

CHAPTER 2

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Counterintelligence in the Turbulent 1960s and 1970s

Introduction

The early 1960s was a golden period for American counterintelligence. The FBI and CIA recruited several valuable Soviet intelligence officers, and the CI community benefited from a small number of Soviet defectors. This utopia would not last long.

Among the defectors were Anatoliy Golitsyn and Yuriy Nosenko, both of who would eventually be the cause of tremendous embarrassment to the CIA and adversely affect the CI community. Except for one espionage arrest between 1966 and 1975, counterintelligence falls from the American scene. The year 1966 also marked an almost total break in FBI-CIA relations that lasted until 1972.

In the mid-to-late 1960s, Vietnam became the dominant intelligence issue and also the rallying call for dissent against the government by young Americans. Widespread violence and civil disorder arose in many cities and on many campuses across the country.

President Lyndon Johnson and later President Richard Nixon acted on a number of fronts, including the counterintelligence elements within the intelligence community, to determine who was to blame for the turbulence. Both Presidents believed that foreign influences caused the domestic strife confronting the nation, and each directed the CI Community to determine if America's enemies were behind the violence.

In 1967, the Department of Justice instituted the first in a series of secret units designed to collate and evaluate information concerning the growing domestic disorder. After Nixon's election, the Justice Department created new units but the President remained dissatisfied. The FBI's response was to continue to conduct COINTELPRO (Counterintelligence Program) operations against the New Left, the Black Nationalists, and the Right Wing, which were established in the late 1950s and 1960s. Army intelligence conducted its own domestic program, and CIA took action by creating the MHCHAOS (cryptonym used for CIA's collection of information on American dissidents) operation. All these efforts resulted from a realization by the Johnson and Nixon Administrations that the CI Community had no effective ability to evaluate intelligence on domestic incidents.

In the end, the CI community found no evidence of foreign control of American radical groups, and, by the early 1970s each of the agencies began phasing out its

programs. The issue, however, stayed alive. DCI James Schlesinger, who was blindsided by not knowing about CIA's involvement in the break-in of Daniel Ellsberg's psychiatrist office in Los Angeles, was leery of being caught offguard again. To forestall such an event, he ordered all CIA employees to report on any CIA activities that they believed violated the Agency's charter.

On 9 May 1973, the CIA's Office of the Inspector General gave Schlesinger a list of "potential" activities that could cause embarrassment to the CIA. The list included the Agency's CI Staff's participation in the MHCHAOS operation, mail-openings, and the Huston Plan. Two days later, President Nixon named Schlesinger to be Secretary of Defense. The new DCI, William Colby, had to wait until September 1973 to take office and immediately had to resolve other pressing matters. The CI staff's questionable activities remained dormant.

This changed following a December 1974 *New York Times* article on alleged CIA spying on American citizens. The news article led to the appointment of a presidential commission (the Rockefeller Commission) and two Congressional committees to investigate the charges. Besides CIA, the investigation also looked at the FBI, DoD, and several other agencies. Almost coinciding with the news article was the firing of CIA's legendary CI Chief, James Jesus Angleton, who served in this position for 20 years.

On 18 February 1976, President Gerald Ford issued Executive Order 11905. The new policy guidelines, restrictions on individual agencies, and clarification of intelligence authorities and responsibilities were the result of the Rockefeller Commission's report. In announcing his order, the President wanted to sidestep any Congressional initiative to regulate the intelligence and counterintelligence communities. The president gave the new DCI, George Bush, only 90 days to implement the new order.

The Senate Committee, known as the Church Committee, published its six-volume report on the investigation on 23 April 1976. The House Committee, known as the Pike Committee, also wrote a classified report, which was leaked to and printed by the *Village Voice* on 12 February 1976.

The next crisis to strike US counterintelligence was the discovery of the illegal imprisonment of Soviet defector Nosenko by CIA. The Nosenko case had been a continuous point of contention between the Agency's CI Staff and the people responsible for recruiting and running operations against the Soviet Union. The case also clouded the bona fides of other Soviet defectors and in-place sources and contributed to the internal questioning by the FBI of the validity of their sources.

The revelations of these activities convinced Congress that they needed closer oversight and accountability over the intelligence community. The House of Representatives established the House Permanent Select Committee on Intelligence, and the Senate created the Senate Select Committee on Intelligence.

On 20 January 1977, Presidential Directive/NSC-2 reorganized the National Security Council System. A review of this reorganization shows no committees or group focusing on counterintelligence. Another Executive Order corrected this oversight. The order created the Special Coordination Committee for Counterintelligence, under the revised National Security Council structure.

Early in DCI Stansfield Turner's term, he also believed individual agencies ignored CI community interests. To remedy this, he wanted a new office to handle counterintelligence issues so that they would not fall into the proverbial black hole. He established such an office, Special Assistant to the DCI for Counterintelligence, in 1978.

Administratively Confidential

The WHITE HOUSE

June 30, 1965

Memorandum for the Heads of Executive Departments and Agencies

I am strongly opposed to the interception of telephone conversations as a general investigative technique. I recognize that mechanical and electronic devices may sometimes be essential in protecting our national security. Nevertheless, it is clear that indiscriminate use of those investigative devices to overhear telephone conversations, without the knowledge or consent of any of the persons involved, could result in serious abuses and invasions of privacy. In my view, the invasion of privacy of communications is a highly offensive practice which should be engaged in only where the national security is at stake. To avoid an misunderstanding on this subject in the Federal Government, I am establishing the following basic guidelines to be followed by all government agencies:

- (1) No federal personnel is to intercept telephone conversations within the United States by any mechanical or electronic device, without the consent of one of the parties involved, (except in connection with investigations related to the national security)
- (2) No interception shall be undertaken or continued without first obtaining the approval of the Attorney General.
- (3) All federal agencies shall immediately conform their practices and procedures to the provisions of this order.

