman.

Let me begin with an endorsement of the chairman's statement that the primary value of these open sessions on mail opening is the opportunity to gain the insights which can only come from an in-depth case study.

There never has been any serious question regarding the legality of indiscriminate mail openings. Most of those associated with these invasions of privacy have flatly acknowledged the illegality of their actions. The closest we have come to justification for these mail openings is that they proved to be an invaluable source of national security information.

Even assuming the need for such information—and I do not believe that the U.S. Postal Service should be an inviolate haven for those who would destroy our liberties—the real question is whether critical judgments regarding the necessity of investigative efforts and the extent of those efforts, can be effectively controlled in the future to keep invasion of any person's privacy within constitutionally mandated limits.

The fault here goes beyond the CIA. It must be shared by an FBI which was fascinated by the potential fruits of such efforts, a Postal Service which either willingly or unwillingly allowed it to happen, and leaders in the executive branch who simply were not in control of these insidious encroachments upon the liberties of American citizens.

Let me emphasize again that legislation looks to the future. Rather than agonize on the question of fault, a question on which there has already been considerable public discussion, we must fashion recommendations which will close the door on the opportunity for this kind of inexcusable, even if well-meaning, disregard of fundamental liberties.

It is my hope that the candor of the witnesses in these hearings will not only provide some insights into the mentality of those who implemented these efforts, but also a genuine appreciation for the nature of a bureaucracy which allowed it to go unchecked.

The value of public hearings on these issues is that we will hopefully provide recommendations which go beyond changes in the formal

rules and organization charts. If our efforts are to have lasting value in the protection of the liberties of our citizens, persons charged with the defense of the national security in the future must go about their tasks with an ingrained sense of the critical balance between protection of freedom and the sanctity of individual liberty in our society.

The issue is not a new one. The framers of the Constitution incorporated fourth amendment guarantees only after an exhaustive public debate. It is both necessary and proper on the eve of the 200th birthday of the United States of America that we engage in similar reevaluations to determine what reforms will be needed to keep these vital principles alive.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Tower.

Now, gentlemen, please stand to be sworn.

Would you raise your right hands?

Do you solemnly swear that all of the testimony you will give in these proceedings will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STEWART. I do.

Mr. ABERNATHY. I do.

Mr. GLENNON. I do.

The CHAIRMAN. Mr. Schwarz, would you commence the questioning.

Mr. SCHWARZ. Would each of the witnesses please identify himself.

Mr. ABERNATHY. Thomas Abernathy.

Mr. STEWART. Gordon Stewart.

Mr. GLENNON. John Glennon.

Mr. SCHWARZ. Are any of you gentlemen accompanied by counsel?

Mr. STEWART. I am.

Mr. ABERNATHY. I am.

Mr. SCHWARZ. Could counsel identify himself?

Mr. GAINES. Stanley Gaines.

Mr. ROGOVIN. Mitchell Rogovin.

Mr. SCHWARZ. And do you each represent all three witnesses?

Mr. GAINES. I represent Mr. Stewart.

Mr. ROGOVIN. I represent Mr. Abernathy.

Mr. SCHWARZ. You three gentlemen had nothing to do, yourselves, with opening any mail—is that right? Your connection with the subject is your involvement with the Inspector General's Office?

TESTIMONY OF GORDON STEWART, FORMER INSPECTOR GENERAL, CIA, ACCOMPANIED BY STANLEY GAINES, COUNSEL; TESTIMONY OF THOMAS ABERNATHY, FORMER STAFF MEMBER, INSPECTOR GENERAL'S STAFF, CIA, ACCOMPANIED BY MITCHELL ROGOVIN, COUNSEL; TESTIMONY OF JOHN GLENNON, FORMER STAFF MEMBER, INSPECTOR GENERAL'S STAFF, CIA

Mr. GLENNON. That is correct.

Mr. ABERNATHY. That is correct.

Mr. STEWART. That is correct.

Mr. SCHWARZ. Mr. Abernathy, I am going to start with you, because you did a survey in 1963; and then I am going to go to Mr. Stewart and Mr. Glennon, who did the second survey in 1969.

Were you in the Inspector General's Office in 1960?

Mr. ABERNATHY. I was.

Mr. SCHWARZ. And did you do something in connection with the Office of Security at that time?

Mr. ABERNATHY. I participated in an Inspector General's survey of the Office of Security in 1960.

Mr. SCHWARZ. And in connection with that survey, did you look at a mail opening project?

Mr. ABERNATHY. I did.

Mr. SCHWARZ. Fine. Where did you go? Who did you talk to? Describe generally the process followed by the Inspector General's Office.

Mr. ABERNATHY. The discussions were conducted in New York City, in the office maintained there by the Office of Security. During the survey, we talked to all of the people who were involved in the project and who were available at that time.

Mr. SCHWARZ. And did you talk to anybody who used the material obtained from the project?

Mr. ABERNATHY. I don't recall any such conversation.

Mr. SCHWARZ. Now, what were your general conclusions about the project? First, did you form a conclusion as to whether or not the opening of mail was legal?

Mr. ABERNATHY. No, we never discussed whether it was technically legal or illegal.

Mr. SCHWARZ. Did you have an impression that it was illegal?

Mr. ABERNATHY. It was clearly apparent that there were very serious questions of public interest involved.

Mr. SCHWARZ. And when you say serious questions of public interest involved, that is a way of saying there were serious questions about the legality of the project, is that right?

Mr. ABERNATHY. Yes.

Mr. SCHWARZ. Exhibit 1¹ is a study done in 1960. Mr. Abernathy, do you also have the Inspector General's Survey of the Office of Security Annex in front of you?

Mr. ABERNATHY. I do.

Mr. SCHWARZ. All right. Would you read from it into the record your conclusions with respect to the value of the project, as you saw it in 1960?

Mr. ABERNATHY.

The SR Division is the project's largest customer in the Agency. Information from the CI Staff flows to the SR Support Branch and from there to the operational branches. It may include * * * items of interest on conditions inside the country.

In our interviews, we received the impression that few of the operational leads have ever been converted into operations, and that no tangible operational benefits had accrued to SR Division as a result of this project. We have noted elsewhere that the project should be carefully evaluated and the value of the product to SR Division should be one of the primary considerations.

Mr. SCHWARZ. All right. Now, in making your recommendations, did you make any recommendation based upon the language that you just read into the record, that as far as you could see, no tangible operational benefits had accrued to the SR Division?

Mr. ABERNATHY. One of the two recommendations in the report was that there be a thorough evaluation of the project.

¹ See p. 175.

Mr. SCHWARZ. Incidentally, SR Division stands for what?

Mr. ABERNATHY. Soviet Union Division.

Mr. SCHWARZ. So you were saying no tangible operational benefits had accrued to the Soviet Division of the CIA?

Mr. ABERNATHY. I think that I need to qualify that. We also pointed out in this report that we did not extend the survey into the operational components who were the primary customers.

Mr. SCHWARZ. But as far as you were able to determine, there had been no such benefits?

Mr. ABERNATHY. That is correct.

