

HEARINGS EXHIBITS¹**EXHIBIT 1**

INSPECTOR GENERAL'S SURVEY OF THE

OFFICE OF SECURITY

ANNEX II

PROJECT SCPOINTER/HGLINGUAL

1. This project is a sensitive mail intercept program started by the Office of Security in 1952 in response to a request from the SR Division. Under the original project, named SCPOINTER, representatives of the Office of Security obtained access to mail to and from the USSR and copied the names of the addressees and addressors. In 1955 the DD/P transferred the responsibilities in his area for this program from SR Division to the CI Staff, the program was gradually expanded, and its name was changed to HGLINGUAL. Since then the program has included not only copying information from the exteriors of envelopes, but also opening and copying selected items.

2. The activity cannot be called a "project" in the usual sense, because it was never processed through the approval system and has no separate funds. The various components involved have been carrying out their responsibilities as a part of their normal staff functions. Specific DD/P approval was obtained for certain budgetary practices in 1956 and for the establishment of a TSD lab in 1960, but the normal programming procedures have not been followed for the project as a whole. However, the DCI, the DD/P, and the DD/S have been aware of the project since its inception and their approvals may thus be inferred.

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¹ Under criteria determined by the Committee, in consultation with the Central Intelligence Agency and the Federal Bureau of Investigation, certain materials have been deleted from these documents, some of which were previously classified, to maintain the integrity of the internal operating procedures of the agencies involved, and to protect intelligence sources and methods. Further deletions were made with respect to protecting the privacy of certain individuals and groups. These deletions do not change the material content of these exhibits.

3. The mechanics of the project can be summarized as follows. Mail to and from the USSR and other countries is processed through the branch post office at LaGuardia Airport in New York City. The postal authorities agreed to a screening of mail by Agency representatives at this central point, and office space has been established there for three Agency officers and one representative of the postal service. As mail is received it is screened by the Agency team and the exteriors of the envelopes are photographed on the site. The volume being photographed at the time of the inspection was approximately 1,800 items per day. From this total the Agency team selects approximately 60 items a day which are set aside and covertly removed from the post office at the end of the day. These are carried to the Manhattan Field Office (MFO) and during the evening they are steamed open, reproduced and then resealed. The letters are replaced in the mails the following morning. The films are forwarded to the Office of Security at headquarters and thence to the CI Staff, where dissemination is controlled.

4. The total flow of mail through the LaGuardia post office is not screened. The intercept team can work there only when the postal representative is on duty which is usually the normal five-day, 40-hour week. Mail, of course, is received and processed at the post office 24 hours a day, seven days a week. Thus much of the overseas mail simply is not available for screening. Registered mail also is not screened because it is numbered and carefully controlled; however, on occasion, it has been possible to remove and process individual

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items on a priority basis. In such cases it has been necessary to hold up the entire pouch until the letter is replaced.

5. Three Security officers at the MFO work fulltime on the project, and one clerical employee helps. Most of the officers' time is spent at the LaGuardia post office screening and photographing the exteriors of envelopes and supervising the actual openings during the evening. Several of the regular investigators of MFO have been cleared to work on the project, and overtime has been authorized up to eight hours per pay period for each employee involved. The normal evening sessions are from 5:00 to 9:00 PM. This is a highly efficient way to get the job done and the investigators enjoy the work and appreciate the opportunity to earn overtime pay. There is some question, however, concerning the administration of overtime pay. The Office of Security has ruled that overtime will not be paid to any person who takes leave, sick or annual, during the week within which the overtime is worked. This means that an officer who is ill after having worked his evening tour must nevertheless come to the office or forfeit his overtime pay. It also means that an officer who is sick early in the week cannot afterward work his scheduled evening shift and be paid for it. The Office of Security should review its policy in this regard.

6. The principal guidance furnished to the interception team is the "watch list" of names compiled by the CI Staff. Names may be submitted by the SR Division, the FBI, the CI Staff, or the Office of Security. The list is revised quarterly to remove names no longer of

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interest, and it ranges between 300 or 400 names. The list itself is not taken to the InGuardia post office, and the three team members have to memorize it. Headquarters has compared the actual watch list intercepts with the photographs of all exteriors, and there has not yet been a case of a watch list item having been missed by interceptors. 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. A limited amount of guidance is given in specific area or topical requirements, but this is not very satisfactory. The interception team has to rely largely on its own judgment in the selection of two-thirds of the openings, and it should have more first-hand knowledge of the objectives and plans of operational components which levy the requirements. Information is now filtered through several echelons and is more or less sterile by the time it is received in New York.

7. One of the uncertainties of the project is lack of specific knowledge concerning early agreements with postal authorities and any commitments which the Agency may have made. Senior postal authorities in Washington approved the earlier phases of the activity. There are no documents to support this, however. After the initial acceptance of the project by postal authorities, liaison responsibilities were transferred to the Office of Security and have since been handled by the chief of MFO. The designated liaison officer for the postal service

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is the head of its Inspection Service in New York. The Agency has been fortunate in that the same persons have been associated with the project since its inception. Details of agreements and conversations have not been reduced to writing, however, and there is now some uncertainty as to what the postal authorities may have been told or what they might reasonably be expected to have surmised. This is important because the New York facility is being expanded in the expectation that we will continue to have access to the mail. The very nature of the activity, however, makes it impossible at this point to try and have a firm understanding with postal authorities. There thus seems to be no alternative except to continue relying on the discretion and judgment of the persons involved.

8. The postal representative designated to work with the interceptor team at LaGuardia is a relatively junior but highly intelligent mail clerk. He probably suspects but has not been informed that the Agency is sponsoring the program. He is not a member of the postal Inspection Service, but reports to it on matters concerned with the project. This has placed him in a very unusual position in the post office, since he is on the T/O of the LaGuardia office. The chief of MFO unsuccessfully suggested to the local chief of the Inspection Service that the cover of this individual would be improved if he could be made a part of the service to which he reports. Because of the mail clerk's long association with the activity it should be assumed that he knows our basic objectives. On the other hand, there is no evidence that he has ever communicated this knowledge to his New

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York superiors. It is possible, of course, that key postal officials both in New York and Washington suspect the true nature of the activity and have decided not to make an issue of it so long as they are not required officially to sanction it. In any event, the success of the project depends upon the cooperation of the mail clerk because mail cannot be removed without his knowledge. If he should be replaced it would probably be necessary to withdraw from the operation until his successor could be evaluated.

9. For the past four years processing of opened letters has been limited to reproduction of the contents and analysis at headquarters. In February 1960, however, the Chief of Operations, DD/P, approved the establishment of a TSD laboratory to make technical examinations of the correspondence. The T/O for the unit is one GS-14 chemist, one GS-11 assistant and one GS-5 clerk/secretary with flaps and seals experience. A GS-11 has been hired and trained for the senior position, and a GS-9 is being sought for the other slot. The T/O and annual costs of the lab will be charged to TSD. Lab premises in New York were in the process of being leased during the inspection, and probably will be in the same building as MFO. The objectives of the lab group will be (a) examination of correspondence for secret messages, (b) detection of USSR censorship techniques and development of better operational methods to avoid such techniques, and (c) an increase in the quantity and quality of the present operations. TSD has shown considerable enthusiasm for the activity, not only because of the obvious contributions which,

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might be made to the intelligence effort, but also because it offers a workshop to test some of the equipment which TSD has developed.

10. Although an inspection of participating DD/P components is beyond the scope of this survey, the activity cannot be viewed from the Office of Security alone. DD/P responsibilities for the activity now rest with the CI Staff and are discharged by the Projects Branch, a unit with 15 positions devoted full time to processing the film and reproduced correspondence. The T/O includes four senior analysts who have broad language capabilities, and a group of junior analysts who handle material in English. Also included is an IIM key punch operator who makes the IIM index cards for CI files. The clerical staff has had limited language training to facilitate the transliteration of Russian for indexing. As the reproduced letters are received by the Projects Branch, they are analyzed and dissemination proposed. This dissemination is subject to review by the Acting Chief, CI Staff, and extreme care is given to protecting the source.

11. 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.

12. Disseminations to the FBI are approximately equal to those made to SR Division. Since the information is largely domestic CI/CE, it is not difficult to conclude that the FBI is receiving the major benefit from this project.

13. The annual cost of this activity cannot be estimated accurately because both administration and operations have always been decentralized. The costs are budgeted by the contributing components as a part of their regular operating programs. The expenses of the New York facility are absorbed by the Office of Security as a part of the Manhattan Field Office budget. The cost of the new lab, including personnel and equipment, will be borne by TSD. The Project Branch of the CI Staff, the largest unit involved, is budgeted as a regular staff component of the CI Staff. Administrative costs within the headquarters components of SR Division and the Office of Security are included in their regular budgets. This dispersal of costs throughout the budgets of other components is an effective security device and should be continued, but we believe that it is nevertheless necessary that exact cost figures be developed to permit Agency management to evaluate the activity.

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14. There is no coordinated procedure for processing information received through the program; each component has its own system. The Office of Security indexes selected portions of the information in its Security Records Division. The CI Staff indexes the opened mail as well as a large percentage of the photographed exteriors. The SR Division maintains its own file system, and the information sent to SR Division by the CI Staff is frequently indexed by the Records Integration Division while it is in transit. The FBI is one of the largest customers and it is assumed that it also indexes the material it receives. The same material could thus be recorded in several indices, but there is no assurance that specific items would be caught in ordinary name traces.

The CI Staff uses its IEM index cards to make fan-folds which are distributed monthly, quarterly, and semi-annually on a need-to-know basis.

15. The general security of the project has always been maintained at a very high level. When intelligence information is disseminated the source is concealed and no action can be taken until a collateral source is found.

The Office of Security has not obtained full clearances on post office personnel with whom it is dealing. This should be done in the case of

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the mail clerk who can be presumed to know much of what is going on. Another oversight is the absence of any emergency plan for use if the project should be exposed and time prevented consultation with headquarters. On the whole, security has been exceptionally good.

16. Probably the most obvious characteristic of the project is the diffusion of authority. Each unit is responsible for its own interests and in some areas there is little coordination. The Office of Security has full responsibility for the operation of the New York facility, for liaison and coordination with postal authorities, and for related matters. The CI Staff is the focal point of the DB/P interests. TSD will be responsible for the personnel and equipment in the new lab, although the lab will be under the administrative jurisdiction of MFO. SR Division requirements are forwarded through CI Staff to the Office of Security, but SR Division has little knowledge of the capabilities of the interceptor group; the interceptors have even less knowledge of the over-all aims and objectives of the SR Division. There is no single point in the Agency to which one might look for policy and operational guidance on the project as a whole. Contributing to this situation is the fact that all of the units involved are basically staff rather than command units, and they are accustomed to working in environments somewhat detached from the operational front lines. Because each of the units is accustomed to this type of limited participation, there has been no friction and cooperation has been good. The greatest disadvantages of this diffusion of authority are (a) there can be no effective

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evaluation of the project if no officer is concerned with all its aspects, and (b) there is no central source of policy guidance in a potentially embarrassing situation.

17. We do not advocate a change in the methods of operation, nor do we believe that the responsibilities of the participating components should be diluted, but we feel that the activity has now developed to the point that clear command and administrative channels for the over-all project are essential. We also believe that a formal evaluation of the project is required.

18. Operational evaluation should include an assessment of over-all potential. 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. 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.

No intercept program can cover the entire flow of mail, and the best that can be done is to develop techniques which will provide a highly selective examination of a small portion. With the limitations imposed by budgetary and

personnel ceilings, as well as by policy considerations, it must be recognized that the full potential of this project is not likely to be developed. However, it does provide a basic apparatus which could be expanded if the need arose.

Recommendation No. 41:

a. The DD/P and the DD/S direct a coordinated evaluation of this project, with particular emphasis on costs, potential and substantive contribution to the Agency's mission.

b. An emergency plan and cover story be prepared for the possibility that the operation might be blown.

EXHIBIT 2

NOV 21 1955

MEMORANDUM FOR: Chief of Operations

SUBJECT: Project HTLINGUAL

1. The HTLINGUAL project outline is attached. It is self-explanatory as a project with the exception that having been aware of the previous operation, you undoubtedly will have certain questions which we hope to answer in this cover memorandum.

2. The personnel required for the project on the part of the Security Office is approximately the same as the number and grades of those currently used with the exception that Security is running the project through full-time use of some employees and part-time of others who should be on other regular Security jobs. Their total time is between seven and eight people full-time. With the personnel freeze and the mounting backlog, Security cannot continue the present operation without a staff increase as indicated.

3. The only added function that will be performed by Security in the new project is that more letters will be opened. They are presently able to open only a very limited number. Under the new set-up with full-time employees, Security will be able to obtain the addressor and addressee on the total correspondence as against approximately 75 percent at the present time.

4. The added space is necessary to enable the opening of more letters. Presently letters are opened without the knowledge of the Post Office Department on a completely surreptitious basis, namely, swiping a letter, processing it at night and returning it the next day. The processing is after hours in the Security Office's New York office. This not only involves overtime but is impossible to handle on any increased scale. It will be necessary to get an added room for this processing with permanent equipment. The cost for

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this added room is included; however, it is not known whether added space may be obtained without cost. In order to acquire more letters for processing, added room may be necessary at the airport in New York. This cost is included; however, again it may not be necessary to expend any money since the Post Office may be able to handle the matter for us. In other words, it is necessary to get the mail delivered to a separate room where no other Post Office employees are present. At the present time, an unwitting Post Office employee is working with our people. The item for space in Washington, while possible, is not probable, since this space does not need to be at any particular point in the Washington area.