Utilization of mechanical or electronic devices to overhear non-telephone conversations is an even more difficult problem, which raises substantial and unresolved questions of Constitutional interpretation. I desire that each agency conducting such investigations consult with the Attorney General to ascertain whether the agency's practices are fully in accord with the law and with a decent regard for the rights of others.

Every agency head shall submit to the Attorney General within 30 days a complete inventory of all

mechanical and electronic equipment and devices used for or capable of intercepting telephone conversations. In addition, such reports shall contain a list of any interceptions currently authorized and the reasons for them.

(S) Lyndon B. Johnson

US Double Agent Thwarts State Department Bugging

An effort by Communist agents to plant an electronic listening device in the State Department building in Washington was overcome by the FBI with the assistance and cooperation of a State Department employee of Czechoslovak heritage, Frank John Mrkva, who acted as a double agent for more than four years. The details of the case as released by the State Department in July 1966, have many of the trappings of a James Bond or Le Carre spy novel.

Two members of the Czechoslovak Embassy in Washington were directly implicated in this espionage operation. The first, Zdenek Pisk, served as Third Secretary and later as Second Secretary of the Czechoslovak Embassy. Pisk departed the United States on May 8, 1963, but had returned and occupied the post of First Secretary at the Czechoslovak United Nations Mission in New York City. The second agent, Jiri Opatrny, assigned as an Attaché of the Czechoslovak Embassy in Washington, took over the spy operation from Pisk upon his departure from Washington, DC, in May 1963.

In 1961, Pisk became acquainted with Frank John Mrkva, whose official US State Department duties included messenger runs to the Czechoslovak Embassy. At Pisk's invitation, Frank Mrkva attended social functions at the Czechoslovak Embassy. The first overt act on the part of Pisk to enlist Mrkva into Czechoslovak espionage activities was on November 30, 1961. Pisk invited Mrkva to dinner at a metropolitan restaurant, where he asked him numerous questions about his family, background, relatives in Czechoslovakia, and his duties at the State Department. In the course of subsequent meetings of this nature, Pisk revealed the

fact they were aware of Mrkva's financial position... that he had a sizable mortgage on his home, his daughter needed an operation, and so on, and the Czechoslovak diplomat held out promises of money if Mrkva would cooperate in conducting espionage activities in their behalf. Immediately, Frank Mrkva notified the FBI.

There followed over a period from November 1961 up to July 1966, a series of 48 meetings. Eleven with Pisk and later 37 with Opatrny, during which the two Czechoslovak spies paid Mrkva a total of \$3,440. Most of the meetings were held in the Maryland suburbs, on park benches in Northwest Washington, one in front of a theater in Northeast Washington, one in Southeast Washington, and another in a Virginia suburban shopping center.

From time to time, Frank Mrkva supplied the Czechoslovak spies with unclassified papers such as a State Department telephone book, press releases, and administrative reports, which had been cleared for transmittal. During the entire period of his contact with the Czechoslovak espionage agents, Mr. Mrkva acted with the full knowledge and guidance of the FBI and appropriate officials of the Department of State.

As the relationship between Frank Mrkva and the Czechoslovak agents matured, the latter's interests became more specific. Could he provide more information concerning the rooms and locations of the officers of the Department dealing with Czechoslovak affairs—particularly concerning the Director of the Office of Eastern European Affairs and the conference room for his staff meetings?

About May 1965, Opatrny revealed his interest in placing clandestine listening devices (CLDs) in various offices in the State Department. Mrkva subsequently provided Opatrny with a General Services Administration catalog of government furniture in December of 1965. This was to be used in designing a CLD in such a fashion that it could be introduced into an office of the State Department building.

On May 29, 1966, Opatrny delivered a CLD to Mrkva, which could be activated and deactivated by remote control and asked him to place it in the base of a bookcase in the office of Mr. Raymond Lisle, Director

of the Office of Eastern European Affairs. Opatrny promised Mrkva \$1,000 for this particular operation. Upon receipt of the device, Mrkva immediately turned it over to the FBI agents.

On June 9, 1966, Opatrny contacted Mr. Mrkva reporting that the CLD was not working, and he could not understand the reason, as it had operated successfully for 20 minutes after supposedly being planted in the State Department. When told by Frank Mrkva that he had accidentally dropped the device, presumably making it inoperative, Opatrny then instructed him to return it so that it could be sent to Prague for inspection and repair. There then followed a series of disputes over bad faith on the part of Opatrny in connection with payments due for past services. Frank Mrkva used this approach in stalling for time to preclude carrying out the instruction to return the CLD.

At their last meeting on July 6, 1966, Opatrny told Mrkva that they should work more closely together. There were other offices like that of Under Secretary of State Ball's in which they would want to place a device. "We want to bring this first device to a conclusion. Everyone wants to know what is wrong with it," Opatrny said.

The "roof fell" in on the Czechoslovak spy operation on July 13, 1966, when Walter J. Stoessel, Jr., Acting Assistant Secretary for European Affairs, called into the State Department the highest available ranking Czechoslovak Diplomat, the Second Secretary of the Czechoslovak Embassy, Miloslav Chrobok. He was informed that Mr. Opatrny had engaged in activities incompatible with the accepted norms of official conduct. "We find his continued presence in the US no longer agreeable to the Government of the US and request therefore, that he depart from the US as soon as possible and in any case within three days."

An interesting note was added to this case when Frank Mrkva revealed that Jiri Opatrny, the accused Czechoslovak spy, did not live up to his name. According to Mr. Mrkva, Opatrny's name can be translated as "George Careful."