Mr. SCHWARZ. And you made, as one of your two recommendations a suggestion that an evaluation be made of the worth, the usefulness of the project?

Mr. ABERNATHY. That is correct.

Mr. SCHWARZ. And that was made in 1960?

Mr. ABERNATHY. I think the report was actually submitted in February 1961.

Mr. SCHWARZ. After working in 1960?

Mr. ABERNATHY. Yes.

Mr. SCHWARZ. Did you make another recommendation in connection with this project?

Mr. ABERNATHY. The second recommendation was that the Agency should be prepared to explain the project, if it should ever become public knowledge.

Mr. SCHWARZ. Now, would you characterize that as a cover story? Did you?

Mr. ABERNATHY. That is correct.

Mr. SCHWARZ. What did you mean by a cover story?

Mr. ABERNATHY. Plausible explanation for what was happening.

Mr. SCHWARZ. You mean, a misexplanation?

Mr. ABERNATHY. In this particular case.

Mr. SCHWARZ. All right. So it was a general understanding, as you testified earlier, that there were serious public problems, or as you then agreed with me, serious problems of legality, right?

Mr. ABERNATHY. That is correct.

Mr. SCHWARZ. But your recommendation was simply that a cover story be prepared; is that right?

Mr. ABERNATHY. That second recommendation addressed itself only to the cover story; that is correct.

Mr. SCHWARZ. All right. You did not recommend that the project be turned off.

Mr. ABERNATHY. No.

Mr. SCHWARZ. All right. Now, Mr. Stewart and Mr. Glennon, when did you do a second review of the mail opening project?

Mr. STEWART. In 1969.

Mr. SCHWARZ. And how was that done? Mr. Stewart, you were the actual Inspector General, is that right?

Mr. STEWART. That is correct.

Mr. SCHWARZ. And was Mr. Glennon on your staff?

Mr. STEWART. He was the head of a team, composed, I think, of three men, who conducted the inspection of the counterintelligence staff, including this project.

Mr. SCHWARZ. All right. We shall start with Mr. Glennon then. Mr. Glennon, if you could briefly describe what you did and what you concluded, and then we will turn to you again. Mr. Stewart.

Mr. GLENNON. With relation to just this mail project, in the course of our survey of the counterintelligence staff we came across this mail opening project conducted in New York. The team of three members was quite surprised to find such an activity going on.

Mr. SCHWARZ. You had not known about it in advance?

Mr. GLENNON. No; I had not. And we interviewed all members of that section. We interviewed all of the customers—well, not all of the customers, but most of the customers who got the take from the mail openings, including the liaison officer from the FBI.

Then we recommended that it be terminated, because we were aware, ourselves, that it was illegal. We thought that the take was not sufficient to warrant such a continuation, and that obviously, it would get the Agency into a very embarrassing position.

Mr. SCHWARZ. All right. I want to come back to your recommendations on the legality point; but to focus with you for a moment on your conclusions with respect to the worth or lack of worth of the program, how did you go about analyzing that subject? And would you state in somewhat more detail your conclusions?

Mr. GLENNON. The project members kept a list of all of those people who were cleared to receive the take from the opening of the mail; and of course, that list went back for a number of years. In that list, they had the names of current members of the other operational units in the Agency. We took those names and went to interview those people and asked what use they were getting out of the take.

Mr. SCHWARZ. And what did they say to you?

Mr. GLENNON. Well, we found that there was very little use being made of it, except by the Bureau.

Mr. SCHWARZ. Except by the FBI?

Mr. GLENNON. Right.

Mr. SCHWARZ. All right. Now, I will just read into the record from the ultimate report that you, I think, Mr. Stewart, prepared the following quotation:

Most of the offices we spoke to find it occasionally helpful, but there is no recent evidence of it having provided significant leads or information which have had positive operational results. The Office of Security has found the material to be of very little value. The positive intelligence derived from this source is meager.

Now, that is Mr. Stewart's summarization of your investigation, Mr. Glennon. But does it accurately summarize your investigation?

Mr. GLENNON. Well, it's joint. We get together after the survey is completed. The inspectors sit down with the Inspector General and write the report in the final form. So that this was—

Mr. SCHWARZ. It was an accurate reflection of what you found in your investigation.

Mr. GLENNON. I would argue there was a little bit less use being made of it in most offices.

Mr. SCHWARZ. In other words, you would make the criticism of its value even more critical than the language I just read?

Mr. GLENNON. I would.

Mr. SCHWARZ. You would?

Mr. GLENNON. I would.

Mr. SCHWARZ. All right. Now, on the subject of legality, did you make a recommendation that the project be terminated because it was illegal?

Mr. GLENNON. No, we did not mention the illegality of it, because we assumed that everyone realized it was illegal. The very point that we were trying to make was the Agency would be in deep embarrassment if they were caught in this activity, unless it was legal, so we just assumed everyone realized it was illegal.

Mr. SCHWARZ. All right. Let me turn now to you, Mr. Stewart. Is it correct, do you agree, that everyone assumed it was illegal?

Mr. STEWART. Yes, certainly. Those who were in on the project, from my understanding, knew that it was illegal.

Mr. SCHWARZ. To whom did you report in 1969?

Mr. STEWART. Officially, I reported to the Director of Central Intelligence. On a day-to-day basis, I reported to the Executive Director, Col. Lawrence K. White.

Mr. SCHWARZ. Now, on this particular subject, did you report, in fact, to Director Helms?

Mr. STEWART. I provided Mr. Helms with a 15- or 20-minute briefing on the whole Counterintelligence Staff survey and in that briefing I, as best I remember, did cover this project.

Mr. SCHWARZ. And in that covering of this project, was it your understanding that Director Helms also knew that it was illegal?

Mr. STEWART. Yes. It was my understanding, and although I cannot swear that he did know, I didn't ask him.

Mr. SCHWARZ. But it was the general understanding of everybody that this was obviously illegal; is that right?

Mr. STEWART. That was certainly my understanding.

Mr. SCHWARZ. Now, in light of that, what did you recommend?

Mr. STEWART. We recommended that the project be turned over to the FBI, since, as far as we knew, they had the primary interest in the take from the project. If the FBI were not to accept it, we recommended that the Agency consider closing the project.

Mr. SCHWARZ. That is kind of a curious recommendation to make, isn't it? That you conclude it's illegal, and then you decide it ought to be turned over to the FBI, which has responsibility for enforcing the law. What is the logic in that? Can you explain that?

Mr. STEWART. The FBI was very much interested in the take of the project, and as Mr. Glennon reported, and I put in our report, that the Bureau had, in fact, run a similar project themselves. So I did not know whether they would be at all interested in taking it, but I thought that, under the circumstances, and since they were interested, before we simply summarily closed the project, we should at least take it up with them.

Mr. GLENNON. May I say something at that point? I did talk to the liaison officer with the FBI.

Mr. SCHWARZ. Someone from the FBI?

Mr. GLENNON. That is right, and he gave me a flat statement that the Bureau would not be interested in picking this up, so our recommendation actually amounted there to a recommendation that it be abandoned.