5. Our Security people are documented as Iden 27

So far there

has been no suspicion in the main post office in New York or at the airport that they are other than Iden 27. The cover story is that they are doing certain research work on foreign mail for the Iden 28

6.

7.

8.

9. The scope of this project could be greatly expanded, since it does not cover a substantial amount of mail which comes into other post offices and since it is envisioned that only a relatively small percentage of the mail will be opened. Based on a year's operation of the

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project as currently envisioned, a detailed analysis can be made to determine whether it should be abandoned, expanded, or maintained at its present scope. It is our opinion that the Agency will desire to expand the project to the maximum extent possible within the limits of security and the limits of the Post Office Department's cooperation.

10. It is desired to point out that the Security Office advises that they cannot continue the project unless added slots are made available to them. From the DD/P standpoint, we believe that we are not at the stage of either developing the project as indicated or discontinuing it, since the material is not being exploited nearly to the extent that it could be.

11. The cost of the project appears large; however, from the above analysis you can see that this cost is almost entirely the salaries of staff employees, including headquarters processing. The cost of many of the Agency's projects would appear very high if the total staff personnel (including headquarters) cost was added to them.

Signed: James Angleton

James Angleton
James Angleton
Chief, Counter Intelligence Staff

Attachment (1)

DC/CI:Iden 4 ;jbr (18 Nov 55)

Distribution:

Orig & 1 - Addressee

1 - CI/SIU

1 - C/CI Chrono

1 - To be informally handed to Iden 15

by Iden 4

11/21/55: Note by Mr. Angleton on the cover sheet to GOP;
Dick: The work on this was done by Iden 4 and Iden 20

7 November 1955

Project Cryptonym or Subject: RIKINGOALSub-Project Cryptonym or Identification: NAAmendment No.: NA

Originating Division: Counter Intelligence Staff/BD/F

a. Division Chief: James Angleton, Ent.

b. Branch Chief:

c. Case Officer: To be selected

~~Target Area: T332~~

Type of Project:

Counter intelligence. This project is primarily of a counter intelligence nature, although it is expected to produce valuable information in support of FI operations.

Financial Mechanism:

Direct use of Agency personnel and equipment exclusively.

Funds Requested:

Total funds requested for fiscal year 1956: \$35,722.50. Of this sum, \$40,230.00 to be allocated for expenditures by the Security Office and \$46,492.50 by CI Staff of BD/F.

Current Status:

This is a new project.

1. OBJECTIVE:

To acquire discreetly and utilize accessible intelligence information by examination of and recording data concerning - postal communications to and from the USSR, entering and departing the United States or passing through the United States to and from other countries. Under present circumstances in which no United States censorship or monitoring of mails exists, much information no doubt of considerable value is not acquired and is reaching the target country without our knowledge. There will, in fact, be no censorship of mails in the course of this project; but a discreet monitoring of mails will be undertaken and accessible information will be recorded and analyzed and thereafter made available, with appropriate restrictions as to its use, exclusively to the components of the Agency which could use the information in the furtherance of their respective missions.

2. ORIGIN and POLICY GUIDANCE:

a. Origin: SR/DD/P originally suggested to the Security Office that it explore the possibility of obtaining information by monitoring postal communications. This was prompted, of course, by the limited sources available and the priority given to its target of operations. Whereas the project has a great potential value in the support of positive intelligence operations directed against the USSR by SR/DD/P, it also has considerable potential value to many other divisions of DD/P and a major potential value to counter intelligence operations Agency-wide. Numerous documents could be cited, placing responsibilities on the Agency which would justify the undertaking; however, since the project is considered primarily of a counter intelligence nature, a field of activity in which there is no question of Agency responsibility, there would appear to be no need for specific citations of the documents herein.

b. Whence Proposed: This project originated in and is exclusively a Headquarters project.

3. CITATION:

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. This situation has historically existed in

peace-time. It must be assumed that foreign espionage agents have relied on this policy of the United States Government; and this has resulted in the extensive use of the mails for intelligence purposes to our detriment. Considering the known interest of the Soviet Union and its present war potential, there is ample justification for taking all possible discreet steps to counter the effects of such use. In view of the difficulty in obtaining intelligence information from within the USSR, this activity should afford a vital and continuing source of counter intelligence and operational data from this sensitive area. It will be an entirely new avenue of information in the field of counter espionage.

4. PROPOSAL:

It is proposed that through the use of Agency-employed personnel exclusively, but with cooperation of the Post Office Department: (1) We gain access to all mail traffic to and from the USSR which enters, departs or transits the United States through the Port of New York; (2) That the raw information acquired be recorded, indexed and analyzed and various components of the Agency furnished items of information which would appear to be helpful to their respective missions. The Security Support Division of the Security Office has tentatively explored the possibility of discreetly gaining access to such information and is currently in a position to obtain relatively good coverage, on being authorized necessary funds for personnel, equipment and, if necessary, space. SSD will be the arm of the Agency for acquisition of all information and will be the responsible office for dissemination to officers of the Security Office items of information pertinent to its functions in counter intelligence relating to Agency personnel. The Special Investigations Unit of the Counter Intelligence Staff will be the responsible office for receiving all raw material from SSD/SC, recording, indexing and analyzing the material and disseminating pertinent information to other Agency components ~~of the~~ FBI.

5. OPERATIONAL OUTLINE:

This program was originally suggested by the SR Division/DO/P, which requested that the Security Support Division of the Security Office explore the possibility of obtaining intelligence information through exterior monitoring of traffic with the knowledge of the Post Office Department. Over the past two years the confidence of postal authorities has been developed and recently, negotiations indicated that we may have all USSR traffic for exterior examination.

The acquisition of information will be effected by a special group of personnel operating out of the covert Security Office in New York City. This group will have access to incoming, outgoing and transit mail under secure circumstances through a very limited number of high officials of the Post Office Department. There will be no delay in the movement of postal traffic which could affect the security of the project. Personnel well trained in the field of mail interception will be used and sufficiently rapid photographic reproduction processes employed. The complement of SED/SSO personnel will be increased to perform the necessary procurement and photographing of material involved. The professional and clerical personnel will require special qualifications, including certain technical skills and language ability.

The New York Post Office is thought by informed postal officials to handle the majority of the mail in interest. When adequate coverage is obtained at New York and the documentary take is receiving the required processing in the Special Investigations Unit, CI Staff, an assessment of the value of the project will be made and consideration will be given to the expansion of coverage to other cities in the United States. It is not contemplated that expansion of coverage to other cities will take place during fiscal year 1956; but it is expected during fiscal year 1957. Existing cooperation of postal officials indicates that necessary secure arrangements may be made for coverage in other United States cities.

Under the conditions existing whereby our personnel are gaining access to material of interest in New York for exterior examination, it is possible to discreetly gain exclusive access to the contents (interior) of a limited number of selected communications. This does not have the expressed or tacit approval of postal authorities; but the method of acquisition and examination and the working relationship between covert Agency personnel and postal officials indicates that no particular security hazard is involved. It is estimated that it will be possible to make discreet interior examination and photograph the contents of approximately two per cent of all incoming communications from the USSR, or approximately four hundred per month. There is little possibility that this number could be raised without concurrence in the activity by postal authorities. That is considered doubtful without a direct approach at the highest Agency and Post Office level. It is possible to gain access to outgoing material for interior examination, etc to a lesser degree.

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Whereas the target is the USSR, the proposed operation will afford access to mail transiting the United States through the Port of New York from other countries and as any given time personnel engaged in the acquisition of material may be directed to concentrate on a particular country, such as Guatemala, when an emergency arises, or concentrate on a particular person whose correspondence is known to be of strategic interest. The determination of the relative importance of concentrating efforts on any particular area will be made by the Chief, CI/DB/P, or a superior official.

6. SECURITY:

c. Operational security. Within the Agency strict control of the take will be exercised and knowledge of the existence of the project will be on a need-to-know basis. 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, measures would be placed on Congress to inquire into such allegations; but it is believed that any problems arising could be satisfactorily handled. Compromise of the external monitoring aspect would be much less serious, but would, nevertheless, seriously jeopardize the value of the project. Other intelligence

agencies of the United States, upon becoming knowledgeable, would conceivably agree such activity as being necessary to receive cooperation with regard to such compromise. Any compromise whatever to persons outside of CIA, whether in the intelligence family or not, would probably result in the immediate withdrawal of Post Office cooperation, making it impossible to continue the project. For this reason security factors require that no disclosures whatever be made to any person outside CIA (excepting such postal officials as may be necessary) that the project is existent or contemplated and that no outside dissemination of information received be made, orally or in writing. Special briefings of those to become knowledgeable will be given and a record kept of those so briefed. CIA staff employees only will be eligible for briefing.

EXHIBIT 3

MAY 1955

MEMORANDUM FOR: Director of Central Intelligence

THROUGH: Chief of Operations, DD/P *لتر*

SUBJECT: Project HTLINGUAL

1. This memorandum is for information only.
2. 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 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.
3. An examination of the contents of thirty-five communications from the Georgian Republic prior to the 9 March 1956 uprisings showed no indications of discontent in any manner. The letters were apparently written by individuals with little educational background and uniformly concerned themselves with gossip about relatives and friends.
4. A traffic analysis of mail from the Soviet Union indicates that there had been a steady decline in total mail from the Georgian Republic for some months prior to 9 March. Since 9 March there has been a complete out-off of all mail from Georgia. Traffic from adjoining Armenia and Ukraine, however, has shown no appreciable change during the past several months. Samplings of letters opened from the Moscow area have contained no comments at all concerning the uprisings in Georgia.
5. It is interesting to note that of twenty letters which were in the analysis, one mentioned that a brother was a priest, two had Christmas greetings, four started out with the wording "Praised be Jesus

Christ", one used the phrase "Thank God"--for a total of eight out of twenty with some religious reference.

6. 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.

J. Angleton

James Angleton
Chief, Counter Intelligence Staff, DD/P

EXHIBIT 4

3 June 1971

MEMORANDUM FOR THE RECORD

SUBJECT : Meeting at DCI's Office Concerning
HTLINGUAL

1. At 10:30 a.m. this date, Mr. Helms convened in his office the DDP, the C/CI, the D/S, and C/CI/Project to report on recent action taken by him concerning the HTLINGUAL operation.

2. Mr. Helms stated that on Monday he had briefed Attorney General Mitchell on the operation. (Note: Mr. Helms may have meant Tuesday, 1 June, Monday having been a holiday). Mr. Helms indicated that Mr. Mitchell fully concurred in the value of the operation and had no "hang-ups" concerning it. When discussing the advisability of also briefing Postmaster General Blount, Mr. Mitchell encouraged Mr. Helms to undertake such a briefing.

3. The DCI then indicated that yesterday, 2 June 1971, he had seen Postmaster General Blount. Mr. Blount's reaction, too, was entirely positive regarding the operation and its continuation. He opined that "nothing needed to be done", and rejected a momentarily held thought of his to have someone review the legality of the operation as such a review would, of necessity, widen the circle of witting persons." Mr. Helms explained to the PMG that Mr. Cotter, the Chief Postal Inspector, has been aware of the operation for a considerable period of time by virtue of having been on the staff of CIA's New York Field Office. Mr. Helms showed the Postmaster General a few selected examples of the operation's product, including an item relating to Eldridge Cleaver, which attracted the PMG's special interest.

4. In an aside, Mr. Osborne mentioned that he had seen Mr. Cotter since Mr. Helms' meeting with the Post-

master General and that Mr. Cotter reported that he felt that his stock with the Postmaster General had gone up several notches.

5. It was obvious that all present were gratified by the favorable reception Mr. Helms had met in briefing the two mentioned Cabinet officers.

6. The DCI took the occasion to stress again the security aspects of the operation and stipulated that, in the event of any sort of security flap or even a suspicion that a leak of some sort had occurred, the intercept operation was to cease immediately and our men were to be withdrawn to the New York City base. Mr. Helms wished to convey the importance of stopping first and investigating later. If a subsequent investigation showed that indeed no damage had occurred, it would then be possible to resume the operation.

7. Both Mr. Helms and Mr. Karamessines recommended tight control over the number of Agency persons cleared for, and witting of, the operation.

8. The meeting ended at 10:40 a.m.

EXHIBIT 5

30 August 1971

MEMORANDUM FOR : DC/CI

SUBJECT : BTLINGUAL - Correspondence of Members of the
United States Government.

1. In order to avoid possible accusations that the CIA engages in the monitoring of the mail of members of the U.S. Government, the C/CI may wish to consider the advisability of (a) purging such mail from the files and machine records of the Project, and (b) authorizing the issuance of instructions to the "collectors" to cease the acquisition of such materials. Instructions would have to define in specific terms what categories of elected or appointed personnel were to be encompassed, and whether they extended to private mail communications. ✓

3. Should C/CI decide in favor of purging, the Project should also be authorized to destroy at Headquarters any materials in the specified categories which the "collectors" may pick up through inadvertence. ✓

4. In this connection it is pointed out that CI/SI's current dissemination instructions to Project BTLINGUAL include the following statement:

JW
"Items concerning any U.S. Government officials or employees, or individuals possibly employed by, or connected with, the U.S. Government including civilian and military personnel (these items should not be given any further internal distribution)".