MILITARY SURVEILLANCE

House Judiciary Committee,
Subcommittee on Constitutional Rights,
93rd Congress, Hearings April, 1974, p. 134

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

MILITARY SURVEILLANCE OF CIVILIAN POLITICAL ACTIVITIES: REPORT AND RECOMMENDATIONS FOR CONGRESSIONAL ACTION (1973)

BY THE COMMITTEE ON CIVIL RIGHTS

INTRODUCTION

Domestic intelligence operations conducted by elements of the United States armed forces have raised serious problems involving rights of privacy, speech and association. Such problems have long been of concern to lawyers and to members of this Association in particular.

In January 1970, charges were made that the United States Army was engaged in widespread surveillance within the United States of the political activities of civilians. Publication of the charges received considerable coverage in the press, and provoked inquiries from a number of Senators and Congressmen about the scope of the Army's domestic intelligence operations. During 1971, the Senate's Subcommittee on Constitutional Rights held hearings on the subject, and since that time a number of bills aimed at limiting the scope of military surveillance have been introduced in Congress. To date, however, none of the bills has been reported out of committee.

High Defense Department officials have acknowledged that the charges of widespread domestic intelligence data gathering and storage were indeed accurate, and the Department has issued detailed regulations which sharply limit the scope of such operations. Significant legal and practical questions remain, however, for the official Department of Defense position appears to be that widespread information collection activities undertaken during the 1967-70

period, even if not "appropriate," were nonetheless "lawful." Manifestly, implicit in this position is a reservation by the Department of Defense of its alleged right to resume these activities whenever the Department deems it "appropriate" to do so.

The purpose of this report is threefold: (1) to review the historical background and current status of the controversy regarding military surveillance of civilian political activities; (2) to outline the principal legal considerations involved; and (3) to set forth our views with respect to possible Congressional action. Our principal conclusion is that Congress should enact legislation to prohibit all military surveillance of civilian political activities, except perhaps in certain well-defined circumstances where limited data gathering may be justifiable.

I. THE NATURE AND EXTENT OF THE PROBLEM

A. Military Surveillance Prior to 1967

Although military surveillance of civilian political activities reached a peak during the three years following the riots in Newark and Detroit in 1967, such surveillance is by no means a recent phenomenon. The modern origins of the problem can be found in the expansion of military intelligence work at the outbreak of World War I, in response to German efforts at espionage and propaganda within the United States. By the end of the war, military intelligence had established a nationwide network of agents and civilian informers, who reported to the Army not only on suspected German spies and sympathizers, but also on pacifists, labor organizers, socialists, communists, and other "radicals." The network remained in existence for several years after World War I, continuing to infiltrate civilian groups, monitor the activities of labor unions, radical groups and "left wing" political organizations, and occasionally harassing persons regarded as "potential troublemakers." It was finally disbanded in 1924, and until the outbreak of World War II the military's domestic intelligence activities were conducted on a much reduced basis.

The Federal Bureau of Investigations was the principal agency involved in domestic intelligence operations during the period between 1924 and 1940. With the

outbreak of World War II, military intelligence operations were, of course, greatly expanded. Some elements of military intelligence again became involved in reporting on civilian political activities, mainly in an effort to counter suspected Axis “fifth column” attempts at subversion and sabotage. The monitoring continued, on a much reduced scale and in a haphazard and sporadic fashion, during the Cold War period of the 1940’s and 1950’s. The primary domestic responsibility of military intelligence units during this period was the conduct of loyalty and security investigations involving persons working in the defense establishment, but the carrying out of these responsibilities sometimes spilled over into fairly extensive surveillance of civilians.

During the early 1960’s, the scope of domestic intelligence operations by the armed forces gradually began to expand. A number of factors were responsible for the expansion, including the general build-up of the defense establishment as the United States became increasingly involved in the war in Vietnam, the beginnings of the anti-war movement at home, repeated crisis over desegregation (which actually led to the deployment of troops in Alabama and Mississippi in 1962 and 1963), and instances of protest against racial discrimination in cities in both the North and the South. Officials charged with responsibility for deployment of federal troops during these years expressed a need for better knowledge of the problems that might have to be faced. Thus, for example, following the crisis in Birmingham, Alabama in May 1963, then Major General Creighton Abrams (now Chairman of the Joint Chiefs of Staff), wrote that:

“We in the Army should launch a major intelligence project without delay, to identify personalities, both black and white, develop analysis of the various civil rights situations in which they may become involved, and establish a civil rights intelligence center to operate on a continuing basis and keep abreast of the current situation throughout the United States, directing collecting activities and collating and evaluating the product. Based upon this Army intelligence effort, the Army can more precisely determine the organization and forces and operations techniques ideal for each.”

The extent of the actual collection of information on individuals and groups during the early and mid-1960’s seems to have varied considerably from one military

unit to another, depending upon how broadly the unit commanders interpreted vague directives to keep track of “subversive activities.” It was not until 1967, after large scale riots had taken place in ghetto areas of Newark and Detroit, that truly extensive, systematic, domestic intelligence operations independent of the loyalty-security programs began to get underway.

b. Formulation of the 1967–70 Surveillance Program

In July 1967, Federal troops were alerted for possible duty in connection with the riots which broke out in Newark and were actually committed to action in helping to quell the Detroit riots. In September 1967, Cyrus Vance, who had been a special representative of the President in Detroit at the time of the riots there, filed an extensive “after-action report.” Mr. Vance’s report recounted the events which had taken place and summarized his conclusions with respect to planning for situations of domestic violence requiring the use of Federal troops which might arise in the future. Among other things, he recommended the reconnoitering of major American cities in order to prepare folders listing bivouac sites, possible headquarters locations, and similar items of information needed for optimum deployment of Federal troops when committed. He particularly noted the utility of police department logs of incidents requiring police action, as indicators for determining whether a riot situation was beyond the control of local and state law enforcement agencies, and suggested that it would be helpful to develop a “normal incident level” curve as a base of reference. He also thought it would be useful to assemble and analyze data showing activity patterns during the riots in places such as Watts, Newark, and Detroit, in order to ascertain whether there were any typical “indicator” incidents or patterns spread. The Vance report did not suggest that the Army should collect data on personalities or organizations, but that is nevertheless what Army intelligence proceeded to do.