Mr. SCHWARZ. Now, that is interesting, because, in fact, it was not abandoned for 4 years, was it?

Mr. GLENNON. I don't know.

Mr. SCHWARZ. Do you have any knowledge of that, Mr. Stewart?

Mr. STEWART. I have learned since coming down here to give a deposition that it was carried on for several years after we made our recommendation.

Mr. SCHWARZ. All right. Just one final question. In your meeting with Mr. Helms, how did you understand he was going to proceed, after you made your recommendations to him?

Mr. STEWART. I simply assumed that he would follow the usual format; in other words, he received the briefing as a matter of information. I would have assumed that the action officer, Mr. Karamessines, would, in due time, take up with him his proposed action with regard to our recommendation. The recommendation was addressed to the Chief of the Clandestine Service, Mr. Karamessines.

Mr. SCHWARZ. I have nothing further at this time, Mr. Chairman.

The CHAIRMAN. Mr. Smothers, do you have questions?

Mr. SMOTHERS. To clarify the point that I believe the chief counsel has been raising, if we look back to Mr. Abernathy's report [exhibit 1¹] we see there at page 10, paragraph 16, essentially the conclusion that coordination of the project within the Agency was out of hand. Would that be a correct characterization, Mr. Abernathy?

Mr. ABERNATHY. I am not sure. I would say it was out of hand, but the various components who had an interest operated in their own areas without a great deal of intercourse with each other.

Mr. SMOTHERS. Your recommendations, then, called for an evaluation to follow your own study of that. To the best of your knowledge, was that undertaken?

Mr. ABERNATHY. I believe there was a memorandum dated the end of 1962, which does indicate that such an evaluation was undertaken by the Office of Security and the CI staff. But I was not personally privy to that evaluation.

Mr. SMOTHERS. Mr. Glennon, when you conducted your inquiry in 1969, did you find any indication that the problems raised regarding coordination and liaison had been dealt with effectively?

Mr. GLENNON. I don't recall, really. All I know is, as the project continued, we made another evaluation ourselves of the use of it.

Mr. SMOTHERS. Do you recall your assessment regarding the degree of control within the Agency in 1969?

Mr. GLENNON. The degree of control on my project?

Mr. SMOTHERS. Yes.

Mr. GLENNON. I think the control of the project was in the hands of the Counterintelligence Staff; that it was not formalized as a project, which was subjected to the review of the proper officials. So in that case, it just went on year after year without, I guess, a budget review, an authorization review on the part of the program staff or Mr. Karamessines.

Mr. STEWART. I would like to say something on that. We recommended, of course, that there be established a procedure which would assure regular and periodic control and review of the project. We also recommended that the man in charge be relieved, and that a better qualified person be placed in charge of the project. I think that bespeaks some question about the effectiveness of control as we witnessed it during our survey.

¹ See p. 175.

Mr. SMOTHERS. Would it be fair, then, Mr. Stewart, to say that it was your conclusion that the project was not only being poorly controlled, but indeed, that it was producing only marginal value in terms of the information received?

Mr. STEWART. I would say yes to both points, yes.

Mr. SMOTHERS. Can you then give us—if not directly, at least your impression—of the response of Agency officials to these kinds of recommendations by you? Essentially, what you seem to be saying is it is out of control, it is worthless to us, we ought to drop it. What kind of response did you get to that?

Mr. STEWART. I cannot be very helpful on that, because the Inspector General's Office is not an office that follows up and makes sure the recommendations are followed. That responsibility rests with the Executive Director, or did at that time. His office kept a particular file on the recommendations that were made on this, and all other surveys that we drew up.

We got into these responses only when they were received by the Executive Director, who would then refer them back to the Inspector General's staff for further comment. In this case, I simply do not recall what, if any, response we got to these recommendations.

Mr. SMOTHERS. One final question. There seems to be some concern here for both your efforts and, at one point in time, the parallel efforts of the FBI in the mail-opening area. Do you believe that the continuation of this project was in any way needed or motivated by the sense of competition between your agency, the CIA, and the FBI?

Mr. STEWART. I would have said the opposite. I had the impression at the time that we were conducting the operation, and we surveyed it, that we were very much motivated by a desire to make sure that the FBI got good information of a counterintelligence nature bearing on internal security matters in the United States.

Mr. SMOTHERS. So you were essentially trying to help the FBI, and after you concluded that the take was not important to the CIA, your position was that if the FBI wanted the information, they should do it themselves?

Mr. STEWART. That's right.

Mr. SMOTHERS. Thank you. I have nothing further at this time, Mr. Chairman.

The CHAIRMAN. We will turn first to Senator Hart of Colorado.

Senator HART of Colorado. Thank you, Mr. Chairman.

Mr. ABERNATHY, in the Inspector General's Survey of the Office of Security in 1960 [exhibit 1¹], there is reference to the "overall potential of the New York mail operation." And that paragraph states as follows:

It is improbable that anyone inside Russia would wittingly send or receive mail containing anything of obvious intelligence or political significance. It should also be assumed that Russian tradecraft is as good as our own and that Russian agents communicating with their headquarters would have more secure channels than the open mails.

In that connection, do you have any reason to change your assessment of the potential evaluation of mail openings today?

Mr. ABERNATHY. No, sir. I've had no contact with it up until today.

Senator HART of Colorado. But with your experience and judgment, would that still be essentially your assessment of the situation?

¹ See p. 175.

Mr. ABERNATHY. I'm not sure I would be in a position to make such an assessment to date, but I do not have any information that would cause me to change my view.

Senator HART of Colorado. Therefore, you would still believe, as you apparently did then, that there would be little intelligence or political significance contained in the mail?

Mr. ABERNATHY. Again, I'm not sure that I have all of the facts available that would enable me to make such a conclusion. But on the basis of the information I do have, I would say that my views would be the same.

Senator HART of Colorado. Following that statement, the report went on to say that :

On the other hand, many seemingly innocent statements can have intelligence significance. Comments concerning prices, crop conditions, the weather, travel plans, or general living conditions can be important.

In this regard, do you believe that these "innocent statements" justify the opening of mail illegally?

Mr. ABERNATHY. No, sir. I cannot say I believe that.

Senator HART of Colorado. And if these "innocent statements" on crop conditions, the weather, and general living conditions are important for us to know, do you not believe this information could be collected through overt rather than covert means?

Mr. ABERNATHY. Certainly. That is true.

Senator HART of Colorado. Most of this kind of information could be collected overtly?

Mr. ABERNATHY. Yes.

Senator HART of Colorado. In the same Inspector General's Survey of the Office of Security, that same document we are referring to, there is reference in paragraph 6, on pages 3 and 4, to the random selection of letters to be opened. That paragraph states as follows :

Of the total items opened, about one-third are on the watch list and the others are selected at random. Over the years, however, the interceptors have developed a sixth sense or intuition, and many of the names on the watch list were placed there as a result of interest created by the random openings.

Could you describe briefly for this committee your understanding of this "sixth sense or intuition?"