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Chief, CI/Project

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22 December 1971

MEMORANDUM FOR THE RECORD

SUBJECT: Handling of Items To and From Elected or Appointed U.S. Officials

1. In accordance with a new policy confirmed yesterday by C/EXO/Hubbard and C/CIOP/Hiler, Project HTLINGUAL will handle henceforth as follows items originated by or addressed to Elected or Appointed Federal and Senior State Officials (e.g. Governor, Lt. Governor, etc.):

- a. No officials in above categories are to be watchlisted;
- b. No instructions to be issued to interceptors specially requesting or forbidding the acquisition of items in cited categories; thus acquisition will be left entirely to chance;
- c. If an item is received having been recognized by the intercept crew as being in this special category, it will most likely reach Headquarters separately, i.e., outside the regular bundle. Such item will not be made part of any bundle, but is to be referred immediately to C/CI/Project;
- d. If an analyst recognizes an item referred to him/her for summarizing ^{as being} in the stated category, he will immediately refer such item to C/CI/Project prior to any summarization; if C/CI/Project confirms the items as being in the special category, he will arrange to remove the item from the bundle (i.e. remove identification number) and assume responsibility for further handling himself;
- e. Any reference to special category items in the bundle transmittal memorandum will be excised by C/CI/Project;
- f. No special-category items shall be carded for inclusion in the HTLINGUAL Machine Records System;
- g. Dissemination of special-category items will be at the discretion of C/CI (and/or C/CI/ONLY);
- h. All special-category items will be filed in a separate file titled "SPECIAL-CATEGORY ITEMS" which will be kept in C/CI/Project's safe; this file will also contain a log indicating dissemination, if any directed, return of items by cleared customers, etc. This file will of course be available to analysts requiring it for a research that may be necessary;
- i. Since we have no very clear-cut definition of what constitutes a special-category item, please refer any item which may have been given you and which you feel may possibly fall into said category to C/CI/Project for discussion and decision;

take to file

FROM

19/5

CIA

SECRET EYES ONLY

GROUP 1 EXCLUDED FROM AUTOMATIC DOWNGRADING AND DECLASSIFICATION

26

68

- h. Most probably, DC/CI (and/or C/CI) will not prescribe dissemination of special-category items to the FBI since such a step would reduce somewhat our control of such item.
- i. Dissemination of special-category items, if decided upon by DC/CI and/or C/CI, shall not be reflected in the log book and dissemination statistics.
- j. Mention, in regular summaries, of special-category officials as Third Parties is authorized.

C/CI/Project

PS: No copies shall be made of summaries on special-category items either for the analyst's file or the reading file!

No references shall be made in regular summaries to any special-category items

Read and Understood:

Date:

OW
CBS
CBA

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22
22/12/71
25/12/71
Aug 72
1/72

CHART SHOWING NOTIFICATION OF POSTMASTERS GENERAL
CONCERNING MAIL OPENINGS

Arthur E. Summerfield	1953-61	Summerfield met with Dulles and Helms on May 19, 1954. Advised of New York Mail Opening Project. Approved CIA request to photograph the covers of mail.
J. Edward Day	1961-63	On February 15, 1961, Dulles and Helms met with Day. Helms has testified that he fully briefed Day on the New York Project, including the mail opening aspect. Day has testified that he asked not to be informed of the details and was not.
John A. Gronouski	1963-65	Not informed.
Lawrence F. O'Brien	1965-68	Not informed.
William M. Watson	1968-69	Not informed.
Winton M. Blount	1969-71	Met with Helms on June 2, 1971. Helms has testified that he fully briefed Blount on the New York Project, including mail opening. Indeed, Helms claims to have shown Blount copies of opened mail. Blount has testified that he was "briefed" on the project but never informed that mail was being opened nor shown samples.
Elmer T. Klassen	1971-75	Not informed.

EXHIBIT 7

23 April 1959

MEMORANDUM FOR FILES

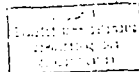
SUBJECT: Discussion with ABD/P Concerning HALENGUAL Operation and Congressional Subcommittee Hearings Concerning Tampering with the Mail

✓ 1. CIA officer and the writer met with Mr. Karamessines on 21 April at 4 p.m. to discuss the security aspects of the HALENGUAL Operation in consideration of Senator Long's Congressional subcommittee hearings.

2. The Washington Post and the New York Times, on 14 April, had reported that Representative Hall of Missouri had been told by one of his constituents that the Internal Revenue Service had been seizing mail containing property belonging to tax delinquents. Hall told Long's subcommittee that he has received "unevaluated" information that other agencies are also snooping into the mail. Chief Postal Inspector Montague had testified in February to the subcommittee that "the seal on a first-class piece of mail is sacred". Representative Hall's information contradicts this statement.

3. Mr. Karamessines felt that the dangers inherent in Long's subcommittee activities to the security of the Project's operations in New York should be thoroughly studied in order that a determination can be made as to whether these operations should be partially or fully suspended until the subcommittee's investigations are completed.

✓ 4. CIA officer asked Mr. Karamessines if the Chief of Security, Mr. Osborne, had contacted him. The answer was, "No". CIA officer went on to outline the substance of the talk he had had with DC/OS of the Office of Security, who had told him that Security was not planning to make any changes in their HALENGUAL operational activities at present. White explained that he had discussed the situation in detail with Mr. Montague since Hall's statement of 14 April and had been told that Montague's opinion was that the subcommittee's investigations would soon cool off. Mr. Karamessines asked CIA officer to put into writing the fact that Osborne had considered this security problem and had agreed that no change in the operational activities need be made at this time.



7. Mr. Karamezines brought up the question of what persons outside the Agency have been briefed as to the actual operations of HPLANGUAL. He was told that, at the present time, there are no officials in the post office or elsewhere in the government who had been so briefed. Karamezines suggested that consideration be given to possibly briefing Postmaster General Gronouski after the subcommittee activity has been discontinued. The writer stated that he would recommend against this in view of various statements by Gronouski before the Long subcommittee. Karamezines agreed with this thought and suggested that, in his opinion, the President would be more inclined to go along with the idea of the operation. [CIA officer] and the writer both expressed agreement with this idea, and the ADD/P gave instructions that steps be taken to arrange to pass this information through McGeorge Bundy to the President after the subcommittee has completed its investigations.

[CIA Officer]

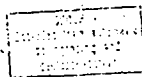


EXHIBIT 8

16 February 1961

MEMORANDUM FOR: Deputy Chief, CI

SUBJECT: BILINGUAL

1. This is to note for the record that on 15 February the Director, Chief, TSD, and the undersigned called on Mr. Edward Day, the Postmaster General, for the purpose of briefing him on subject project. We gave him the background, development, and current status, withholding no relevant details.

2. After we had made our presentation, the Postmaster General requested that we be joined by the Chief Postal Inspector, Mr. Henry Montague. This gentleman confirmed what we had had to say about the project and assured the Postmaster General that the matter had been handled securely, quietly, and that there had been no "reverberations". The meeting ended with the Postmaster General 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. He agreed that the fewer people who know about it, the better.

Richard Helms
Chief of Operations, DD/P

cc: Distribution:

1 - addresser

1 - CIP-DD/P

EXHIBIT 9

19 May 1971

MEMORANDUM FOR THE RECORD

SUBJECT : DCI's Meeting Concerning HTLINGUAL

1. At 10:00 A.M. this date, Mr. Helms convened the following in his office to discuss the HTLINGUAL operation: the DDP, the C/CI, the D/S, the DC/CI, and C/CI/Project.

2. The DCI opened the meeting with a reference to an inquiry as to possible mail tampering by Government agencies, addressed to the Chief Postal Inspector, Mr. Cotter, by Dr. Jeremy J. Stone on behalf of the Federation of American Scientists. On the question as to what may have prompted the letter, the DDP mentioned the possibility that the information might have come from Herbert Scoville, a member of the Federation's Council who, while in CIA employ, had been briefed on the Project. It was stated that Mr. Scoville had not been a consumer of HTLINGUAL material for many years, and could not know that HTLINGUAL had continued beyond the time when he was informed of it. The DCI stated that he was not over-concerned about Mr. Scoville.

3. The DCI then asked, who outside of CIA knows about the HTLINGUAL operation or gets its material. The C/CI replied: only the FBI.

4. The DCI then asked, who in the POD knows the full extent of the operation - beyond cover surveillance. The C/CI replied that only Mr. Cotter knows, for he had been witting while with CIA and the O/S. The previous Chief Postal Inspector, Mr. Montague, had never wanted to know the extent of examination actually done, and was thus able to deny on oath before a congressional committee that there was any tampering. Mr. Cotter would be unable to make such denial under oath. In an exchange between the DCI and the DDP it was observed that while Mr. Cotter's loyalty to CIA could be assumed, his dilemma is that he owes loyalty now to the Postmaster General.

5. When the DCI mentioned the theft of FBI documents from their Media, Pa., office, the DDP stated that he had been informed that the copy of the letter mentioned in the press had come from HTLINGUAL. The C/CI/Project interposed, with apologies to the DDP, that it had been positively verified from the Project's record, and a memo^m had been written to the effect, that the Project had never seen the letter, and that, as a piece of domestic mail, the letter would not have been available to HTLINGUAL, which has access only to an international airmail facility.

6. Mr. Helms stated that he would accept the evidence of the ETLINGUAL record, but he then asked, how long has the FBI known about the operation and how long have they been getting its material. The C/CI replied that FBI awareness came in 1958 when, in January, they requested permission from Chief Postal Inspector Stevens to examine mail to/from the USSR. Stevens had advised CIA of the request and had sanctioned CIA's revealing the operation to the FBI and thereafter servicing the Bureau with items of national security interest. This was five years after the operation had started in 1953.

7. Mr. Helms asked whether the FBI passes the material to other agencies, or outside its headquarters office. The D/CI replied that it did not, in accordance with the original agreement; that the unit receiving the material passes only sanitized leads within the Bureau whenever investigation is warranted.

8. The DCI then inquired how many persons in the FBI know about the operation or are privy to its take. The C/CI/Project stated that he had originally been told that only a small unit of two or three see and handle the material, and that this had been confirmed by the FBI liaison officer, Mr. Papich, about three years ago. The DCI stated that he wants to know how many and who

in the FBI know about it now.

9. On the question of continuance, the DDP stated that he is gravely concerned, for any flap would cause CIA the worst possible publicity and embarrassment. He opined that the operation should be done by the FBI because they could better withstand such publicity, inasmuch as it is a type of domestic surveillance. The D/S stated that he thought the operation served mainly an FBI requirement. The C/CI countered that the Bureau would not take over the operation now, and could not serve essential CIA requirements as we have served theirs; that, moreover, CI Staff sees the operation as foreign surveillance.

10. Mr. Helms then asked what should be done: do we want to continue the operation in view of the known risks? The C/CI replied that we can and should continue to live with them.

11. The DCI then stated that he would have to discuss the matter with Mr. Cotter, and requested the D/S to arrange a meeting. After that meeting, he said, he would determine whether Mr. Blount should be informed.

12. As the meeting closed, the DCI told the C/CI/Project to monitor the operation most discreetly, and bring any problem or difficulty directly to him.

13. The meeting ended at about 10:45.

EXHIBIT 10

Retyped from illegible copy.

16 February 1961

MEMORANDUM FOR: Deputy Chief, CI

SUBJECT: HTLINGUAL

1. This is to note for the record that on 15 February the Director, Chief, TSD, and the undersigned called on Mr. Edward Day, the Postmaster General, for the purpose of briefing him on subject project. We gave him the background, development, and current status, withholding no relevant details.

2. After we had made our presentation, the Postmaster General requested that we be joined by the Chief Postal Inspector, Mr. Henry Montague. This gentleman confirmed what we had had to say about the project and assured the Postmaster General that the matter had been handled securely, quietly, and that there had been no "reverberations". The meeting ended with the Postmaster General 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. He agreed that the fewer people who know about it, the better.

Richard Helms
Chief of Operations, DD/P

Distribution:

Orig. 1-addressee
1-COP-DD/P

EXHIBIT 11

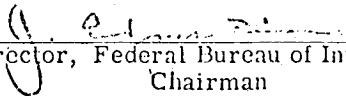
SPECIAL REPORT
INTERAGENCY COMMITTEE ON
INTELLIGENCE (AD HOC)

CHAIRMAN J. EDGAR HOOVER

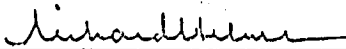
JUNE, 1970

June 25, 1970

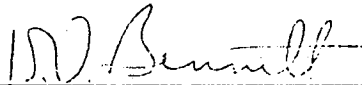
This report, prepared for the President,
is approved by all members of this committee
and their signatures are affixed hereto.



Director, Federal Bureau of Investigation
Chairman



Director, Central Intelligence Agency



Director, Defense Intelligence Agency



Director, National Security Agency

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PART TWORESTRAINTS ON INTELLIGENCE COLLECTION

The Committee noted that the President had made it clear that he desired full consideration be given to any regulations, policies, or procedures which tend to limit the effectiveness of domestic intelligence collection. The Committee further noted that the President wanted the pros and cons of such restraints clearly set forth so that the President will be able to decide whether or not a change in current policies, practices, or procedures should be made.

During meetings of the Committee, a variety of limitations and restraints were discussed. All of the agencies involved, Defense Intelligence Agency (DIA), the three military counterintelligence services, the Central Intelligence Agency (CIA), the National Security Agency (NSA), and the Federal Bureau of Investigation (FBI), participated in these considerations.

In the light of the directives furnished to the Committee by the White House, the subject matters hereinafter set forth were reviewed for the consideration and decision of the President.