Extensive plans for expanding the Army’s domestic intelligence operations and computerizing many of the files on civilian political activity were formulated during the fall and winter of 1967–68. A comprehensive Army civil disturbance plan was distributed to Army units in January 1968, and was followed the next month by issuance of an “intelligence annex” to the plan which contained a list of elements of information to be

collected and reported to the U. S. Army Intelligence Command. The annex singled out “civil rights movements” and “anti-Vietnam/anti-draft movements” as “dissident elements,” and authorized military intelligence units to collect a far wider range of information than had been recommended in the Vance report of the preceding September.

In May 1968, following the riots touched off in a number of cities by the assassination of Dr. Martin Luther King, the Army issued an even broader “Civil Disturbance Information Collection Plan.” The Plan described this mission of Army Intelligence in very broad terms:

“ To procure, evaluate, interpret and disseminate as expeditiously as possible information and intelligence relating to any actual, potential or planned demonstration or other activities related to civil disturbances, within the Continental United States (CONUS) which threaten civil order or military security or which may adversely affect the capability of the Department of the Army to perform its mission.”

The Plan contained a detailed listing of various kinds of information to be obtained and accorded different priorities to particular kinds of information. Some examples of kinds of information on “predistribution activities” in local communities given high priority by the Plan are the following:

- presence of “militant outside agitators”;
- increase in charges of police brutality, resentment of law enforcement;
- known leaders, overt and behind the scenes;
- plans, activities, and organization prepared by leaders;
- friends and sympathizers of participants, including newspapers, radio, television stations, and prominent leaders;
- efforts by minority groups to upset balance of power and political system;
- purposes and objectives of dissident groups (including estimates of plans and objectives,

capabilities, resources to be employed, coordination with other minority groups and dissident organizations);

-source and extent of funds, how funds are distributed, and general purposes for which funds are used;

-organization of dissident groups (including location of functions and responsibilities, lines of authority, organizational charts, and rosters of key personnel, for both the “high command” and the “subordinate elements” of the group; and

-personnel (including the number of active members, a breakdown of membership by ethnic groups, age, economic status, and criminal record, and biographic data on key members.

C. The Scope of the Data Collection, 1967-70

Assistant Secretary of Defense for Administration Robert Froehlke later testified that the requirements of the civil disturbance information collection plan issued in May 1968, reflected an “all-encompassing and uninhibited demand for information” which Army was expected to meet. As he pointed out, it was “highly improbable” that many of the requirements listed could be obtained by other than covert collection means.

The Army’s May 1968, plan was distributed to numerous Federal agencies and to top officials in each State government. The Army itself, through its Intelligence Command, vigorously sought to implement the plan. The massive sweep of its surveillance activities has been extensively documented and need not be reviewed in detail here. However, some particularly salient features may be noted to help illustrate the nature and extent of the program:

1. A great number of widely disparate groups were subject to Army surveillance. They covered the full range of the political spectrum and included, for example:

- The American Civil Liberties Union
- The American Nazi Party
- The John Birch Society
- The Socialist Workers Party
- CORE

- The NAACP
- The National Urban League
- The Southern Christian Leadership Conference
- The Mississippi Freedom Democratic Party
- The Revolutionary Action Movement
- Women's Strike for Peace
- The League of Women Voters
- Students for a Democratic Society

2. Files were also kept on a large number of private citizens and public officials. These dossiers often included data on the private and personnel affairs of citizens as well as on their activities in connection with political organizations. Computer print-outs and other publications generated by the Army in the course of the 1968-70 operations included, among other things, comments about the financial affairs, sex lives, and psychiatric histories of many persons wholly affiliated with the armed forces. Much of the information appears to have been unverified, sometimes consisting of nothing more than rumor or gossip.

3. Most of the data collected on groups and organizations consisted of matters of public record—a great deal of it simply clipped from newspapers. However, information also was obtained from private institutions and, in some cases, through covert operations. Thus, for example, former members of Army intelligence testified at the 1971 Senate hearings that the Army's domestic intelligence activities had included:

-infiltration of undercover agents into Resurrection City during the Poor People's Campaign in 1968;

-having agents pose as press photographers, newspaper reporters and television newsmen, sometimes with bogus press credentials, during the 1968 Democratic National Convention in Chicago;

-sending agents, enrolled as students, to monitor classes in the Black Studies program at New York University;

-keeping card files, dossiers, and photographs on students and faculty at the University of Minnesota; and

-infiltrating a coalition of church youth groups in Colorado Springs, Colorado.

4. An enormous amount of information was collected and stored. Some of it dated to as far back as World War I but most of it was collected during the 1967-70 period. The Army appears to have had more than 350 separate records storage centers containing files on civilian political activities. One such center, the Fourth Army Headquarters at Fort Sam Houston, Texas, reported the equivalent of over 120,000 file cards on "personalities of interest." Considerable duplication of files on individuals doubtless existed, but the staff of the Senate Subcommittee on Constitutional Rights is probably conservative in estimating that in 1970 Army intelligence had reasonable current files on the political activities of at least 100,000 individuals unaffiliated with the armed forces.

5. At least two of the Army's data banks had the capacity for cross-reference among "organizational," "incident" and "personality" files. The system thus had the technical capacity to produce correlation among persons, organizations and activities—e.g., list of citizens by name, address, ideology and political affiliation—virtually instantaneously.