Mr. ABERNATHY. Well, when someone does something for a number of years, he begins to develop a feel for it. In this particular case, perhaps the addressees' mail address to Soviet officials perhaps would have been of more interest. I'm sorry that I don't have the recall necessary to go back 15 years to bring up facts that might have been available to me then, but it is purely intuition as I see it.

Senator HART of Colorado. And these individuals who developed this uncanny ability can scan envelopes, or the exteriors of pieces of mail, and somehow through these vibrations or instincts determine that there may be something there, and therefore open them? If their instincts are wrong, of course, they have invaded somebody's privacy, as they did in any case; but it is the random nature of the operation that I think interests us here.

Mr. ABERNATHY. Yes, sir.

Senator HART of Colorado. Was this intuition based on sound counterintelligence judgment, like that of the CIA inspectors, or on their own personal dislikes of individuals or organizations?

Mr. ABERNATHY. I do not think that their personal likes or dislikes entered into it. I think it was purely random, the selection of the mail, except for those on the watch list, and I am not sure that they had any particular means of specifically identifying documents they were looking for.

Senator HART of Colorado. So 15 years later, you cannot sharpen for us the kind of elements that went into this sixth sense?

Mr. ABERNATHY. That is correct.

Senator HART of Colorado. Mr. Stewart, I would like to ask you, as former Inspector General, a couple of questions in this regard. In your interview by the staff, you mentioned that despite your understanding that the mail project was illegal, you never took this matter to the CIA General Counsel, Mr. Huston. Could you explain to us why you never did that?

Mr. STEWART. I can merely say that I did not at that time feel it was necessary to explore it with him. I didn't think that the question of its legality was that tricky.

Senator HART of Colorado. In other words, if it is a matter that is clearly illegal, you do not have to consult the General Counsel?

Mr. STEWART. Well, in drawing up my report for the Director, I did not feel I needed to.

Senator HART of Colorado. You only consult the General Counsel when it is a marginal question? In other words, if it might be illegal?

Mr. STEWART. I can give you an illustration of that. I did consult the General Counsel on a matter having to do with the CIA's responsibilities in the general field of arms control at one time. This was to get an interpretation of the 1947 Act which he gave very handily, and I didn't feel that this was that kind of a question.

Senator HART of Colorado. Do you know if the General Counsel was ever informed of the existence of the mail opening projects?

Mr. STEWART. Well, I was told by Mr. Paul Wallach of your staff that he was not so informed.

Senator HART of Colorado. But you had no information during the time?

Mr. STEWART. I had no information at the time.

Senator HART of Colorado. Do you know from your information, either at the time or since then, whether information on the mail projects was deliberately held back from the General Counsel?

Mr. STEWART. No; I really don't know the answer to that question.

Senator HART of Colorado. In a general policy or organizational sense, could you describe for us the relationship within the CIA between the Inspector General and the General Counsel?

Mr. STEWART. We were both staff members under the Director. He, of course, with his set of responsibilities, and the Inspector General with another set of responsibilities; we worked together on matters that called for, let us say, investigation and also legal judgment. In other matters, we rarely consulted him where there was no need to do so.

Senator HART of Colorado. Are there, within the CIA, formal procedures by which the Inspector General reports to the General Counsel any questionable activities that he may run across?

Mr. STEWART. I should say only conflict of interest comes to mind. He certainly is in on that whole aspect, but I don't recall any other case

where I would be called upon to report to him. And I should say on an operation, particularly a very closely held one, I would have authorization to expand the number of people briefed on the operation before I did so.

Senator HART of Colorado. But on other judgments and other matters, it is pretty much an ad hoc judgment if things are to be referred to him?

Mr. STEWART. Yes. For example, personnel matters; if there were illegal aspects of some action taken in the Agency with regard to an individual who had then placed a grievance before us, we naturally would go to the General Counsel on a matter of that sort.

Senator HART of Colorado. A minute ago, Mr. Stewart, I asked if you had any information about whether the mail opening projects had been purposely withheld from the General Counsel, and I think your indication was that you thought it had not been. It has been called to my attention that in your interview with the staff in response to this specific question, you said, "well, I am sure that it was held back from him on purpose."

Mr. STEWART. I had in mind there the procedure that we had on any closely-held project: that is, to name the people who were authorized to know about it. You can interpret the absence of his name from that list as a positive decision not to let him know about it. You can also interpret it as a decision that there was no particular requirement that he know about it.

Senator HART of Colorado. What would have been the response of the policymakers in the CIA if this matter had come to his attention as the General Counsel? And if he had clearly stated, either orally or in writing, that it was illegal, would the project have continued?

Mr. STEWART. I really don't know. That is simply a matter of guesswork.

Senator HART of Colorado. Has that kind of situation ever arisen in the CIA, in your experience?

Mr. STEWART. Not directly in my experience, and I really would have a hard time thinking of an operation that had been dropped because of such objections.

Senator HART of Colorado. Based on your experience, do you think this is one of the dangers of compartmentation that the committee has run into on a number of occasions, where the so-called "need-to-know" has been a device to avoid directly confronting questions of legality? Where the question of legality arises, you merely bypass the office that has the responsibility for raising the question of legality and therefore, it never has to surface or be confronted by the policymaker.

Mr. STEWART. Well, I have a hard time believing that the question of legality was not confronted in this matter. I feel that those responsible for the operation understood its status as something outside of the law; that they had determined that it was necessary to go ahead with the project despite that, and had sought such clearances as they thought necessary at the time. So I do not feel that the question of legality was actually swept under the rug, simply because you do not include the General Counsel in on those who are briefed on it.

Mr. Karamessines, of course, had legal training and practiced law, so he is not entirely unknowledgeable in the law. And certainly Mr. Helms, I should say, is a highly intelligent man, and also understood what the subject was up to.

Senator HART of Colorado. Well, that is considerably different from the officer in the Agency charged with the duty of rendering legal opinion.

Mr. STEWART. You are quite right.

The CHAIRMAN. Senator Schweiker?

Senator SCHWEIKER. Thank you, Mr. Chairman. Mr. Stewart, the two Inspector General surveys, which have dealt in part with the mail problems, provide our committee with a chance to examine the internal workings of the CIA. Would you tell the committee how many people were working in the IG's office when you were Inspector General?

Mr. STEWART. Oh, I think about a dozen staff members. And then, we had secretarial help.

Senator SCHWEIKER. Do you know how many people are working in the IG's office now? Would you be surprised to know that by 1973, your dozen had dropped to about half a dozen in the midst of some very serious accusations and charges about the CIA?

Mr. STEWART. Yes, I heard about that, and I was surprised that they had cut it back.

Senator SCHWEIKER. Did you feel, with 12 people, you had the staff to do the IG's job as you envisioned it?

Mr. STEWART. Sir, any job is almost limitless, and I could easily have managed more people on the staff. But I felt that we were able to cover the essentials with the team that we had at the time, and in the frame of reference we had at that time.