I. SPECIFIC OPERATIONAL RESTRAINTSA. Interpretive Restraint on Communications IntelligencePreliminary Discussion

C. Mail Coverage

Preliminary Discussion

The use of mail covers can result in the collection of valuable information relating to contacts between U. S. nationals and foreign governments and intelligence services. CIA and the military investigative agencies have found this information particularly helpful in the past. Essentially, there are two types of mail coverage: routine coverage is legal, while the second--covert coverage--is not. Routine coverage involves recording information from the face of envelopes. It is available, legally, to any duly authorized Federal or state investigative agency submitting a written request to the Post Office Department and has been used frequently by the military intelligence services. Covert mail coverage, also known as "sophisticated mail coverage," or "flaps and seals," entails surreptitious screening and may include opening and examination of domestic or foreign mail. This technique is based on high-level cooperation of top echelon postal officials.

Nature of Restrictions

Covert coverage has been discontinued while routine coverage has been reduced primarily as an outgrowth of publicity arising from disclosure of routine mail coverage during legal proceedings and publicity afforded this matter in Congressional hearings involving accusations of governmental invasion of privacy.

Advantages of Maintaining Restrictions

Routine Coverage:

1. Although this coverage is legal, charges of invasion of privacy, no matter how ill-founded, are possible.
2. This coverage depends on the cooperation of rank-and-file postal employees and is, therefore, more susceptible to compromise.

Covert Coverage:

1. Coverage directed against diplomatic establishments, if disclosed, could have adverse diplomatic repercussions.

2. This coverage, not having sanction of law, runs the risk of any illicit act magnified by the involvement of a Government agency.

3. Information secured from such coverage could not be used for prosecutive purposes.

Advantages of Relaxing RestrictionsRoutine Coverage:

1. Legal mail coverage is used daily by both local and many Federal authorities in criminal investigations. The use of this technique should be available to permit coverage of individuals and groups in the United States who pose a threat to the internal security.

Covert Coverage:

1. High-level postal authorities have, in the past, provided complete cooperation and have maintained full security of this program.

2. This technique involves negligible risk of compromise. Only high echelon postal authorities know of its existence, and personnel involved are highly trained, trustworthy, and under complete control of the intelligence agency.

3. This coverage has been extremely successful in producing hard-core and authentic intelligence which is not obtainable from any other source. An example is a case involving the interception of a letter to a establishment in . The writer offered to sell information to and enclosed a sample of information available to him. Analysis determined that the writer could have given information which might have been more damaging

DECISION: Mail Coverage

_____ Present restrictions on both types of mail coverage should be continued.

_____ Restrictions on legal coverage should be removed.

_____ Present restrictions on covert coverage should be relaxed on selected targets of priority foreign intelligence and internal security interest.

_____ More information is needed.

NOTE:

The FBI is opposed to implementing any covert mail coverage because it is clearly illegal and it is likely that, if done, information would leak out of the Post Office to the press and serious damage would be done to the intelligence community. The FBI has no objection to legal mail coverage providing it is done on a carefully controlled and selective basis in both criminal and security matters.

EXHIBIT 12

20 March 1970

The Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Hoover:

We have completed our review of domestic positive intelligence collection engendered by your letter of 11 March 1970. We warmly welcome periodic reexamination by our two agencies of the implementation of the 1966 agreement and the collection of positive intelligence which you proposed. I concur also with your comments that there is a need for close coordination of our efforts in the field of positive and counterintelligence collection. To be most effective, I agree that it is essential for this Agency, together with your Bureau, to conduct a continuing analysis of clandestine collection activity. The product is of growing importance to the national security and to the United States Intelligence Community. Therefore we endorse your proposal for a reexamination and bespeak your desires as to how this might be conducted.

(2) Mail Coverage. Another much needed intelligence tool is mail coverage. Its importance has been proven in the past. I have the impression that it has been discontinued, and I would suggest that our representatives should confer and examine together whether this asset might be deployed against communications of the Soviet Bloc, the New Left, and identified foreign agents.

(3) New Left and Racial Matters. There is already a substantial exchange of information in this field. Limitations of manpower raise a serious question as to whether both agencies can keep pace with future unpredictable developments. The increasingly close connection between these forces in the United States and hostile elements abroad has been well established by both of our agencies. I feel it would be in our mutual interest to determine how we can best employ more wisely our limited manpower, knowing that this problem, which embraces bombings, hijacking, assassination, and the demeaning of law enforcement officers, is international in scope.

~~Faithfully yours,~~

~~Richard Helms~~
Richard Helms
Director

EXHIBIT 13

[Retyped from Indistinct Copy]

MEMORANDUM FOR: Director, Office of Security

ATTENTION: Deputy Director of Security (Investigations and Operational Support)

SUBJECT: Project HTLINGUAL

1. Reference is made to the Inspector General's survey of the Office of Security in December 1960 wherein a recommendation was made for the preparation of an emergency plan and cover story for the Project, HTLINGUAL. Reference is also made to memorandum dated 11 January 1962 addressed to Chief, CI Staff by the Deputy Director of Security (Investigations and Operational Support), wherein it is stated it is understood the CI Staff is engaged in the preparation of a cover story for the Project in the event it is compromised.

2. The above reference to the fact that the CI Staff is preparing a cover story for the Project in the event it is compromised may be a bid misleading. Oversimplification of the "flap potential" in this Project must be avoided, but on the other hand, unnecessary planning merely for the sake of belaboring the record must also be avoided. Yet, to assist in clarifying the thinking in the event of "flap" the following is presented.

3. At the outset of this Project the calculated risk associated with participation in this type of activity was carefully considered, and the operational decision was made that the effort was worth the risk. Events are proving the validity of that decision despite our full knowledge that a "flap" will put us "out of business" immediately and may give rise to grave charges of criminal misuse of the mails by government agencies.

4. The analysis made by the Office of Security in their memorandum of 11 January 1962 is helpful, except that it fails to recognize the "flap potential" in a possible disgruntled Postal Department employee. With that addition to the comments of the Office of Security, it may be stated that in the opinion of the CI Staff this Project could "blow" at any time for any one of the reasons stated by the Office of Security. It is quite possible that the compromise would be supported by documentary evidence in the form of items from the Project and by the naming of individuals participating in the Project. Recognizing the possibility of compromise of the Project, it becomes important that the Project files contain a record of a coordinated opinion as to what action can and/or should be taken in the event of compromise. In arriving at such a determination, it is to be noted that the surfacing of the compromise will unavoidably be in the form of a charge of violations of the mails. The charge may be levelled against Federal law enforcement agencies, U.S. Intelligence Agencies or against the Post Office Department itself. Whatever the charge, however, the burden of making a reply falls immediately upon the Post Office Department, unless some other accused organization wants to admit the violation, because the mails are in the custody of the Post Office Department.

5. 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. Therefore, it is most important that all Federal law enforcement and U.S. Intelligence Agencies vigorously deny any association, direct or indirect, with any such activity as charged. In the event of compromise this position should be made known immediately to the Postmaster General. He is fully knowledgeable of the Project, and the preparation of correspondence before the fact to make known our position to the Postmaster General constitutes an unnecessary security hazard in connection with the mere existence of such correspondence.

6. As to the behavior of the Post Office Department after a compromise takes place, we are hardly in a position to dictate. It might be expected, however, that they will deny the abuse of mails charged and indicate the matter is being referred to the Postal Inspection Service for investigation. 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 teams 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. Such cases by their very nature do not have much appeal to the imagination of the public, and this would be an effective way to resolve the initial charge of censorship of the mails.

7. A determination as to whether the compromise has been such as to preclude continuation of the Project would have to await the outcome of the compromise, even though it would undoubtedly be necessary to suspend the Project during the period of inquiry into the charges.

8. In conclusion, therefore, it is stated that in the event of compromise of the Project, HTLINGUAL, KUBARK in covert coordination with the Postmaster General will enter a general denial to any and all charges, as may be necessary, and will avoid comment in deference to the Post Office Department if possible.

Deputy Chief
Counter Intelligence Staff

Prepared by:
CIA officer: ja 1 feb 62

Distribution:
Orig & 1 - addressee
1 - CI-Project/
1 - file

EXHIBIT 14

23 July 1970

MEMORANDUM FOR THE RECORD

SUBJECT: Discussion with Attorney General Mitchell on Domestic Intelligence

1. During a private meeting with the Attorney General on 27 July 1970, it became clear, to my great surprise, that he had heard nothing whatever about the President's instructions on "Domestic Intelligence" until that very morning. In other words, the Attorney General had not been told of the meeting at the White House on 5 June 1970 or of the ad hoc committee meetings chaired by the FBI which had followed or about the report which was sent to the President around 1 July, setting forth constraints on domestic intelligence collection. As I understand it, the Attorney General first heard about these matters when the Director of the FBI complained to him about a memorandum from Mr. Tom Charles Huston which must be essentially the same text as the one I received under date of 23 July 1970 (#SC 05875-70).

2. I told the Attorney General that we had put our backs into this exercise, because we had thought that he knew all about it and was behind it. The Attorney General was frank with me. In addition, he said that he had told Mr. Hoover to "sit tight" until he (the Attorney General) had an opportunity to discuss this whole matter with the President upon his return to Washington from San Clemente next week.

3. In connection with the problems involved in domestic intelligence collection, I again suggested to the Attorney General that he have a talk with Mr. Sam J. Papich who, I pointed out, has now fully retired from the FBI. The Attorney General again wrote down Mr. Papich's name.

RM
Richard Helms
Director

Distribution:

Orig - DCI's file
1 cc - ER w/SC 05875-70

EXHIBIT 15

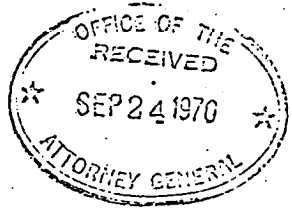
THE WHITE HOUSE
WASHINGTON

September 18, 1970

TOP SECRET

MEMORANDUM FOR

THE ATTORNEY GENERAL



Pursuant to our conversation yesterday, September 17, 1970, I suggest the following procedures to commence our domestic intelligence operation as quickly as possible.

1. Interagency Domestic Intelligence Unit. A key to the entire operation will be the creation of a interagency intelligence unit for both operational and evaluation purposes. Obviously, the selection of persons to this unit will be of vital importance to the success of the mission. As we discussed, the selection of the personnel for this unit is an appropriate first step for several reasons. First, effective coordination of the different agencies must be developed at an early stage through the establishment of the unit. Second, Hoover has indicated a strong opposition to the creation of such a unit and, to bring the FBI fully on board, this seems an appropriate first step to guarantee their proper and full participation in the program. Third, the unit can serve to make appropriate recommendations for the type of intelligence that should be immediately pursued by the various agencies. In regard to this third point, I believe we agreed that it would be inappropriate to have any blanket removal of restrictions; rather, the most appropriate procedure would be to decide on the type of intelligence we need, based on an assessment of the recommendations of this unit, and then to proceed to remove the restraints as necessary to obtain such intelligence.

To proceed to create the interagency intelligence unit, particularly the evaluation group or committee, I recommend that we request the names of four nominees from each of the intelligence agencies involved. While the precise composition of the unit may vary as we gain experience, I think that two members should be appointed initially from each agency in addition to your personal representative who should also be involved in the proceedings. Because of the interagency aspects of this request, it would probably be best if the request came from the White House. If you agree, I will make such a request of the agency

-2-

heads; however, I feel that it is essential that you work this out with Hoover before I have any dealings with him directly.

2. Housing. We discussed the appropriate housing of this operation and, upon reflection, I believe that rather than a White House staffer looking for suitable space, that a professional intelligence person should be assigned the task of locating such space. Accordingly, I would suggest that a request be made that Mr. Hoover assign an agent to this task. In connection with the housing problem, I think serious consideration must be given to the appropriate Justice Department cover for the domestic intelligence operation. We discussed yesterday using IDIU as a cover and as I indicated I believe that that is a most appropriate cover. I believe that it is generally felt that IDIU is already a far more extensive intelligence operation than has been mentioned publicly, and that the IDIU operation cover would eliminate the problem of discovering a new intelligence operation in the Department of Justice. However, I have reservations about the personnel in IDIU and its present operation activities and would suggest that they either be given a minor function within the new intelligence operation or that the staff be completely removed. I have had only incidental dealings with the personnel, other than Jim Devine, and cannot speak to their discretion and loyalty for such an operation. I do not believe that Jim Devine is capable of any major position within the new intelligence operation. However, I do believe that he could help perpetuate the cover and he has evidenced a loyalty to you, the Deputy and other key people in the Department of Justice, despite his strong links with the prior Administration. I would defer to your judgement, of course, on any recommendation regarding Jim Devine's continued presence in such an intelligence operation.

3. Assistant to Attorney General. We also discussed the need for you to have a right hand man to assist in running this operation. It would seem that what is needed is a man with administrative skills, a sensitivity to the implications of the current radical and subversive movements within the United States, and preferably, some background in intelligence work. To maintain the cover, I would think it appropriate for the man to have a law degree in that he will be a part of the Department of Justice. You suggested the possibility of using a prosecutor who had had experience with cases of this type. Accordingly, I have spoken with Harrington Wood to ask him to submit the names of five Assistant U. S. Attorneys who have had experience in dealing with demonstrations or riot type cases and the nature individuals that might be appropriately given a sensitive

-3-

assignment in the Department of Justice. I did not discuss the matter in any further detail with Wood other than to request the submission of some nominees. I would also like to suggest that we request names from the various intelligence agencies involved for personnel that might be appropriately involved in this activity or who might serve as your assistant.