6. The surveillance program seems to have developed a bureaucratic momentum of its own, and to have rapidly expanded without the knowledge or approval of civilian officials in the Department of Defense. Senator Ervin has cogently described the process:

"In the midst of crisis, Pentagon civilians issued vague, mission-type orders which essentially gave intelligence officers a free hand in collecting whatever information they deemed necessary to the efficient conduct of civil disturbance operations. Subsequently, neither the Pentagon's civilian hierarchy nor the Congress had any routine means by which to review the appropriateness of those decisions until former agents came forward and blew the whistle in 1970.

Meanwhile, the surveillance grew, as most governmental programs grow, by the quiet processes of bureaucratic accretion...(E)each subordinate element in the chain of command expanded on the orders it received from above, while the traditional secrecy we

have granted our intelligence agencies immunized each echelon from effective review by its superiors.”

Central Intelligence Agency Testimony on Domestic Spying

Mr. Vice President, Members of the President’s Commission:

I appreciate this opportunity to appear before you to clarify the activities conducted by the Central Intelligence Agency within the United States. I would like to assure you at the outset that the Agency has not conducted a “massive illegal domestic intelligence operation” as alleged in *The New York Times* of December 22, 1974.

The agency and I shall be entirely forthcoming with this Commission’s work in full confidence that a thorough understanding of the intelligence apparatus of the United States and the role of CIA will:

- (1) demonstrate the high value and great importance of the intelligence work of the Agency,
- (2) reassure you as to the legality and general propriety of the Agency’s activities over the years, and
- (3) lead you to constructive recommendations to improve the procedures and arrangements that govern Agency activities.

In short, we welcome the opportunity this inquiry brings to increase public confidence in the Agency and to make its work more effective in the future.

I shall start with a brief description of the CIA—its authority under the law, its mission, and the intelligence process itself.

This will include two Agency activities of special relevance to this inquiry—security and counter-intelligence.

I shall then describe those activities of the Agency that take place within the United States to demonstrate

the relationship between them and the collection of foreign intelligence.

I shall follow this with a discussion of the allegations raised in *The New York Times* of 22 December and several subsequent publications.

I shall conclude with some ideas which might be useful to the Commission in formulating its recommendations.

Mr. Vice President, in addition to this statement, I am submitting for the record a set of detailed appendixes discussing in greater depth some topics germane to the Commission’s work. Most of these documents are classified and in their present form should remain so. We would, however, be glad to work with the Commission to make parts of them appropriate for public release if the Commission desires. In addition, of course, I am prepared to answer your questions in any detail you request, as will other current Agency employees you may wish to question, but on these matters also I respectfully request that you consult with the Agency to delete sensitive material prior to release.

The CIA, Authority and Background

CIA’s existence and authority rests upon the National Security Act of 1947. The Act provides that the Agency will “correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government....”

The Act calls for the Agency to perform certain services of “common concern as the National Security Council determines can be more efficiently accomplished centrally” and “to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time effect.”

The Act provides that “the Agency shall have no police, subpoena, law enforcement powers or internal security functions.” I emphasize the latter phrase. The law is explicit that the Agency shall have no internal security functions—those are the responsibility of the FBI and other law-enforcement authorities. In its use of the term “intelligence” in connection with CIA

activities, thus, the Act implicitly restricts CIA to the field of foreign intelligence.

Another proviso is that “the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure.” Incidentally, the Director is the only Government official specifically charged by statute to protect intelligence sources and methods.

The CIA Act of 1949 provides that, in order to implement the above proviso and in the interests of the security of the foreign intelligence activities of the United States, the Agency is exempted from the provisions of any “law which requires the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency.”

In the intervening years since 1947, as the international role and responsibilities of the United States have grown, so has the importance of intelligence to its decision-making processes. The duties of the Director of Central Intelligence have also grown, and particularly his role as coordinator of all the intelligence efforts of the US Government.

Intelligence today is no simple, single-dimensional activity. It is primarily as intellectual process involving:

- (1) the collection and processing of raw information,
- (2) analysis of the information and development of reasoned judgments about its significance, and
- (3) the dissociation and presentation of these findings to those needing them.

The process involves a number of different Departments and Agencies, which, together, we call the Intelligence Community.

Our overt collection includes, for example, monitoring public foreign radio broadcasts, press, and other publications, excerpts of which are produced by CIA as a service of common concern for the other members of the Community.

Other overt collection is done by State Department Foreign Service Officers, Treasury Department representatives, and Defense Attachés abroad.

Great technological advances have revolutionized intelligence over these years. The advent of sophisticated technical collection systems has enabled us to know with certainty many things which a decade ago we were debating on the basis of bits of circumstantial evidence.

This technology has been introduced at high cost. Collection systems being employed today have required hundreds of millions of dollars and substantial numbers of people to analyze and make sense of the information they deliver.

But overt and technical collection cannot collect the plans and intentions of a hostile general staff, sense the political dynamics of closed authoritarian societies, or enable us to anticipate new weapons systems during the research phase before they are completed and visible. For this, clandestine collection is needed, especially by human sources.

The immense flow of data from these collection systems must be correlated, evaluated, and analyzed to understand its true significance. Since the responsibilities of our policy-makers cover such a wide range of international subjects these days, intelligence must employ the analytical services of professionals with specialized backgrounds in politics, economics, the sciences, military strategy, geography, and other disciplines. CIA alone, for example, employs enough expertise in these fields to staff the faculty of a university.

Other Agencies play essential roles in intelligence work, but CIA is the only statutory Agency of the US Government with responsibilities exclusively in the field of intelligence.

It has three major functions:

- (1) to produce intelligence judgments, based on information from all sources, for the benefit of policy-makers. The product is in the form of publications and bulletins on current developments, estimates of future international situations, and in-depth studies on various topics—for

example, a study on the origins and growth—over time—of the Soviet strategic weapons systems;

(2) to develop advanced technical equipment to improve the collection and processing of US intelligence; and

(3) to conduct clandestine operations to collect foreign intelligence, carry out counterintelligence responsibilities abroad, and undertake—when directed—covert foreign political or paramilitary operations.