I think I explained, in my deposition, that we were aiming toward a review of each entity in the Agency on about a 5-year basis. More frequent inspections, I think, would be counterproductive. Less frequent, I think, really would show a weakness.

Senator SCHWEIKER. As a matter of routine, did your IG reports go to anyone outside the Agency?

Mr. STEWART. No, sir.

Senator SCHWEIKER. In other words, the President or the White House never received a copy unless specifically the Director of CIA might pass on such a copy of his decision?

Mr. STEWART. Not to my knowledge.

Senator SCHWEIKER. And did the oversight committees of the Congress, to your knowledge, ever receive, on a routine basis, any Inspector General reports?

Mr. STEWART. They did not.

Senator SCHWEIKER. Would you not think, in strengthening the Inspector General's office and position and role in the CIA, that the flow of information on a regular basis, both to the White House and to the responsible oversight committee of Congress, would be a very essential element?

Mr. STEWART. Well, I have read of such a proposal recently, and it has given me a great deal to think about. It would certainly, in a way, strengthen the Inspector General's role. I do not doubt that at all. It would also, I think, change his role very significantly within the Agency. There is a great deal of difference between going to an entity in the Agency saying, we come here on behalf of the Director, and we want to have you open up everything you've got, and tell us and talk to us on a professional level and person to person and being quite open; and going in as an outside inspector. And we, of course,

have had outside inspections in the past—by the Clark report years ago—and I think there were one or two others which had a different quality. Now, this is a question, I think, that would have to be resolved.

Senator SCHWEIKER. Do you consider it part of your job to ferret out illegal activities? Is that your concept of what an Inspector General and the staff is supposed to do—ferret out activities within the Agency that violate the law? Is that part of your mandate as Inspector General?

Mr. STEWART. Oh, yes, indeed.

Senator SCHWEIKER. And you did put the mail opening in that category?

Mr. STEWART. Yes.

Senator SCHWEIKER. And you fairly well recommended that it be discontinued, is that correct?

Mr. STEWART. Right.

Senator SCHWEIKER. Obviously, they did not pay any attention to your recommendation. And my question is, how many times did you make a recommendation of some illegal activity to which they did pay attention as opposed to the times they did not? This is a fairly clear-cut violation yet the decision was made up above not to respect your views. My question is, how many times were you thwarted in this way, and how many times did they back you up in pointing out something that was illegal?

Mr. STEWART. While I was Inspector General, I really don't recall that we touched on other clearly illegal activities. It may be that it doesn't come to mind right now.

Senator SCHWEIKER. What is an Inspector General for? Maybe I have an erroneous understanding of how an Inspector General is used in other parts of government, but it would seem to me that one of the purposes of an Inspector General would be to ferret out illegal activities. In fact, one of the rationales as to why the Congress has not looked into the CIA before is the view that it polices itself and it does not need any outside supervision, because the CIA has its own methods and does this itself. I assume that policing mechanism would be the Inspector General.

The point is, and I am sure the same argument was made to the Foreign Intelligence Advisory Board, that you really have an internal policing mechanism and yet you do not see it as a mandate to ferret out illegal activities. I have great difficulty understanding what the purpose of the Inspector General's office is.

Mr. STEWART. I think we misunderstood each other. I would certainly say that as I came upon illegal activities, it would be my job to bring them right to the top, to the Director's attention, and we did that in this case. What I said was that in the surveys that we ran while I was Inspector General, I was not aware of other illegal activities that we had come upon.

Senator SCHWEIKER. You never came across any other illegal activities?

Mr. STEWART. That is quite correct.

Senator SCHWEIKER. During your tenure?

Mr. STEWART. Not that I can recall.

Senator SCHWEIKER. How do you account for what we are finding now in our House and Senate Intelligence Committees? Was this a

lack of communication or compartmentalization? Where did the breakdown occur, if what you say is correct?

Mr. STEWART. Could you be specific?

Senator SCHWEIKER. Well, we have been holding a number of hearings. We had a hearing here a while ago where a Presidential order was violated on shellfish toxin. We have been holding a number of other hearings where the CIA was not complying with the law of the land. And my question is, how do you account for the discrepancies that are now coming to light, when you are saying that during your tenure you really did not find any other illegal activities? I am a little bit confused. You are saying obviously that you did not know about them, but are you now maintaining there were no other illegal activities going on during your tenure as Inspector General?

Mr. STEWART. No, sir. I'm not maintaining that. I simply say that in the course of our surveys, which, I explained, we took about the rate of one every 5 years, we had in fact not come upon other illegal activities that I recall and about which we reported.

Senator SCHWEIKER. Did the rotation of component service stop in 1973, and were you aware of this situation?

Mr. STEWART. Well, I had heard that, yes. I was retired at that time. I had no voice in the operation of the Agency.

Senator SCHWEIKER. Did you consider it part of your job to see that the Agency lived up to its charter?

Mr. STEWART. Yes, indeed.

Senator SCHWEIKER. Then I gather that you probably would assume that mail opening, in addition to being illegal due to the mail laws, was also a violation of the charter's ban on internal security functions?

Mr. STEWART. That is quite correct.

Senator SCHWEIKER. That is correct.

Do you think it is appropriate not to have written authorization in projects of this kind and would written authorizations from people above you be a factor here in helping the Inspector General to have his finding implemented instead of ignored? In other words, would it help you do your job to pinpoint responsibility in writing, which you say apparently did not occur in many of these instances, in order to clarify who was contravening the IG's recommendation?

Mr. STEWART. Well, I explained it was not our job to follow up on recommendations that we made. That rested with the Executive Director. I have the feeling that our recommendations were clearly addressed to an individual. In the case of this project, they were addressed to the Chief of the Clandestine Service, Mr. Karamessines. There was no doubt in my mind as to who had the responsibility to act on those recommendations or give reason why they had not done so.

Senator SCHWEIKER. One final question for Mr. Glennon. Mr. Glennon, how and when did the FBI learn of the New York mail opening program?

Mr. GLENNON. I believe we put in our report in 1958.

Senator SCHWEIKER. How long had the program been going on prior to 1958?

Mr. GLENNON. Several years.

Senator SCHWEIKER. All right. Now, why didn't the CIA tell the FBI about this program?

Mr. GLENNON. I haven't the slightest idea. Perhaps they did.

Senator SCHWEIKER. Well, our information is that they did not. They came upon it inadvertently, so it just strikes me peculiar that we have an agency that is charged with internal security; that is, the FBI, and while this obviously was an illegal procedure, the CIA did it for a number of years without even telling the agency responsible for internal security that such an event was going on.

And it would seem to me that because, again, you are in the matter of who handles intelligence internally, that here again was something of which someone in the IG's office should have been aware. You do not feel that it is part of your responsibility to keep the right agency in the right job and to see who follows what internal security law?

Mr. GLENNON. I certainly feel that these programs should be coordinated in the intelligence community. Now, this project, I believe started out just as an operational effort of our Soviet division. It had nothing to do with internal security, but looking for operational leads against the Soviet Union. So, the internal security aspects apparently became important later on, when the Bureau, I don't know how they—

Senator SCHWEIKER. All the mail coming back to this country was opened as well as the mail going out, so it is a little hard to conceive how you cannot say it is not an internal security function.