In summary, I recommend the following immediate action:

(1) You meet with Hoover, explain what must be done, and request his nominees for the interagency unit.

(2) You request that Hoover assign an agent to the task of locating appropriate housing for the operations.

(3) I request that other involved intelligence agencies submit nominees for the interagency unit.

(4) I request from the agencies names of appropriate personnel for assignment to the operation.

Finally, I would suggest that you call weekly meetings to monitor the problems as they emerge and to make certain that we are moving this program into implementation as quickly as possible..



JOHN DEAN

N.B. Bob Haldeman has suggested to me that if you would like him to join you in a meeting with Hoover he will be happy to do so.

EXHIBIT 16

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6
UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

FROM : SAC, SAN FRANCISCO

SUBJECT: CONFIDENTIAL SOURCE

DATE: 3/11/60

ReBulet 2/23/60.

The following data is being furnished to the Bureau concerning the operation of this source:

The operation of this source is secure from all standpoints at this time. If this security becomes an issue at any time in the future, the Bureau will be immediately notified and the source will be discontinued until such time as its security can be guaranteed.

As the Bureau is well aware, this source furnishes a magnitude of vital information pertaining to activities within [redacted] including its economical and industrial achievements. For instance, during the past six months, this source continued to furnish information relating to U.S. educated [redacted] who have since returned to [redacted] and identified their current positions in their respective fields of science. This source also reveals the intimate feelings which these [redacted] scientists have concerning life in [redacted], as well as their pros and cons concerning life and science in general, while studying and residing in the U.S. A true picture of life in [redacted] today is also related by the information which this source furnishes reflecting life in general to be horrible due to the lack of proper food, housing, clothes, equipment, and the complete disregard of a human person's individual rights.

Source still continues to furnish up-to-date news on [redacted] and anti-CC, as well as their future plans. Source reveals the identity of their friends in the U.S., as well as the current activities and residences of these [redacted].

- 2 - Bureau (AM 100.)
- 1 - SF

(3)

REC-23

MAR 14 1960

[Handwritten signature]

[Handwritten signature]

6 10/9/75

Source has furnished complete subscription lists of various communist publications, including [redacted] and other leading communist publications which are published in [redacted]. In this regard, source furnishes identities of those individuals residing in the U.S. who act as agents for these communist publications.

Source still continues to furnish up-to-date news concerning American citizens who have pro-communist sympathies residing in some way are employed by the Government and in particular, the source was able to locate the current whereabouts of one [redacted] espionage subject who has been missing. This source continues to furnish pertinent information also relative to the activities and writings of [redacted].

This source continually furnishes the identities of many U.S. citizens who have violated the U.S. passport laws by having actually traveled to and throughout [redacted].

Source continually identifies certain U.S. scientists who are on friendly terms with U.S. educated scientists who have since returned to [redacted] and at the same time, makes available certain requests which these scientists make of their scientific friends in the U.S. In certain instances, the Bureau has been able to develop potential double agents in the security field, because of these requests made by these scientists and in particular, San Francisco makes reference to the case of [redacted] a research chemist for [redacted]. It also assesses in evaluating the reliability of double agents as in the case of [redacted].

In [redacted] case, this source has been able to corroborate information which [redacted] has furnished the Bureau.

In the counterintelligence field, this source continues to monitor correspondence to one [redacted] who resides in [redacted]. It being pointed out that [redacted] was alleged to be an actual agent for the [redacted] which is a communist front.

Considerable data has been uncovered concerning pro-communist sympathies on the part of U.S. Government employees, thus causing the field and the Bureau to initiate 140 768 cases.

This source enables San Francisco to keep up with the current residences and employments of various San Francisco security and SI subjects and at the same time, source furnishes the viewpoints which these Subjects have concerning as well as their anti-US statements which they have made.

Source has uncovered the whereabouts of a Selective Service subject of the San Francisco Division, namely who recently graduated from the University of after being missing from the San Francisco area for several years.

In other instances, this source has revealed several security subjects to be now residing and attending institutions of higher learning even though US passports for these individuals have not been issued.

Source has identified certain U.S. scientists who have traveled to to attend various scientific conferences there. During these conferences, some of these U.S. scientists have become quite friendly with scientists and have initiated correspondence. Although some of these U.S. scientists have been contacted by the field relative to their willingness to cooperate in the double-agent field, San Francisco has no knowledge concerning the outcome.

Source still continues to furnish pertinent information relating to various subjects which information has been disseminated. Many of the U.S. educated scientists have been approached by as double agents to act

Source continually shows the techniques and pressure put on scientists remaining in the U.S. in order to force them to return to and work for the Motherland. In this regard, source has given the U.S. valuable information concerning the advancement which the communists have made in certain scientific fields.

Source still continues to identify numerous U.S. citizens who are in contact with various communist publishing firms.

It has also furnished correct names, which reflect that individuals now residing in the U.S. fraudulently and has also furnished papers for individuals to use. It has also furnished data as to how finances may be sent to through in and has also furnished information relative to the manner in which individuals are advised to leave which has been of assistance in evaluating the situation and in recent paragraphs furnished during the course of interviews by Special Agents.

Numerous potential security informants have been developed due to the type of information which this source has furnished in San Francisco.

Upon receipt of the translations of the material which is forwarded to the Bureau, as well as an evaluation made of the English language material, which is photostated, San Francisco furnishes to the other field divisions only that material which can be construed as having intelligence value. In many instances, San Francisco has knowledge concerning the identities of security subjects residing within other field divisions and furnishes pertinent data concerning these individuals. Numerous requests are made by certain scientists to forward to them certain technical books and publications in the scientific field which information is also furnished to other field divisions.

In the case of traveling throughout who may possibly be U.S. citizens, this data is also furnished to other offices.

At this time, this source, as a general rule has access to all mail emanating from destined for the U.S; however, on certain occasions, this source, due to the routing of mail by the Post Office from the Airport, sometimes misses certain mail bags.

For the Bureau's information, San Francisco processes approximately 13,500 first class letters a day not including third class publications. In this connection, however, it is noted that the processing must be done in a very limited time, two hours maximum. Furthermore, in view of the existing limitations, the quantity of material chosen for complete translation is necessarily limited to no more than 90 per day, some of which as further time permits for a closer scrutiny, is later discarded and no further action taken, other than returning the material to the source.

EXHIBIT 17



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

December 5, 1973

MEMORANDUM TO ALL SPECIAL AGENTS IN CHARGE

(A) CONDUCT AND ACTIVITIES OF EMPLOYEES -- In consideration of recently exposed events and the resultant atmosphere of public concern for the protection of individuals' rights to privacy, I feel it advisable to point out to you the continuing need to assure that citizens be given full recognition of their Constitutional rights and privileges.

As members of a Federal investigative agency, FBI employees must at all times zealously guard and defend the rights and liberties guaranteed to all individuals by the Constitution. Therefore, FBI employees must not engage in any investigative activity which could abridge in any way the rights guaranteed to a citizen of the United States by the Constitution and under no circumstance shall employees of the FBI engage in any conduct which may result in defaming the character, reputation, integrity, or dignity of any citizen or organization of citizens of the United States.

Fundamental to all investigations by the FBI is the need to protect the Constitutional rights of our citizens while still thoroughly and expeditiously discharging those responsibilities with which it is charged by statutes and Directives of the President and the Attorney General.

These principles must be kept in mind by you at all times. Again, the spirit as well as the letter of the law is our goal.

Clarence M. Kelley
Director

12/5/73

MEMORANDUM 56-73

EXHIBIT 18

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : MR. W. C. SULLIVAN

DATE: October 2, 1964

FROM : MR. D. E. MOORE

CC

SUBJECT: ESPIONAGE -

Prior memoranda have advised of the starting of the trial of the illegal agents in this case, Mr. and Mrs. Robert K. Baltch, in the Eastern District of New York and motions by defense counsel regarding the nature of evidence to be submitted in this case.

The Judge originally denied the motions, but Assistant Attorney General Yeagley has advised that USA Hoey in answering questions by the Judge gave answers which were too broad and which the Government cannot support and therefore it is necessary for the Government to make additional statements to Judge Dooling who is sitting in this case in the Eastern District of New York. My memorandum of September 30, 1964, advised that while we were not aware of the contents of the conversations between USA Hoey and Judge Dooling, we had no objections to Yeagley's proposed amending statement as it was correct.

Subsequently on the afternoon of 10-1-64, Departmental Attorneys Thomas K. Hall and Kevin Maroney advised Supervisor and myself that USA Hoey's statement to Judge Dooling was unfortunate because it was too broad. They believe that the Judge's query pertained to any tainted source at the Baltch residence and was confined to eavesdropping devices, but that Hoey in his answer had not confined the answer to the residence or to eavesdropping, either of which would perhaps have prevented the current problem. No information obtained from wiretaps or microphones is contemplated to be used in this case and the only tainted source is a mail intercept which did not take place anywhere near the residence.

Subsequently on the evening of 10-1-64, Mr. Hall advised that he had just learned that apparently Hoey in his discussions with the court had stated, or at least indicated, there was no microphone involved in this case and, of course, this was incorrect and the Department felt the record had to be corrected. He

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EX-117

OCT 19 1964

MR SULLIVAN - MR. MOORE
 JAW: ESPIONAGE -

asked if the Bureau had any objection and was advised in the negative. This morning Mr. Hall called to advise that USA Hoey had now requested advice as to what answer could be given the court should he be asked (1) if there was a wiretap involved in this case and (2) if there was a mail intercept in this case. After checking, I called Hall back and said that we would leave the answer to #1 up to the Department, but that if the Department saw necessary, the Bureau would not object. However, with regard to #2, under no circumstances is the Bureau willing to admit that a mail intercept was utilized and Hall said he would pass this information on to Hoey and Assistant Attorney General Yeagley who is in New York.

Assume all mail intercepts to be everywhere, however, at least in New York.

Hall advised that he had discussed this case with Acting Attorney General Katzenbach this morning and Katzenbach was of the opinion that the Department must be candid with the Judge. He said Katzenbach recognized the problems, but felt that in view of the value of the case, an effort should be made to go ahead with the trial even if it might be necessary drop the overt act where our tainted source is involved, and proceed on a general conspiracy basis with the recognition that the verdict might be against us, but we would have revealed the Soviet espionage activities to the people. Hall said he was passing on the Acting Attorney General's comments to Assistant Attorney General Yeagley. Hall said that the motions of defense counsel and the complications with regard to the answers may eventually force the Government to drop the prosecution. He said in view of the many facets involved, he did not feel there was any reason to agree to a pre-trial hearing on the issue of tainted source if this should be required by the court, and rather than do this, they are prepared to drop the espionage charges and attempt to proceed on lesser grounds.

ACTION

SAC, NYO, was advised of the above developments and requested to keep in close touch with Yeagley in New York and you will be kept advised of developments.

EXHIBIT 19

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Tolson
FROM : A. H. Belmont

DATE: 2/27/65

SUBJECT: THE LONG COMMITTEE

The Attorney General called on the morning of February 27, 1965, to advise he wanted to consult with the Bureau on certain problems raised by the Long Committee, which is exploring the use of mail covers, et cetera. He noted there was a possible problem concerning Chief Inspector Montague's testimony and whether it was necessary for Montague to change his testimony. Also, he felt that Internal Revenue Service had been using investigative techniques which they should not use and this could pose a problem. He said that the President had asked him to coordinate with all executive agencies concerning the problems raised by the Long Committee.

Inspector Moore and I met with the Attorney General in his office this afternoon. Mr. Courtney Evans was present. I told the Attorney General that in Montague's testimony he was told by Attorney Fensterwald that if any of the questions had national security implications Montague should not answer them. Consequently, Montague was estopped from doing other than answering in the negative when asked questions touching on national security. With this interpretation, it was questionable whether an attempt should be made to change or explain Montague's testimony.

I made it clear to the attorney general that from our dealings with Montague, he was a man of integrity and sacrificed his personal desires for the welfare of the country and had cooperated fully with us. The Attorney General said he had no intention of changing one word of Montague's testimony, but he was considering advising Long and Fensterwald that there were extreme delicate national security matters touching on the areas being covered by the committee and there could be exceptions to the answers given in the testimony when they touched on such sensitive security matters. He said further that he contemplates seeing Senator Long and impressing on him that the committee would not want to stumble by mistake into an area of extreme interest to the national security as they nearly did in a matter

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REC-56
CONTINUED - OVER

EX-114

25 MAR 12 1965

MAR 15 1965

(6)

Memorandum to Mr. Tolson
Re: The Long Committee

affecting CIA.

Katzenbach contemplates asking for a list of the witnesses who will appear before the committee together with a brief summary of the expected testimony. On the basis of this, he will be able to advise Senator Long when he should steer clear of a sensitive area.

I told Mr. Katzenbach that I certainly agree that this matter should be controlled at the committee level but that I felt pressure would have to be applied so that the personal interest of Senator Long became involved rather than on any ideological basis. Mr. Katzenbach said that he had already talked to Vice President Humphrey about Fensterwald, and that Humphrey had promised to talk to Long concerning Fensterwald. Katzenbach said that in addition to the Vice President he might have to resort to pressure from the President himself, although he would prefer to work it out without resorting to the President. He indicated there was no one on the committee itself who could be helpful.

Mr. Katzenbach said that he expected trouble from the possible activities of IRS and the military in the investigative field; that if some of these matters are uncovered before the committee they will tend to undermine the restricted and tightly controlled operations of the Bureau. I told him that our operations are tightly controlled and particularly in the delicate areas of concern, we restrict ourselves to important security matters.