The production of intelligence judgments and analysis concerning foreign affairs is vested in the Directorate for Intelligence (DDI). Offices below the Deputy Director level specialize in economic, political, and military topics. DDI analysts often confer with a range of experts in the United States outside the Intelligence Community to benefit from the views of recognized authorities on topics of interest.

The Directorate for Science and Technology (DDS&T) is the unit responsible for research, development, and operation of advanced collection systems. These range from small technical devices concealed by agents abroad to complex and costly “black-box” collection systems involving electronics, photography, and the like. In the DDS&T also, our analysts keep under study scientific and technical developments abroad, including weapons and space systems.

The Directorate for Operations (DDO) is the unit responsible for covert collection, primarily through clandestine collection by human sources. The Directorate is organized along geographic lines. It has some special staffs which focus on problems that cut across regional boundaries (for example, international terrorism).

The Directorate for Administration (DDA) provides support to other Agency components. It is responsible for personnel programs, security, administration, training, logistics, communications, medical services, and the like.

Security and Counterintelligence

I have already mentioned my responsibility for protecting intelligence sources and methods. It is out

of this responsibility, and because of the need to protect the nation’s vital intelligence secrets, that CIA has built over the years a capability, using security and counterintelligence techniques, to protect those secrets and guard against penetration of our intelligence activities.

A degree of secrecy, and an ability to protect some secrets, is essential to our work. This literally can be a matter of life and death for agents operating abroad, whether they be our own employees whose identification with CIA would make them obvious targets for terrorists, or citizens of totalitarian regimes who have agreed to report to us on their own governments. Many of the American businessmen and professors who voluntarily share their foreign experiences with us want to protect the relationship to remain confidential, and we must protect their proprietary information which sometimes comes our way in the course of such exchanges.

Disclosure of the details of sophisticated (and costly) technical collection operations would tell a target country, for instance, just how to change its procedures in order to deny us reliable assessments of its military threat. Finally, no foreign government can be expected to continue intelligence cooperation and exchange with us unless it is confident that we can keep its secrets.

There is an obvious potential conflict here with the right of citizens in a democracy to know what their government is doing in their name (and with their money). I am trying to reconcile this dilemma by making as much as possible of the substantive product of intelligence activities available to the general public as well as to Government officials. I am also trying to make public as many as possible of the general categories of intelligence activities conducted by the US Government. But I cannot relax, and indeed am intensifying, efforts to preserve the secrecy of operational details. Our efforts on these lines concentrate on assuring us of the integrity of those we employ or work with, providing indoctrination in and monitoring our procedures to keep our secrets, and investigating weaknesses or leaks in our security machinery. We have requested some improvements in our legislative tools for this purpose, and during the course of this investigation, I shall be asking your support for some of these efforts.

Counterintelligence is an essential element of the intelligence process, assigned to CIA by the National Security Council.

The counterintelligence function was the subject of scrutiny back in 1954 by a special committee established by President Eisenhower and headed by General James Doolittle to examine the covert activities of CIA.

In his report, General Doolittle wrote:

"We cannot emphasize too strongly the importance of the continuation and intensification of CIA's counterintelligence efforts to prevent or detect and eliminate penetrations of CIA."

Findings such as this served to underscore the importance of our counterintelligence work.

Activities Within the United States

It is, of course, a fact that the CIA has a presence in and carries out certain activities within the United States. About three-fourths of its employees live and work in this country. Most are in the Metropolitan Washington Headquarters Area, performing analysis, staff direction, or administrative support. About 10 percent of CIA's employees work in the United States outside the Headquarters Area. These perform functions supporting our organization which must be done here, such as personnel recruitment and screening or contracting for technical intelligence devices, and they collect foreign intelligence here. Clearly much information on the world is available here from private American citizens and from foreigners, and it would be foolish indeed to spend large sums and take great risks abroad to obtain what could be acquired cheaply and safely here.

CIA's Domestic Collection Division (DCD) has representatives in 36 American cities. These representatives contact residents of the United States who are willing to share with their Government information they possess on foreign areas and developments. These American sources provide their information voluntarily, in full awareness they are contributing information to the Government.

The DCD assures them their relationship with CIA will be kept confidential and that proprietary interests (say, on the part of a businessman) will not be compromised.

Since 1947, the DCD has contacted many thousands of individuals and organizations representing American businesses, industry, and the scientific and academic communities. DCD of course maintains records on its relationships with the individuals and organizations it has contacted.

The information obtained by DCD is made available to other agencies in the Intelligence Community as a service of common concern. Army, Navy, and Air Force officers are assigned to some DCD offices to assist CIA personnel so that there is one coordinated program, rather than separate duplicating efforts.

I want to emphasize that this collection program focuses exclusively on the collection of information about foreign areas and developments.

In addition to their information collection responsibilities, DCD offices also assist in other CIA activities in the United States, such as the identification of individuals who might be of assistance to Agency intelligence operations abroad. DCD is also responsible for the resettlement of foreign defectors who take up residence in the United States.

Information is sometimes received by DCD representatives which more properly falls within the jurisdiction of other US Government agencies. Such information is always passed to the appropriate agency. When possible, the possessors of the information are referred to the appropriate local agency. In few cases, Domestic Collection Division offices have accepted and passed to CIA Headquarters, for forwarding to the appropriate agency, information about foreign involvement in US narcotics traffic, dissident activities, and terrorism which they learned while conducting their normal collection activity.

The Foreign Resources Division was known until 1972 as the Domestic Operations Division. The principal mission of this Division is to develop relationships with foreigners in the United States who might be of assistance in the clandestine collection of intelligence abroad. In this process, it also collects foreign intelligence from foreigners in the United States. It has offices in eight US cities, which operate under some cover other than CIA.