Mr. GLENNON. I didn't say it is not. I just said it started as an operation.

Senator SCHWEIKER. When it first started, mail was read both ways. It was not just read one way. That is all I have, Mr. Chairman. Thank you.

Senator TOWER [presiding]. The committee shall stand in recess, subject to the call of the Chair. It should be about 10 minutes.

[A brief recess was taken.]

The CHAIRMAN [presiding]. The hearing will please come back to order.

I believe Senator Huddleston had been recognized.

Senator HUDDLESTON. Thank you, Mr. Chairman.

Mr. Stewart, in your investigation, what type of people did you find was in the Agency who were actually performing the mail opening? What was their general experience?

Mr. STEWART. I refer that question to Mr. Glennon, because he was the one who talked with the people doing this job.

Mr. GLENNON. I believe that the people actually opening the mail were security officers.

Senator HUDDLESTON. They were not in counterintelligence?

Mr. GLENNON. Not to the best of my knowledge.

Senator HUDDLESTON. They had no experience particularly in counterintelligence?

Mr. GLENNON. No, sir. One of the recommendations we were making was to improve the personnel, analyzing it, in an attempt to improve the product.

Senator HUDDLESTON. So, for a project here that was designed primarily for counterintelligence, we had people who had no experience in counterintelligence?

Mr. GLENNON. As far as I know.

Senator HUDDLESTON. Who were randomly opening the mail without any guidance or without any substantial guidance, even from within the organization; is that correct?

Mr. GLENNON. I might defer that question to Mr. Abernathy. Do you have any comment?

Mr. ABERNATHY. I would say that is correct, sir.

Senator HUDDLESTON. They had no special expertise in being able to assess the value of the contents of any letter that they might open. Is that correct?

Mr. GLENNON. I believe they would. They were trained security officers and would be aware of activities which would be subversive and dangerous to the security of the United States.

Senator HUDDLESTON. But would they be aware of any counterintelligence implication?

Mr. GLENNON. No, sir, not especially.

Senator HUDDLESTON. Are you aware of exhibit 2,¹ the memorandum which sets out the description of this project? Do you have a copy of that? This is a memo dated November 7, 1955, Subject: HTLINGUAL.

Mr. GLENNON. Dated November 21?

Senator HUDDLESTON. November 21 was the cover memorandum to this project report. The project report itself, paragraph 6, under "Security," down at the very last few sentences indicates there will be special briefings of those to become knowledgeable and that a record kept of those so briefed. Did you find such a record?

Mr. GLENNON. There was a record; yes, sir.

Senator HUDDLESTON. Indicating the individuals who actually were participating and the fact that they had been briefed?

Mr. GLENNON. I never saw or held a list in my hand because I figured we could complete our inspection and make our recommendations to abandon that project without knowing all the names of the people involved. In the Agency we knew those obviously on a basis of need to know. We would really need to know who was cleared in this case for years past.

Senator HUDDLESTON. On this matter, then, discussing this project with the General Counsel and with other responsible individuals, was that neglect, in your judgment, because of this "need-to-know" policy that no person, even within the Agency, who did not need to know about it would be informed of it?

Mr. STEWART. As far as I am concerned, sir, the reason I didn't discuss it with the General Counsel was because I didn't feel it was necessary to do so.

Senator HUDDLESTON. From the standpoint of its legality?

Mr. STEWART. Correct.

Senator HUDDLESTON. You had no intuition that he already knew about it?

Mr. STEWART. I didn't know one way or another. It is a matter of fact; I did not discuss the project with him.

Senator HUDDLESTON. Would the subject of maintaining a policy of plausible deniability enter into the matter of whether or not there would have been broader discussion of it?

Mr. STEWART. Well, the reason for a list of people cleared to know about the project is to simply control a secret; that is, if you just have a few people who know about something, then you have better control

¹ See p. 187.

of whether this knowledge leaks out to other people. And, we always endeavored to keep those lists as short as we could.

Senator HUDDLESTON. Wasn't there also an interest within the Agency, if not on this project, on other projects, of operating in such a fashion that should it become public knowledge, that certain persons could be exempted from any blame, so to speak, on the basis that they did not have specific knowledge of it?

Mr. STEWART. I don't know how that would operate in this case. I haven't thought about that.

Senator HUDDLESTON. You don't believe that was a factor in this case? In that same paragraph in exhibit 2¹ that I just referred to, paragraph 6, headed "Security," there is this statement:

In the event of compromise of the aspect of the project involving internal monitoring of the mails, serious public reaction in the United States would probably occur. Conceivably, pressure would be placed on Congress to inquire into such allegations, but it is believed that any problems arising could be satisfactorily handled.

Do you have any idea or knowledge of what that phrase means and just how inquiry from Congress would be satisfactorily handled by this particular operation?

Mr. STEWART. This is the first time that I have read this memorandum. I don't know what was in the mind of the person who wrote it—"Public inquiry that would be raised publicly by the Congress"—I should have said would be very difficult to handle. Private inquiry, if it had been raised by a congressional committee with the Director, might have been another thing. I just don't know what they had in mind when they wrote this.

Senator HUDDLESTON. Do you have any knowledge as a result of your inquiry into the Agency of what method had been used in any other instance, or in this particular instance, relating to the handling of congressional inquiries into such matters?

Mr. STEWART. I always understood—I never had direct knowledge of this—I always understood that the Director of Central Intelligence, in dealing with the oversight committees as they existed at that time, felt at times called upon to take up with those committees matters of considerable sensitivity. But that was certainly not one area of my responsibility. I never participated in any such talks, and that is about as much as I can help you on that.

Senator HUDDLESTON. The record would indicate that the Director had been pretty successful over the years, would it not, viewing the extent of congressional oversight into this kind of operation?

Mr. STEWART. That was my understanding.

Senator HUDDLESTON. Let me refer you to exhibit 3,² which is a memorandum for the Director of Central Intelligence through the Chief of Operations, relating to this Project HTLINGUAL. This apparently is a summary. This is dated May 4, 1956, some several months after the project had been in operation. It appears to be an update or a review of just what the project is. It says in the second paragraph:

You will recall that Project HTLINGUAL is a very sensitive project involving the analysis of mail entering New York City from the Soviet Union. While the project was originally designed to examine and record information from only

¹ See p. 187.

² See p. 195.

the outside of the envelopes, for some time selected openings have been conducted and the contents examined. This is, of course, without the knowledge of the postal authorities.

Does it seem there that since this is such a perfunctory phrase, "This is, of course, without the knowledge of the postal authorities," that there must have been an awareness that the operation itself then could not be approved if postal authorities were aware of it?

Mr. STEWART. I think that would be one logical conclusion to this, yes.