Mr. Katzenbach said he was going to see Senator Long on Monday and wanted to know if the Bureau would like someone to go along with him. I told him no.

ACTION:

Mr. Katzenbach said he would advise us of the results of his conversation with Long. He also asked that I advise the Director of our discussion and I told him I would.

RECEIVED

OCT 10 1975

FBI

Memorandum to Mr. Tolson
Re: The Long Committee

I called Mr. DeLoach and briefed him on this problem in order that he might contact Senator Eastman in an effort to warn the Long Committee away from those areas which would be injurious to the national defense. (Of course I made no mention of such a contact to the Attorney General.) Mr. DeLoach advised that Senator Eastman is in Mississippi and he will contact him upon his return Monday.

I don't see what all the excitement is about. I would have no hesitancy in discontinuing all technical queries - technical coverage, microphones, trash covers, mail covers etc. While it might handicap us, I doubt they are as valuable as some believe & none warrant their being used to justify them.

EXHIBIT 20

9:40 AM

March 2, 1965

MEMORANDUM FOR MR. TOLSON
 MR. BELMONT
 MR. GALE
 MR. ROSEN
 MR. SULLIVAN
 MR. DE LOACH

See to Co. with Howard Judiciary -

The Attorney General called and advised that he had talked to Senator Long last night. Senator Long's committee is looking into mail covers et cetera. The Attorney General stated he thought somebody had already spoken to Senator Long as he said he did not want to get into any national security area and was willing to take steps not to do this. The Attorney General stated that Mr. Fensterwald was present for part of the meeting and Fensterwald had said that he had some possible witnesses who are former Bureau Agents and if they were asked if mail was opened, they would take the Fifth Amendment. The Attorney General stated that before they are called, he would like to know who they are and whether they were ever involved in any program touching on national security and if not, it is their own business, but if they were, we would want to know. The Attorney General stated the Senator promised that he would have a chance to look at the names if he wanted to, personally and confidentially, and the list would have any names involving national security deleted and he would tell the Senator how many but no more.

The Attorney General stated that the Postmaster General is going down there this morning himself which he, the Attorney General, thought would be helpful to Chief Inspector Montague of the Post Office Department.

The Attorney General stated that Senator Long also said he is not going to propose legislation to abolish mail covers as he thought they served a useful purpose but he did think that control should be tightened. I stated I thought there was great laxity in the matter of mail covers and the matter of tapping telephones.

I stated I have always been of the view and recommended back when Tom Clark was Attorney General that no agency of the Government should tap a telephone except with the written approval of the Attorney General. I stated

- Tolson _____
- Belmont _____
- Mohr _____
- DeLoach _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

XEROX (10)

REC-38

MAR 3 1965

MAR 3 - 1965

MAIL ROOM TELETYPE UNIT

FBI

March 2, 1965

Memorandum for Messrs. Tolson, Belmont, Gale, Rosen, Sullivan, DeLoach

there would then be in one place a list of all phone taps and the purpose and reason for them. I stated that it is a fact, insofar as I am concerned, that I am the only head of an agency who does not have authority to tap telephones. I stated that I know that subordinates down the line in some agencies will tap phones without the knowledge of the chief of the agency and there is grave suspicion in Washington by some newspapermen that their phones have been tapped by agencies of the Government trying to find out where they are getting their information. I stated I have always been opposed to the law whereby it is necessary to get the authority of a court to tap phones because of the composition of some of our courts and the employees thereof, but I have always felt that the President should issue an Executive Order confidentially to all agencies that all phone tapping be discontinued except when specifically approved by the Attorney General so there would be in one place a list and then if any committee in Congress got on the warpath, the Attorney General would have a list he could vouch for as being the only phones tapped by the Government. The Attorney General stated that made sense. I stated many agencies are opposed because they realize there would be a marked restriction. I stated we only have 45 phone taps, which is a low number for a country the size of ours and the area we have to cover. The Attorney General stated no one has any idea how many phone taps the whole Government has.

I stated there is also a school being conducted in California by a private organization which instructs the Treasury Department and the Internal Revenue Service in the matter of phone tapping and they have sent their own personnel there to be trained. I stated Internal Revenue has also from time to time hired private outside phone tappers to do their tapping. I stated it is that type of thing if there were a real investigation which would come out. The Attorney General commented that he would not guarantee some of it won't come out. I stated I was amazed when I learned of the school in California as I saw a reference to it in the newspaper and wanted to know what it was and what officers attended. I stated we have our own instructors and do it ourselves.

I stated I thought the Attorney General had made good headway with Senator Long. The Attorney General stated he thought it would be helpful,

REC-11

OCT 1965

FBI

March 2, 1965

Memorandum for Messrs. Tolson, Belmont, Gale, Rosen, Sullivan, DeLoach

The Attorney General stated the senator said he did not want to get into this and he would give him, the Attorney General, the names and a summary of the testimony and told Fensterwald to do so, but he, the Attorney General, can't say Fensterwald is going to do it; that he will on some but he did not know that he would on all.

The Attorney General stated that Senator Eastland may have already talked to Senator Long or vice the Vice President, but somebody had waked him up. I stated senator Eastland said he would do it Wednesday, but he may have called him.

The Attorney General stated that is where it stands now and we shall see what happens.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

SENT FROM D. O.
TIME 11:42 AM
DATE 3-2-65
BY [Signature]

RE

001 (C) 110

EXHIBIT 21

20 February 1975

MEMORANDUM FOR THE RECORD

SUBJECT: Operational Aspects of MKSOURDOUGH
San Francisco, California

1.

2. This memorandum will deal only with three MKSOURDOUGH entries in which Far East Division participated, as follows:

- A. February 1970: Several TSD officers, one Hqs Office of Security representative, one SF Office of Security armed escort, and two Far East Division officers examined mail

from the Far East in the postoffice during non-working hours in the presence of the postal inspector. Some pieces of mail were removed, taken to a secure location, opened, examined, photographed and returned to the mail flow during the subsequent night's examination of labor mail. The removal of the mail was done without the knowledge of the postal inspector.

- B. May 1970: Five TSD officers, one Hqs Office of Security representative, one SF Office of Security armed escort, and four Far East

Division officers repeated the operational tasks outlined above for February 1970.

- C. October 1971: Three TSD officers, one Hqs Office of Security officer, one SF Office of Security armed escort, and four Far East Division officers

repeated the operational tasks outlined above for February and May 1970.

3. In all of the above, team members were briefed by the TSD team chief and senior members of the Office of Security prior to departure from Hqs. The TSD team chief, the Office of Security Hqs officer and in U.S.G. above one FE officer traveled to San Francisco in advance of the team to meet the postal authorities to arrange access to the incoming mail to the U.S.

Declassified by 1007789
16 Dec 75

The other team members arrived later and stayed in waiting in the area, in proximity to the postoffice. The postal inspector telephoned the team and advised them of the arrival of the railbag and again when the railbag had arrived. In order that the team could be at the postoffice to meet the inspector and obtain the railbag/s from the Airport Facility. The inspector unlocked the postoffice and made space available to the team to handle the rail.

The inspector then locked his office and the postoffice and left with the railbag, the team departing.

4. Details re the lifting of some items of mail and removal to the secure location are as follows:

a. Items were selected based on bulk of mail to be processed.

b. When the postal inspector was otherwise occupied, the letter chosen would be secreted in a special panel in the equipment bag or in the large handbag of a team member.

c. When the team departed from the postoffice, at least two vehicles were used, proceeding to the motel/s where the team members lived. The equipment, including the letters and exposed film, was then taken by some team members to the secure location.

The SF Office of Security armed escort remained with the team until all of the preceding had been accomplished.

5. The following day, the team arrived at the secure location to process the film and work on the letters that had been received. The letters were opened, examined and concealed.

The letters were then returned to the railway station.

*Declassified by 007789
16 Oct 75*

mail made available by the postal inspector. No mail was removed on the last night since it could not be returned to the mail flow.

6. During the February 1970 entry and team presence in San Francisco, the inspector made a bag of outgoing mail available. The mail was photographed so that upon return to Hqs a log from the envelopes could be made regarding origin and destination for possible pattern use.

7. During the May 1970 entry and team presence in San Francisco, the inspector also made available numerous items of surface mail coming from the Mar flag to the USA. This was casually examined at the postal facility.

*Declassified by: 001789
16 Oct 75*

EXHIBIT 22

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : MR. A. H. BELMONT DATE: March 10, 1961

FROM : MR. D. E. MOORE *deu*

SUBJECT: HUNTER
ESPIONAGE - R

Hunter is CIA's sensitive project involving the review of mail going to the CIA makes available to us results of their analysis relative to this project.

On 3-9-61 during a conference on illegal espionage activities between Special Agents and Messrs. Angleton, of CIA, we were advised that CIA has now established a laboratory in New York in connection with this project which can examine correspondence for secret writing, micro-dots and possibly codes. He said the laboratory is fully equipped and they would be glad to make its facilities available to us if at any time we desire an examination of this nature to be made in NYC and time was of the essence and would not permit the material to be brought to our Laboratory in Washington, D.C. We expressed our appreciation for the offer and said that in the event we desired to utilize their laboratory, we would contact them.

ACTION: For information.

(7)

Another word!

SA advised 4/19/61 that Hunter material will increase about 20% since NY Lab now established 4/21/61

EX-114

REC-22

MAR 23

Classified by _____
Exempt from GDS, Category _____
Date of declassification Indefinite

99
89 MAR 23 1961

EXHIBIT 23

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

ROUTE IN ENVELOPE

UNITED STATES GOVERNMENT

Memorandum

TO : W. A. Branigan

DATE August 24, 1966

FROM : M. E. Triplett

SUBJECT:

From 8-14-65 through 8-13-66, 3028 Hunter Reports transmitting 6077 items were received from This is a slight increase (almost 3%) in number of items over the previous year.

Although items were received on a continuous basis, the number dropped during the period of August, 1965, through January, 1966. This is believed to be due to the reorganization, transfer of personnel and change in supervision over the Hunter Project at CIA which was taking place during this time.

From February, 1966, to the present, there has been a marked increase in number of items received. The average for the past four months has been 627 per month, whereas the average for the same period last year was 421. There has been no significant change in the type of material except that more items are being received regarding subjects on whom the source has not furnished information previously, necessitating more research. The value of this material is shown by the fact that there was an increase of 53% in number of new cases opened on the basis of information furnished by the source.

Approximately 580 letters were written on information furnished by during the past year. This is an increase of approximately 9% over those written the previous year. More than 260 new cases were opened and 96 cases were reopened. The majority of new cases were opened on the basis of travel to the and contacts of U.S. citizens. Latin Americans and in the U.S. with individuals in the information was sent to the field to assist in pending investigations and for information. In some cases, data was extracted from several items, summarized and sent to the field in one communication under more than one caption to show relationships between various subjects.

An analysis of information received from the source during the past year is attached.

ENCLOSURE

Classified by EX-110 REC 5

Exempt from GDS, Category

Date of Declassification Indefinite

None. This is for your information. SEP 12 1968

ENCLOSURE

3/12

INFORMATION RECEIVED FROM:

Data received regarding the following current and former double agents and sources has been utilized to evaluate their reliability:

The field has been advised of individuals in close contact with [redacted] with the request to consider for development as sources.

Information regarding [redacted] exchange students (eight agents) includes names of associates, activities, travel, types of material requested to obtain and individuals with whom they continue to maintain contact after they leave the U.S. Similar information is furnished regarding other [redacted] in the U.S. as a result of the exchange program. Material is also furnished regarding U.S. citizens who travel to the [redacted] as part of the exchange.

Data regarding current and former U.S. exchange students shows [redacted] and U.S. contacts before and after return, romantic involvements, sympathies and difficulties encountered in [redacted]. A former exchange student has been in contact with a suspected espionage agent regarding [redacted] (according to [redacted] the [redacted] as to attempt recruitment of [redacted]. The source has revealed former exchange student [redacted] travel plans and continued contacts with [redacted] (one is son of an espionage agent) and [redacted] attempts to obtain a divorce in order to marry a girl. Similar information is furnished regarding U.S. citizens who are, or have been, in [redacted] but are not under the exchange program. These include [redacted]. Two of the four U.S. citizens who have applied for entrance to [redacted] universities have stated that they desire to become [redacted] citizens. [redacted] using an alias in her correspondence. Another [redacted] went to [redacted] before he left for the [redacted].

Material has been received regarding three employees of USIA, two U.S. citizens employed by the UN, a Federal employee who intends to marry a [redacted] girl, three individuals involved with [redacted] women and two U.S. contacts of [redacted] who has compromised Americans in the past).

Contacts of foreign exchange students and aliens in the U.S. from [redacted]

[redacted] with their friends in the [redacted] who are studying at [redacted] University or other schools show that [redacted]

they may be communists. Two foreign students and an exile from [redacted] have been acting as intermediaries. Several have applied for admittance to [redacted] University and other schools in the [redacted] because of finances or ideology. A [redacted] Marxist in the U.S. is acting as an intermediary for an individual at [redacted] University by forwarding mail to [redacted]. Data is furnished regarding foreign students who attended school in the [redacted] and are now in the U.S. One of these appears to have been compromised before he left [redacted] and another brought his wife to the U.S.