The work of this Division is closely coordinated with the FBI, which has the responsibility for identifying and countering foreign intelligence officers working within the US against our internal security.

The Cover and Commercial Staff exercises both staff and operating responsibilities in the conduct of the Agency cover programs, in commercial activities and funding necessary to support our other operations, and in arranging the cooperation of US business firms for cover purposes. It conducts negotiations with other US Government Departments and Agencies on official cover arrangements and with cooperating US business firms on non-official cover arrangements for Agency personnel, installations, and activities. It develops and maintains a variety of proprietary commercial mechanism to provide non-official cover and operational support to Agency operations against foreign targets. An example of the work of this Staff in the commercial area is the arrangement with a corporation, either an independent firm or a wholly-owned proprietary, to provide the ostensible source of income and rationale for a CIA officer to reside and work in a foreign country.

The Agency's Office of Security has eight field offices in the United States primarily engaged in conducting security investigations of Americans with whom the CIA anticipates some relationship—employment, contractual, informational, or operational. The investigators do not normally identify themselves as CIA.

The Office of Security investigates all applicants for employment with the Agency, actual or potential contacts of the Agency, and consultants and independent contractors to determine their reliability prior to their exposure to sensitive matters dealing with the Agency. We also conduct investigations of individuals employed by contractors to the Agency, such as the employees of Lockheed who worked on the U-2 program. Numerous files are, of course, built up in this activity, but are kept segregated from the Agency's operational and counterintelligence files.

Another responsibility of the Office of Security is the investigation of unauthorized disclosures of classified intelligence. This function stems from the Director's statutory responsibility to protect intelligence sources and methods. Thus, the CIA Office of Security

would prepare a damage assessment and endeavor to determine the source of a leak so that we could take corrective action. The National Security Act of 1947 gives the Director authority to terminate the employment of an individual when he deems it "necessary or advisable in the interests of the United States."

Research and development are necessary activities if we are to have the technical intelligence capabilities I discussed earlier. Nearly all such work is done for the CIA through contracts with US industrial firms of research institutes. In many such contracts, CIA sponsorship of the project is not concealed. But in some cases, the fact that the work is being done for the CIA—or even for the Government—must be hidden from many of the individuals working on the program. This was the case in the development of the U-2 aircraft, for example.

In such cases, a separate organization within an existing company may be established by the company to conduct the necessary R&D under a cover story of commercial justification. Management of the entire program is organized in a fashion which isolates it from any association with the CIA or the Government. In order that such operations can take place, special cover mechanism must be established to handle such problems as funding and security investigations of personnel being assigned to the job. Because of the Agency's ability to operate with greater flexibility than most other agencies of Government and because of its experience in such activities, it has also undertaken such activities on the basis of funding made available from the Department of Defense from appropriations for the purpose. Indeed, though the CIA's own R&D program is a vigorous one, it is very small when compared with the several large programs conducted in conjunction with the Department of Defense. All such activity is subject to regular and systematic review and audit. This activity represents another category of our domestic activities, bringing the Agency into contact directly or indirectly with large numbers of US citizens and requiring it to keep a large number of records involving US citizens and organizations.

The complexity of modern intelligence analysis requires the development and application of increasingly sophisticated methodology for treating the enormous quantity of data collected by the Intelligence

Community. Although the Agency has actively pursued such development using its own highly qualified staff, it has increasingly been forced to call on the capabilities of the American scientific and technical community for assistance.

This assistance is provided via contractual arrangement. It may be for the purpose of defining and developing the methodology, e.g., how to process poor quality foreign radar signal intercepts in order to be able to evaluate the emitting radar. Alternatively, it may require a continuous effort to apply a methodology, e.g., to provide assessments of foreign missile performance from intercepted signals. In either case, it both supplements and complements analogous efforts in the Agency itself. Such programs have been a standard means of carrying out the Agency's role for many years.

These sorts of research projects or studies can be misunderstood, as recently occurred with respect to one on foreign transportation technology. One critic has confused CIA's solicitation of bids for a study with a program to spy. This confusion steams from a lack of appreciation of the modern intelligence process in which "spying" plays only a small role. In fact, however, this project, and others similar to it, are purely analytical in character and expect no espionage or active intelligence collection by the contractor beyond research among open sources. Some such contracts do include analysis of information provided by CIA from its secret technical or clandestine sources, but only when the information is not available otherwise.

The Agency's Office of Personnel has a Recruitment Division to hire Americans with the required skills and expertise for Agency employment.

Agency recruiters identify themselves as CIA Personnel Representatives and carry CIA credentials. We maintain 12 domestic field offices (whose telephone numbers can be obtained from the public telephone directory). In addition, Agency representatives enter into confidential arrangements with some US residents who agree to assist us abroad in the conduct of our foreign intelligence responsibilities.

Here in the Headquarters area, we have an office in Rosslyn, Virginia, open to the general public. Since most of our professional applicants come from college

campuses, primarily at the graduate level, our recruiters maintain close contact with college placement officials and faculty advisors. To round out our recruitment effort they also maintain contact with personnel representatives of private industry, professional and scientific associations, minority organizations, and the like. Our recruiters are authorized to place advertisements in newspapers, periodicals, and college publications for recruitment purposes.

The Agency must look to itself to provide training of its employees in those disciplines which are unique to its mission, ranging from clandestine operations and agent handling to intelligence analysis and technical skills. We also offer an extensive program in language training, communications, and the normal administrative and management courses associated with the Government operations. To this end we operate several training sites and occasionally take advantage of a large US city environment to expose a trainee to the difficulties of foot surveillance. In such instances, of course, the subject would be another Agency employees participating in the training exercise.