Senator HUDDLESTON. This memorandum goes on to indicate the types of some of the mails that are being opened, and in paragraph 5 it says:

It is interesting to note that of 20 letters which were in the analysis, one mentioned that a brother was a priest, two had Christmas greetings, four starting out with the wording "Praised be Jesus Christ," one used the phrase "Thank God"—for a total of 8 out of 20 with some religious reference.

Would you consider this mail coming from the Soviet Union to be of important foreign intelligence?

Mr. STEWART. No, sir.

Senator HUDDLESTON. Would it be important counterintelligence information?

Mr. STEWART. Not in my view.

Senator HUDDLESTON. The final paragraph says:

It is hoped that when we are better staffed to analyze this material for other than counterintelligence purposes, other and perhaps more significant data may be obtained.

Does your information or your inquiry indicate that there were serious efforts along the way to evaluate the product of this operation and whether or not it was, in fact, providing any kind of intelligence that was worth the infringement upon the privacy that it involved in the random opening of thousands of letters?

Mr. STEWART. My feeling about it is that when you have available a source such as this, it certainly is incumbent on the Agency to try to find out whether in the materials received there are things of potential positive intelligence value. I suppose that paragraph 5 could be read to say that despite the antireligious policies of the Soviet Union there is a survival of religion, I think a very minor subject, but that is apparently what was intended here. Other such minor matters might have been derived from these letters. But beyond that I would only speculate. I never read any batch of them. I don't know what this kind of thing contained or could possibly have contained.

Senator HUDDLESTON. It seems to me the tenor of the entire body of memoranda that were made before May 1956, was that most of the information received has been very insignificant and has knowingly gone into an operation that just randomly infringed on the privacy of many, many citizens and the opening of their private mail. It seems that just a cursory examination would dictate that we ought to be getting something pretty significant that is pretty earth shaking in order to justify that kind of operation.

Mr. STEWART. Mr. Angelton makes it clear that he is talking about something—let us say, an added bonus—to the basic counterintelligence value of these materials. He, of course, was the CIA's Chief of the Counterintelligence Staff.

Senator HUDDLESTON. He indicates that he hopes within the future they would be able to derive something more significant from the operation. The memorandum seems to me to express a hope.

Mr. STEWART. Yes; well, you could read it that way. I would read it that he is satisfied with his counterintelligence data and perhaps something more significant than what you have in paragraph 5 might be obtained.

Senator HUDDLESTON. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Goldwater, do you have any questions?

Senator GOLDWATER. I have two short questions.

Mr. Glennon was Mr. Stewart's IG, I believe, at one time, and I think he conducted a survey of the Counterintelligence Staff and reviewed the New York mail project. Is it true that you testified that you knew of no agency consumer who was satisfied with the results of the operation?

Mr. GLENNON. That is right, sir, no internal CIA component.

Senator GOLDWATER. And, notwithstanding this, the operation continued?

Mr. GLENNON. Yes, sir.

Senator GOLDWATER. This operation continued for 20 years at a substantial risk to the Agency. Isn't it likely that some high officials in a position to evaluate its worth found the intelligence "take" to be of overriding importance?

Mr. GLENNON. Yes, sir, it is possible. Unbeknownst to me, it is possible that the Chief of the Counterintelligence Staff, the Director, and other senior officials might have discussed this and decided to keep it. I have no idea. All I would know is people I talked to, the customers within the Agency, work day-to-day people, found very little use for the material.

Senator GOLDWATER. Is that the practice in other countries, to have mail intercepted?

Mr. GLENNON. I think this mail that we are talking about has already been intercepted by the Soviet Union and the Russian intelligence service. But our situation was to see what was already known to the Russians. Personally, if I had a letter opened from the Soviet Union, I would not object because I would not mind the FBI knowing what the Russian intelligence service knows.

Senator GOLDWATER. One other question.

Mr. Abernathy's 1960 review of the New York project revealed no documentation of authorization for openings from within or outside the Agency. The report states that the DCI, the DDP, and the DDS were aware of the project from inception and that their approvals may therefore be implied. My question is, for an operation of this sensitivity, is there anything unusual about a lack of documentation?

Mr. ABERNATHY. No, sir. I would not say it would be unusual in this case.

Senator GOLDWATER. That is all I have, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Goldwater.

Senator Tower?

Senator TOWER. Mr. Glennon, in your 1969 review of the New York project, did you discover or find any documentary evidence that authorized mail opening?

Mr. GLENNON. No, sir.

Senator TOWER. Mr. Stewart, you have told the staff that your reason for not telling the General Counsel of the operation was that your responsibility was to the DCI. If the DCI wanted a legal opinion, that was his prerogative. But you never raised the illegality of the question with the DCI or notify him that such an opinion should be solicited. Why?

Mr. STEWART. I certainly did not raise the legality question in the written report. I assumed that the Director knew of its status as a project that was beyond the law, and in my deposition I said that if he had a reason for exploring this problem with the General Counsel, that would be up to him. I did not feel it was up to me to take it up with the General Counsel.

Senator TOWER. You felt it was illegal?

Mr. STEWART. Yes, indeed.

Senator TOWER. But you did not make any recommendation to the DCI on that?

Mr. STEWART. I recommended that we consider closing the project because of its flap potential.

Senator TOWER. Do you have any recommendation, short of an independent Inspector General, that would prevent the institution of illegal projects of this kind or, do you think that the only way to prevent it is to have an independent Inspector General?

Mr. STEWART. Well, I can imagine many ways that you could do this. I think one would be perhaps looking at the basic law that authorizes the operations of the CIA and specifying those areas in which the Agency could not deal in some greater degree of exactness. Certainly having an independent Inspector General would provide another check on the operations of the Agency. I think if you did have such an Inspector General, it would be absolutely necessary that he be included in all operations, that the need-to-know principle not be applied in his case, that he would have a need to know of everything that was done if you expect that he will operate in this way. Those would be the ways that come to mind, as far as I am concerned, in avoiding repetition of this sort of thing.

Senator TOWER. Now, from the mid-fifties until 1966, both the CIA and the FBI were opening mail. Are either you or Mr. Abernathy able to shed any light on the nature of the liaison, if any, that existed between the CIA and the FBI?

Mr. STEWART. I really can be very little help on that. I knew that we had a regular established liaison channel, and as we state in our report, by 1969, when we got around to it, their liaison officer said to us that the FBI wanted very much to have us continue the project and provide this take to them. But the history of this is something I have not myself gone into. I cannot help you much.

Senator TOWER. Can you add anything to that, Mr. Abernathy?

Mr. ABERNATHY. No, sir, I cannot.

Senator TOWER. To the best of your knowledge, did either the CIA or the FBI recommend that you limit the scope of the openings to the mail of probable violators of the espionage laws?

Mr. STEWART. I know of no such action.

Mr. ABERNATHY. Nor I, sir.

Senator TOWER. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Tower.

I think it was you, Mr. Glennon, who said that you would have no objection to the Government opening your mail since the Russians opened mail. That intrigues me very much.

Mr. GLENNON. Sir, I defend this project of the Agency in no way whatsoever. It was illegal and should have been discontinued. I am just speaking of my personal opinion, that I would really not object unless I had an ax to grind somewhere; then I might. I might make a lot of publicity about it. But I have no ax to grind.