Items are received regarding [redacted] who have entered the U.S. as wives of Americans: [redacted] who has advised that she was approached by [redacted] Intelligence Agent in the [redacted] in 1965; [redacted] wife of an [redacted] politician and newspaperman, who has become involved with a [redacted] born U.S. Army Captain. The source advised of contacts, travel and study in the [redacted] Soviet wife of former U.S. Naval Attache, who has admitted furnishing information regarding Americans to the [redacted] in the 1940's.

Much material has been furnished regarding U.S. citizens' travel plans, including those of known subversives, their relatives and contacts and difficulties encountered by two tourists with [redacted] authorities. Data has been received regarding and former U.S. citizens who have traveled, or intend to travel, to the U.S., their contacts, activities and relatives. Several had renounced their U.S. citizenship and had been engaged in questionable activities in the past. [redacted] who recently returned to the U.S., has had numerous contacts with known subversives, at least two of whom were connected with espionage in the past. Material is received on U.S. defectors now in the [redacted]

Additional information received includes: plans of seven individuals to repatriate to the [redacted] U.S. contacts with current and former known and suspected [redacted] agents now in the [redacted]

[redacted] and others); activities and contacts of current and former known and suspected espionage agents now in the U.S.

[redacted] and others); the death of [redacted] (suspected of working as black market currency operator for [redacted] and continuation of his contacts by his wife; activities of [redacted] (suspect in [redacted] case) family; contacts of [redacted] who has been in contact with a [redacted] officer; contacts and travel of [redacted] who, according to [redacted] was to be approached by [redacted] contacts of [redacted] (widow of [redacted] with [redacted] agent, travel to [redacted] as a guest of [redacted] organization to receive her husband's archives and her illness in the [redacted] contact of [redacted] who was attending the [redacted] with individual in [redacted] the [redacted] U.S. contacts of several defectors and [redacted] repatriates,

SECRET

such as _____ One of _____ contacts is believed to be a target for contact by _____ and another is the son-in-law of the woman in whose apartment _____ had been visiting. _____ is a defector who recently committed suicide. The informant has advised of the activities and contacts of _____ defector to Sweden in 1962. The Bureau was not aware previously that _____ was in the U.S.

Although much material regarding communists and the Communist Party (CP) is also received from other sources, the informant continues to furnish additional details and new information regarding changes of employment and residence, travel, contacts and activities. Data regarding attempts of the DuBois Clubs to expand nationally and internationally was furnished in items on _____ International Secretary, who went to the _____ to marry a _____ if he can obtain a divorce. Items pertaining to _____ (daughter of CP leader) told of the birth of her daughter, reconciliation with her husband, plans to go to Cuba to live and that one of her friends, a Security Index subject, was in Ghana when she was believed to be in the U.S.

Data is received regarding travel and contacts of _____ (widow of suspected espionage agent), who attended the _____ Information continues to be received regarding her son, _____ who was allegedly studying ballet but actually attended one above school for almost two years. This has included his contacts, change of employment and residence and racial, poverty and Progressive Labor Party activities in Chicago. One of his contacts now at this school has been identified as _____ son of Canadian communists. The source has also advised that _____ and three unidentified individuals plan to study dancing in _____ this summer (possibly at the above-mentioned school which maintains a special section to combine lessons in dancing and indoctrination) and that _____ (son of CP official), who went to the _____ with a musical and dancing group, remained in _____ to attend school. _____ son of the alien wife of a U.S. citizen residing in State of Washington, is attending school in _____ He is believed to be from the U.S. or Canada.

Additional information is received regarding persons involved in the peace movements, anti-Vietnam demonstrations, women's organizations, "teach-ins" (one has been in contact with a _____ officer), racial matters, Progressive Labor Party, Students for a Democratic Society, DuBois Clubs, Students Non-Violent Coordinating Committee and other organizations. Items reveal names of U.S. contacts with members of such _____ propaganda organizations as the _____

and others.

EXHIBIT 24

F B I

Date: 5/25/65

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL AIR MAIL - REGISTERED
(Priority or Method of Mailing)

TO: DIRECTOR, FBI ATTENTION: FBI LABORATORY

FROM: SAC, SAN FRANCISCO (P)

CONFIDENTIAL SOURCE -

As of May 26, 1965, contact with Source will be temporarily suspended in view of discontinuance of Post Office examination of first-class mail originating in _____ as a result of the Supreme Court decision of May 24, 1965.

Bureau will be promptly advised when arrangements have been perfected to recontact this Source.

- 3 - Bureau (AM - RM)
- 1 - San Francisco

(4)

Declassified by 11127 on 10/1/05

REC-42

1 MAY 27 1965

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

EXHIBIT 25

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Cite as 85 S.Ct. 1493 (1965)

U.S. 415, 422-423, 85 S.Ct. 1074; Henry v. Mississippi, supra. It should provide for full fact hearings to resolve disputed factual issues, and for compilation of a record to enable federal courts to determine the sufficiency of those hearings. Townsend v. Sain, supra. It should provide for decisions supported by opinions, or fact findings and conclusions of law, which disclose the grounds of decision and the resolution of disputed facts. Provision for counsel to represent prisoners, as in § 4 of the Nebraska Act, would enhance the probability of effective presentation and a proper disposition of prisoners' claims.

But there is no occasion in this case to decide whether due process requires the States to provide corrective process. The new statute on its face is plainly an adequate corrective process. Every consideration of federalism supports our conclusion to afford the Nebraska courts the opportunity to say whether that process is available for the hearing and determination of petitioner's claim.

tion of unsealed mail matter constituting communist political propaganda from foreign countries. In one case, No. 491, the United States District Court for the Southern District of New York, 229 F. Supp. 913, dismissed the complaint, and in the other case, No. 848, the United States District Court for the Northern District of California, Southern Division, 236 F.Supp. 405, entered judgment holding statute unconstitutional, and in both cases probable jurisdiction was noted. The Supreme Court, Mr. Justice Douglas, held that statuta requiring post office department to detain and destroy unsealed mail from foreign countries determined to be communist political propaganda unless addressee returns a reply card indicating his desire to receive such piece of mail is unconstitutional as requiring an official act, i. e., return of card, as a limitation on unfettered exercise of addressee's First Amendment rights.

Judgment in No. 491 reversed and judgment in No. 848 affirmed.



381 U.S. 301

Corliss LAMONT, dba Basic Pamphlets,
Appellant,

v.

POSTMASTER GENERAL OF the
UNITED STATES.

John F. FIXA, Individually and as Post-
master, San Francisco, California,
et al., Appellants,

v.

Leif HEILBERG.

Nos. 491 and 848.

Argued April 26, 1965.

Decided May 24, 1965.

Actions to enjoin enforcement of
statute relating to detention and destruc-

1. Constitutional Law ⇨82

Post Office ⇨14

Statute requiring post office department to detain and destroy unsealed mail from foreign countries determined to be communist political propaganda unless addressee returns a reply card indicating his desire to receive such piece of mail is unconstitutional as requiring an official act, i. e., return of card, as a limitation on unfettered exercise of addressee's First Amendment rights. Postal Service and Federal Employees Salary Act of 1962, § 305(a), 39 U.S.C.A. § 4008(a); U.S.C.A.Const. Amend. 1.

2. Constitutional Law ⇨90

United States may give up post office when it sees fit, but while it carries it on, use of mails is almost as much a part of free speech as right to use our tongues. U.S.C.A.Const. Amend. 1.

Leonard B. Boudin, Washington, D. C., for appellant in No. 491.

Archibald Cox, Sol. Gen., for appellee in No. 491 and appellants in No. 848.

Marshall W. Krause, San Francisco, Cal., for appellee in No. 848.

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Mr. Justice DOUGLAS delivered the opinion of the Court.

These appeals present the same question: is § 305(a) of the Postal Service and Federal Employees Salary Act of 1962, 76 Stat. 840, constitutional as construed and applied? The statute provides in part:

"Mail matter, except sealed letters, which originates or which is printed or otherwise prepared in a foreign country and which is determined by the Secretary of the Treasury pursuant to rules and regulations to be promulgated by him to be 'communist political propaganda', shall be detained by the Postmaster General upon its arrival for delivery in the United States, or upon its subsequent deposit in the United States domestic mails, and the addressee shall be notified that such matter has been received and will be delivered only upon the addressee's request, except that such detention shall not be required in the case of any matter which is furnished pursuant to subscription or which is otherwise ascertained by the Postmaster General to be desired by the addressee." 39 U.S.C. § 4008(a).

1. "The term 'political propaganda' includes any oral, visual, graphic, written, pictorial, or other communication or expression by any person (1) which is reasonably adapted to, or which the person disseminating the same believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, or in any other way influence a recipient or any section of the public within the United States with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party

The statute defines "communist political propaganda" as political propaganda (as that term is defined in § 1(j) of the Foreign Agents Registration Act of 1938¹) which is

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issued by or on behalf of any country with respect to which there is in effect a suspension or withdrawal of tariff concessions or from which foreign assistance is withheld pursuant to certain specified statutes. 39 U.S.C. § 4008(b). The statute contains an exemption from its provisions for mail addressed to government agencies and educational institutions, or officials thereof, and for mail sent pursuant to a reciprocal cultural international agreement. 39 U.S.C. § 4008(c).

To implement the statute the Post Office maintains 10 or 11 screening points through which is routed all unsealed mail from the designated foreign countries. At these points the nonexempt mail is examined by Customs authorities. When it is determined that a piece of mail is "communist political propaganda," the addressee is mailed a notice identifying the mail being detained and advising that it will be destroyed unless the addressee requests delivery by returning an attached reply card within 20 days.

Prior to March 1, 1965, the reply card contained a space in which the addressee could request delivery of any "similar publication" in the future. A list of the persons thus manifesting a desire to receive "communist political propaganda" was maintained by the Post Office. The

or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social disensions, or (2) which advocates, advises, instigates, or promotes any racial, social, political, or religious disorder, civil riot, or other conflict involving the use of force or violence in any other American republic or the overthrow of any government or political subdivision of any other American republic by any means involving the use of force or violence." 22 U.S.C. § 611(j)

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Cite as 85 S.Ct. 1493 (1965)

Government in its brief informs us that the keeping of this list was terminated, effective March 15, 1965. Thus, under the new practice, a notice is sent and must be returned for each individual piece of mail desired. The only standing instruction which it is now possible to leave with the Post Office is *not* to deliver any "communist political

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propaganda."² And the Solicitor General advises us that the Post Office Department "intends to retain its assumption that those who do not return the card want neither the identified publication nor any similar one arriving subsequently."

No. 491 arose out of the Post Office's detention in 1963 of a copy of the Peking Review # 12 addressed to appellant, Dr. Corliss Lamont, who is engaged in the publishing and distributing of pamphlets. Lamont did not respond to the notice of detention which was sent to him but instead instituted this suit to enjoin enforcement of the statute, alleging that it infringed his rights under the First and Fifth Amendments. The Post Office thereupon notified Lamont that it considered his institution of the suit to be an expression of his desire to receive "communist political propaganda" and therefore none of his mail would be detained. Lamont amended his complaint to challenge on constitutional grounds the placement of his name on the list of those desiring to receive "communist political propaganda." The majority of the three-judge District Court nonetheless dismissed the complaint as moot, 229 F.Supp. 913, because Lamont would now receive his mail unimpeded. Insofar as the list was concerned, the majority thought that any legally significant harm to Lamont as a result of being listed was merely a speculative possibility, and so on this score the controversy was not

2. A Post Office regulation permits a patron to refuse delivery of any piece of mail (39 CFR § 44.1(a)) or to request in writing a withholding from delivery for a period not to exceed two years of specifi-

yet ripe for adjudication. Lamont appealed from the dismissal, and we noted probable jurisdiction. 379 U.S. 926, 85 S.Ct. 327, 13 L.Ed.2d 340.

Like Lamont, appellee Heilberg in No. 848, when his mail was detained, refused to return the reply card and

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instead filed a complaint in the District Court for an injunction against enforcement of the statute. The Post Office reacted to this complaint in the same manner as it had to Lamont's complaint, but the District Court declined to hold that Heilberg's action was thereby mooted. Instead the District Court reached the merits and unanimously held that the statute was unconstitutional under the First Amendment. 236 F.Supp. 405. The Government appealed and we noted probable jurisdiction. 379 U.S. 997, 85 S.Ct. 722, 13 L.Ed.2d 700.

There is no longer even a colorable question of mootness in these cases, for the new procedure, as described above, requires the postal authorities to send a separate notice for each item as it is received and the addressee to make a separate request for each item. Under the new system, we are told, there can be no list of persons who have manifested a desire to receive "communist political propaganda" and whose mail will therefore go through relatively unimpeded. The Government concedes that the changed procedure entirely precludes any claim of mootness and leaves for our consideration the sole question of the constitutionality of the statute.