The CHAIRMAN. It is your personal opinion. I understand you do not defend this because it was illegal. You just say personally you have no objection to the Government opening your mail because the Russians open the mail. That is the thing I wanted to get at.

Would you have any objection to our police coming in and searching your home without a warrant because the Russian police do not have to have a warrant?

Mr. GLENNON. Oh, I draw the line. I draw the line.

The CHAIRMAN. Oh, you draw the line?

Mr. GLENNON. Of course, sir. I don't really support the idea at all. I'm just saying I wouldn't condemn the Agency or the Bureau if they opened my mail. I'm saying personally, having had it done, I don't think you should make such a big hullabaloo out of it. I think it was done—it is not being done any longer—and I think the Agency should be given a chance to go ahead.

The CHAIRMAN. The Supreme Court of the United States does not draw the same distinction that you do, between searching a house and searching the mail. They said, and it has been the law of the land for a long, long time, that the mail is entitled to the same protection as a person's house.

Mr. GLENNON. Right.

The CHAIRMAN. But the law didn't mean very much to any of you gentlemen, did it?

Mr. GLENNON. Yes, it did, sir. We said it was illegal, and we recommended that it be discontinued. What more can you do? It meant something, going to the General Counsel, for example.

The CHAIRMAN. When Mr. Stewart testified a few minutes ago, he said that you recommended it be discontinued.

Mr. GLENNON. Right.

The CHAIRMAN. Not because of the illegality, but because of the flap potential.

Mr. GLENNON. The flap potential is because it was illegal.

The CHAIRMAN. Yes, but the flap potential was what worried you. As a matter of fact, in none of your reports did you even speak of the illegality.

Mr. GLENNON. It speaks for itself, sir.

The CHAIRMAN. You said it spoke for itself. You were concerned it might embarrass the Agency. It wasn't your concern—

Mr. GLENNON. That is one concern, sir.

The CHAIRMAN. It was not your concern that the law had been violated.

Mr. GLENNON. Yes, sir, it—

The CHAIRMAN. Well, if it had been your concern that the law had been violated, why wouldn't that have figured into your reports?

Mr. GLENNON. It did. We recommended that it be stopped.

The CHAIRMAN. You recommended that it be stopped because it might embarrass the Agency if it had been revealed.

Mr. GLENNON. Sir, I also recommended the 17 ways to improve this project in case it were continued. Now, our job is to inspect and report what we find. We found that it was illegal. We recommended it be stopped. But, if for some other more important reason it was continued, then we would recommend some steps to improve upon the operation.

The CHAIRMAN. Mr. Glennon, in 1960, the first report said "evaluated and approved." Through the years the evaluation showed it was not worth continuing.

Mr. GLENNON. Yes, sir.

The CHAIRMAN. You recommended that it be stopped. You did not really recommend in 1969 that it be stopped. You said it still wasn't worth anything. You were worried about the flap that might develop if the Agency had been caught having conducted 20 years of illegal mail openings. You didn't recommend that it be stopped as far as the mail openings were concerned. You recommended that it be turned over to the FBI so that the FBI could take the risk. Isn't that right, in 1969?

Mr. GLENNON. They were the principal customers. I recommended it be stopped, period. Then, if it were not stopped, they should turn it over to the FBI since they were the principal customer, and ask them to serve our requirements if we had any.

The CHAIRMAN. So, all through this period that you were investigating this program that you, yourselves, evaluated as worthless, or at least not worthwhile enough to continue, and then recommended finally that it be stopped or turned over to the FBI, none of these recommendations affected the Agency. The Agency continued to use the program.

What is the Inspector General's Office for, and is there no follow-through with respect to its recommendations? Is there no report back, so that you know whether or not your recommendations have been approved or disapproved? Is there no connection between the Inspector General's Office and the counsel that is supposed to try to keep the Agency operating within the law? How is it that year after year after year these reports go in and nothing happens and no reports come back? What is the matter with the Inspector General's Office that it is so impotent?

Mr. STEWART. Is that for me?

The CHAIRMAN. Anyone who wants to answer.

Mr. STEWART. The Inspector General's Office was a device used by the Director to bring to the surface problems that he should consider and that other senior officials in the Agency should consider. We certainly did not have the authority to give orders to close things. We had, however, the authority to report and to recommend. It was then up to the Agency management to decide how they would deal with these recommendations.

Routinely, the replies to recommendations—in this case, the reply that Mr. Karamessines would have made to the recommendations

addressed to him—would have been sent to the Executive Director's office and then passed on to us. If it were a reply which said "we don't go along with this recommendation," the Inspector General would then have an opportunity to state again, or to state in other terms, the reasons for his recommendation or his reasons for not agreeing with our Chief of the Clandestine Service.

The CHAIRMAN. Did that happen in any of these cases?

Mr. STEWART. In this case, to my knowledge—and I have been told this by Mr. Wallach—that reply did not come back to us. I don't know why and I, myself, in conducting the affairs of the Inspector General's Office, did not run a tickler on the Executive Director. He had the followup responsibility. I simply assumed that his office would take each of the many recommendations that we had, follow up and be sure that we got some response. How this one happened to fall through and not be responded to is a question I can't answer.

The CHAIRMAN. This program has been going on for some time. I have the figures here to show the extent of the program, which I will reveal when the next witness, who is best able to testify on this subject, comes to the stand. Figures that I do not believe have been released before will show how very large the program was, how long it continued, and the fact that it was clearly against the law throughout that period, even though it was unproductive in terms of intelligence gathering.

Mr. STEWART. I should like to just say on that that it is certainly my understanding that the Federal Bureau considered it to be productive from the point of view of intelligence gathering. That at least is what their liaison officer told us.

The CHAIRMAN. Well, we will have the Federal Bureau here to testify directly on that score. The point that I wish to make is that I cannot think of a clearer case that illustrates the attitude that the CIA lives outside the law, beyond the law, and that, although others must adhere to it, the CIA sits above it, and you cannot run a free society that way. Either your intelligence agencies live within the law, or the beginning of an erosion that can undermine the whole society is put in motion and that is what we have seen—the erosion of illegal practices begins with the CIA and then extends to the FBI. We will be seeing many instances, flagrant instances, of that erosion from the very agency that is supposed to enforce the laws of this country; then it extends to the Internal Revenue Service, the Post Office Department, and pretty soon it begins to permeate the whole Government. That is why it is going to stop, and I hope that this investigation has something to do with stopping it.

If there are no further questions, we will go to our next witness.

Mr. Osborn, would you please stand and take the oath? Do you solemnly swear all the testimony you will give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. OSBORN. I do.

The CHAIRMAN. Mr. Schwarz, would you begin the questioning?

Mr. SCHWARZ. Counsel, would you identify yourself, and does Mr. Osborn have an opening statement?

Mr. DEBELIAS. Yes; yes, my name is John Debelias. I am Mr. Osborn's counsel. He does have an opening statement, which he would like to read. We have provided copies of this statement.