[1, 2] We conclude that the Act as construed and applied is unconstitutional because it requires an official act (*viz.*, returning the reply card) as a limitation on the unfettered exercise of the addressees First Amendment rights. As stated

cally described items of certain mail, including "foreign printed matter." *Ibid.* And see Schwartz, *The Mail Must Not Go Through*, 11 U.C.L.A. L.Rev. 805, 847.

by Mr. Justice Holmes in *United States ex rel. Milwaukee Social Democratic Pub. Co. v. Burleson*, 255 U.S. 407, 437, 41 S.Ct. 352, 363, 65 L.Ed. 704 (dissenting): "The United States may give up the post-office when it sees fit, but while it carries it on the use of the mails is almost as much a part of free speech as the right to use our tongues * * *"³

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We struck down in *Murdock v. Com. of Pennsylvania*, 319 U.S. 105, 63 S.Ct. 870, 87 L.Ed. 1292, a flat license tax on the exercise of First Amendment rights. A registration requirement imposed on a labor union organizer before making a speech met the same fate in *Thomas v. Collins*, 323 U.S. 516, 65 S.Ct. 315, 89 L.Ed. 430. A municipal licensing system for those distributing literature was held invalid in *Lovell v. City of Griffin*, 303 U.S. 444, 58 S.Ct. 666, 82 L.Ed. 949. We recently reviewed in *Harman v. Forsenius*, 380 U.S. 528, 85 S.Ct. 1177, an attempt by a State to impose a burden on the exercise of a right under the Twenty-fourth Amendment. There, a registration was required by all federal electors who did not pay the state poll tax. We stated:

"For federal elections, the poll tax is abolished absolutely as a prerequisite to voting, and no equivalent or milder substitute may be imposed. Any material requirement imposed upon the federal voter solely because of his refusal to waive the constitutional immunity subverts the effectiveness of the Twenty-fourth Amendment and must fall under its ban." *Id.*, 380 U.S., p. 542, 85 S.Ct., p. 1186.

Here the Congress—expressly restrained by the First Amendment from "abridging" freedom of speech and of press—is the actor. The Act sets admin-

istrative officials astride the flow of mail to inspect it, appraise it, write the addressee about it, and await a response before dispatching the mail. Just as the licensing or taxing authorities in the *Lovell*, *Thomas*, and *Murdock* cases sought to control the flow of ideas to the public, so here federal agencies regulate the flow of mail. We do not have here, any more than we had in *Hannegan v. Esquire, Inc.*, 327 U.S. 146, 66 S.Ct. 456, 90 L.Ed. 586, any question concerning the extent to which Congress may

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clas-

sify the mail and fix the charges for its carriage. Nor do we reach the question whether the standard here applied could pass constitutional muster. Nor do we deal with the right of Customs to inspect material from abroad for contraband. We rest on the narrow ground that the addressee in order to receive his mail must request in writing that it be delivered. This amounts in our judgment to an unconstitutional abridgment of the addressee's First Amendment rights. The addressee carries an affirmative obligation which we do not think the Government may impose on him. This requirement is almost certain to have a deterrent effect, especially as respects those who have sensitive positions. Their livelihood may be dependent on a security clearance. Public officials like schoolteachers who have no tenure, might think they would invite disaster if they read what the Federal Government says contains the seeds of treason. Apart from them, any addressee is likely to feel some inhibition in sending for literature which federal officials have condemned as "communist political propaganda." The regime of this Act is at war with the "uninhibited, robust, and wide-open" debate and discussion

3. "Whatever may have been the voluntary nature of the postal system in the period of its establishment, it is now the main artery through which the business, social, and personal affairs of the people are conducted and upon which depends in a

greater degree than upon any other activity of government the promotion of the general welfare." *Pike v. Walker*, 73 App.D.C. 289, 291, 121 F.2d 37, 39. And see *Gelhorn, Individual Freedom and Governmental Restraints* p. 88 et seq. (1956).

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Cite as 53 S.Ct. 1498 (1965)

that are contemplated by the First Amendment. *New York Times Co. v. Sullivan*, 376 U.S. 254, 270, 84 S.Ct. 710, 720, 11 L.Ed.2d 686.

We reverse the judgment in No. 491 and affirm that in No. 848.

It is so ordered.

Judgment in No. 491 reversed and judgment in No. 848 affirmed.

Mr. Justice WHITE took no part in the consideration or decision of these cases.

Mr. Justice BRENNAN, with whom Mr. Justice GOLDBERG joins, concurring.

These might be troublesome cases if the addressees predicated their claim for relief upon the First Amendment rights of the senders. To succeed, the addressees

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would then have to establish their standing to vindicate the senders' constitutional rights, cf. *Dombrowski v. Pfister*, 380 U.S. 479, 486, 85 S.Ct. 1116, 1120, as well as First Amendment protection for political propaganda prepared and printed abroad by or on behalf of a foreign government, cf. *Johnson v. Eisen-trager*, 339 U.S. 763, 781-785, 70 S.Ct. 936, 945-947, 94 L.Ed. 1255. However, those questions are not before us, since the addressees assert First Amendment claims in their own right: they contend that the Government is powerless to interfere with the delivery of the material because the First Amendment "necessarily protects the right to receive it." *Martin v. City of Struthers*, 319 U.S. 141, 143, 63 S.Ct. 862, 863, 87 L.Ed. 1313. Since the decisions today uphold this contention, I join the Court's opinion.

It is true that the First Amendment contains no specific guarantee of access to publications. However, the protection of the Bill of Rights goes beyond the specific guarantees to protect from congressional abridgment those equally fundamental personal rights necessary to make the express guarantees fully meaningful. See, e. g., *Bolling v. Sharpe*, 347

U.S. 497, 74 S.Ct. 693, 98 L.Ed. 884; *NAACP v. State of Alabama*, 357 U.S. 449, 78 S.Ct. 1163, 2 L.Ed.2d 1488; *Kent v. Dulles*, 357 U.S. 116, 78 S.Ct. 1113, 2 L.Ed.2d 1204; *Aptheker v. Secretary of State*, 378 U.S. 500, 84 S.Ct. 1659, 12 L.Ed.2d 992. I think the right to receive publications is such a fundamental right. The dissemination of ideas can accomplish nothing if otherwise willing addressees are not free to receive and consider them. It would be a barren marketplace of ideas that had only sellers and no buyers.

Even if we were to accept the characterization of this statute as a regulation not intended to control the content of speech, but only incidentally limiting its unfettered exercise, see *Zemel v. Rusk*, 381 U.S. 1, 16-17, 85 S.Ct. 1271, 1280-1281, we "have consistently held that only a compelling [governmental] interest in the regulation of a subject within [governmental] constitutional power to regulate can justify limiting

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First Amendment freedoms." *NAACP v. Button*, 371 U.S. 415, 438, 83 S.Ct. 328, 341, 9 L.Ed.2d 405. The Government's brief expressly disavows any support for this statute "in large public interests such as would be needed to justify a true restriction upon freedom of expression or inquiry." Rather the Government argues that, since an addressee taking the trouble to return the card can receive the publication named in it, only inconvenience and not an abridgment is involved. But inhibition as well as prohibition against the exercise of precious First Amendment rights is a power denied to government. See, e. g., *Freedman v. State of Maryland*, 380 U.S. 51, 85 S.Ct. 734, 13 L.Ed.2d 649; *Garrison v. State of Louisiana*, 379 U.S. 64, 85 S.Ct. 209, 13 L.Ed.2d 125; *Speiser v. Randall*, 357 U.S. 513, 78 S.Ct. 1332, 2 L.Ed.2d 1460. The registration requirement which was struck down in *Thomas v. Collins*, 323 U.S. 516, 65 S.Ct. 315, 89 L.Ed. 430, was not appreciably more burdensome. Moreover, the ad-

addressee's failure to return this form results in nondelivery not only of the particular publication but also of all similar publications or material. Thus, although the addressee may be content not to receive the particular publication, and hence does not return the card, the consequence is a denial of access to like publications which he may desire to receive. In any event, we cannot sustain an intrusion on First Amendment rights on the ground that the intrusion is only a minor one. As the Court said in *Boyd v. United States*, 116 U.S. 616, 635, 6 S.Ct. 524, 535, 29 L.Ed. 746:

"It may be that it is the obnoxious thing in its mildest and least repulsive form; but illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance.

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It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon."

The Government asserts that Congress enacted the statute in the awareness that Communist political propaganda mailed to addressees in the United States on behalf of foreign governments was often offensive to the recipients and constituted a subsidy to the very governments which bar the dissemination of publications from the United States. But the sensibilities of the unwilling recipient are fully safeguarded by 39 CFR § 44.1(a) (Supp.1965) under which the Post Office will honor his request to stop delivery; the statute under consideration, on the other hand, impedes delivery even

to a willing addressee. In the area of First Amendment freedoms, government has the duty to confine itself to the least intrusive regulations which are adequate for the purpose. Cf. *Butler v. State of Michigan*, 352 U.S. 380, 77 S.Ct. 524, 1 L.Ed.2d 412. The argument that the statute is justified by the object of avoiding the subsidization of propaganda of foreign governments which bar American propaganda needs little comment. If the Government wishes to withdraw a subsidy or a privilege, it must do so by means and on terms which do not endanger First Amendment rights. Cf. *Speiser v. Randall*, supra. That the governments which originate this propaganda themselves have no equivalent guarantees only highlights the cherished values of our constitutional framework; it can never justify emulating the practice of restrictive régimes in the name of expediency.

Mr. Justice HARLAN concurs in the judgment of the Court on the grounds set forth in this concurring opinion.



381 U.S. 357

The ATLANTIC BEFINING COMPANY,
Petitioner,

v.

FEDERAL TRADE COMMISSION.

The GOODYEAR TIRE & RUBBER
COMPANY, Petitioner,

v.

FEDERAL TRADE COMMISSION.

Nos. 292, 296.

Argued March 30, 1965.

Decided June 1, 1965.

Rehearing Denied Oct. 11, 1965.

See 86 S.Ct. 18.

Proceedings on complaint charging violation of Federal Trade Commission Act by tire manufacturer and gasoline

EXHIBIT 26

SAC, San Francisco

1-18-66

Director, FBI

~~CONFIDENTIAL SOURCE -~~~~SAN FRANCISCO FILE~~~~CONFIDENTIAL SOURCE -~~~~SAN FRANCISCO FILE~~

ReSFlet 1-5-66.

Promptly submit separate justification letters in accordance with established procedures concerning and

LLA:wlg
(6)

NOTE: Above-mentioned sources furnish information concerning communications from U.S. destined for and as well as data concerning contacts between persons in the U.S. and persons in the U.S. These sources were instituted 7-12-65 under our current program. They were temporarily discontinued 12-7-65 due to rush of holiday season and re-established 1-3-66. Justification letters are due concerning these sources.

DUPLICATE YELLOW

EXHIBIT 27

MEMO ONLY

17 May 1950

MEMORANDUM FOR: Director of Security

SUBJECT: SRFOINTER

1. At 1600 this date the Director and the undersigned visited Mr. Surmenfield, the Postmaster General, in his office for the purpose of discussing SRFOINTER along the lines outlined by you in several memoranda which you prepared for the Director. Also present at the conference were the Deputy Postmaster General, Idem #7, Postal Inspector, and Idem #6, of the Post Office Department.

2. Two separate matters were discussed during this conference: (a) SRFOINTER and (b) the handling of third-class Communist propaganda material entering the United States. As regards SRFOINTER, the Director told the group how valuable we had found efforts in this field. He then went on to say that we would like to photograph the backs and fronts of first-class mail from the Soviet and satellite areas. He also said that we wanted very much to be able to review first-class correspondence of this same sort directed to Latin America, particularly Guatemala, Costa Rica, Honduras, Brazil, and Argentina. (When he had finished his exposition, the Postmaster General did not comment specifically but it was clear that he was in favor of giving us any assistance which he could in both of these matters. When the conference broke up, I spoke to Idem #7 privately and asked him if he now had all the authorization he felt he needed. He replied in the affirmative.) He told me that he was going to New York in the next day or so and would look to the matter personally, after which he would get in touch with us. I told him that we would bracketop this in that Idem #7 would call within a few days to find out how things had gone. Idem #7 said that his main problem in New York with the Latin American mail is one of manpower. He does not know how the Post Office Department will come out on appropriations and he expresses some difficulty in getting the additional volume which the Latin American material will call. I told him we would help out in any way we could but he indicated that he did not feel that there was much more we could do than we are already doing at least as far as his part of the problem is concerned. If any difficulties are apparent after Idem #7 has next of Idem #7, I would appreciate knowing it, but I got the impression that henceforth the problem is one of mechanics rather than of policy or authorization. Incidentally, the Director did not mention using material of internal security interest to the FBI largely because

Idea 47 indicated on two occasions that the Post Office Department was doing a lot of work for the Bureau, particularly in Washington, and it did not seem pertinent to raise this particular issue at this conference. It is a matter which we can review at some later date in terms of our own requirement for keeping the FBI informed.

3. The problem of handling third-class Communist propaganda material absorbed a large proportion of the 45-minute meeting.

Idea 45, who apparently deals with this matter, was much interested in what he could do to increase his staff of translators, lawyers, and stenographers to handle the review of this material. After explaining how the Post Office Department handles the matter at the present time, he pointed out that he needed this additional manpower in order to keep from falling far behind on the job. The Director offered to put him in touch with the Foreign Documents Branch of CIA with the thought that they might be able to help Idea 45 find competent translators to the number of four or five. The Director stated that he would handle this topic direct with Idea 16 and Idea 2. The Director has in the back of his mind a desire to put a CIA person into this unit for the benefits which might accrue to us in dealing the type of propaganda which is flooding into this country. How he intends to pursue this particular aspect remains to be seen. He spoke to the Postmaster General about the possibility of helping him out financially on these translators, and the conference ended with the statement by the Postmaster General that they would examine the problem first, then decide who was going to pay for it. Idea 46 told the Director that he would send him on a regular basis samples of the propaganda material which comes to their attention. It is clear that the Post Office Department desires to handle this problem by destroying non-mailable material as it has in the past but is anxious to be more careful in discriminating between types of material so that the Department is not opened up to criticism for wholesale destruction.

WJ
Richard Helms
Chief of Operations, DD/P

cc: -----Idea 17