The four units I have just described carry out the major programs of the Agency which call for the operation of field offices in the United States. They all are proper under the Act which governs us.

Mr. Vice President, the foregoing provides you with a view of the extent of CIA activities in the United States. The classified appendixes I have submitted to the Commission provide additional detail.

Allegations and Some Details

The article of December 22, 1974, charged that CIA has engaged in a "massive illegal domestic intelligence operation." The article referred in particular to files concerning American dissident groups.

The factors are these (as outlined in my report to President Ford, a copy of which you have):

In mid-1967, the US Government was concerned about domestic dissidence. The obvious question was raised as to whether foreign stimulation or support was being provided to this dissident activity.

On August 15, 1967, the Director established within the CIA Counterintelligence Office a unit to look into the possibility of foreign links to American dissident elements.

And then, you will recall that President Johnson on July 27, 1967, appointed a National Advisory Commission on Civil Disorders. Mr. David Ginsburg, the Executive Director of that Commission, wrote to the Director on August 29, 1967, asking what the Agency might do to assist in that inquiry with “information, personnel, or resources.”

The Director responded on September 1, offering to be helpful, but pointing out that the Agency had no involvement in domestic security. Some limited material from abroad, the Director wrote, might be of interest.

Later the same year, the CIA activity became part of an interagency program, in support of the National Commission, among others.

In October 1967, a report issued by the new CIA unit concluded that, although information was limited,

“There is no evidence that anti-war demonstrations and related activities in the United States are controlled by Communist forces abroad. There are indications, however, that anti-war activity is partially responsive to North Vietnamese “inspiration.”

Periodically thereafter, various reports were drawn up on the international aspects of the anti-war, youth and similar movements, and their possible links to American counterparts. Specific information was also disseminated to responsible US agencies.

In September 1969, the Director reviewed this Agency program and stated his belief that it was proper “while strictly observing the statutory and de facto proscriptions on Agency domestic involvement.”

In 1970, in the so-called Huston Plan, the Directors of the FBI, DIA, NSA, and CIA recommended to the President an integrated approach to the coverage of domestic unrest. While not explicit in the plan, CIA’s role therein was to contribute foreign intelligence and counterintelligence to the joint effort.

The Huston Plan was not implemented, but an Interagency Evaluation Committee, coordinated by Mr. John Dean, the Counsel to the President, was established. The Committee was chaired by a representative of the Department of Justice and included representatives from CIA, FBI, DoD, State, Treasury, and NSA. Its purpose was to provide coordinated intelligence estimates and evaluations of civil disorders with CIA supplying information on the foreign aspects thereof.

Pursuant to this, CIA continued its counterintelligence interest in possible foreign links with American dissidents. The program was conducted on a highly compartmented basis. As is necessary in counter-intelligence work, the details were known to few in the Agency.

We often queried our overseas stations for information on foreign connections with Americans in response to FBI requests or as a result of our own analyses. Most of these requests were for information from friendly foreign services, although there were instances where CIA collection was directed. In most cases the product of these queries was passed to the FBI.

In the course of the program, the Agency worked closely with the FBI. For example, the FBI asked the Agency about possible foreign links with domestic organizations or requested coverage of foreign travel of FBI suspects. The Agency passed to the FBI information about Americans it learned from its intelligence or counterintelligence work abroad. The FBI turned over to the Agency certain of its sources or informants who could travel abroad, for handling while there. In order to obtain access to foreign circles, the Agency also recruited or inserted about a dozen individuals into American dissident circles in order to establish their credentials for operations abroad. In the course of the preparatory work or on completion of a foreign mission, some of these individuals submitted reports on the activities of the American dissidents with whom they were in contact. Information thereby derived was reported to the FBI, and in the process the information was also placed in CIA files.

In 1973 this program was reviewed and specific direction given limiting it to collection abroad, emphasizing that its targets were the foreign links to

American dissidents rather than the dissidents themselves and that the results would be provided to the FBI.

In March 1974, the Director terminated the program and issued specific guidance that any collection of counterintelligence information on Americans would only take place abroad and would be initiated only in response to requests from the FBI or in coordination with the FBI, and that any such information obtained as a by-product of foreign intelligence activities would be reported to the FBI.

In the course of this program, files were established on about 10,000 American citizens in the counterintelligence unit.

About two-thirds of these were originated because of specific requests from the FBI for information on the activities of Americans abroad, or by the filing of reports received from the FBI.

The remaining third was opened on the basis of CIA foreign intelligence or counterintelligence information known to be of interest to the FBI.

For the past several months, we have been eliminating material from those files not justified by CIA's counterintelligence responsibilities, and about 1,000 such files have been removed from the active index but not destroyed.

In May 1970, the Department of Justice provided us with a machine-tape listing of about 10,000 Americans. The listing could not be integrated in CIA's files and was destroyed in March 1974.

Mr. Vice President, let me digress here for a moment to comment on this word "files" which has been bandied about widely and can mean many different things to different people.

The backbone of an intelligence operation, particularly a counterintelligence case, is detailed information—through which one can begin to discern patterns, associations, and connections.

In this sphere, therefore, any professional intelligence organization tries to systematically record all scraps of

information on people who may be of interest to it or may provide avenues to persons of interest. Thus whenever a name—anyone's name—a date, place, a physical description, appears anywhere in any operational report, it is usually put into a cross-referenced master index.

Whenever there are one or more pieces of paper dealing primarily with a single individual—for whatever reason—there is probably, somewhere, a "file" on that individual; whether he is an applicant, an employee, a contractor, a consultant, a reporting source, a foreign target of intelligence interest, a foreign intelligence officer, or simply a person on whom someone else (such as the FBI) has asked us to obtain information overseas.

The fact that there is a "file" somewhere in one of our various record systems with a person's name on it does not mean that that "file" is the type of dossier that police would use in the course of monitoring that person's activities.

In this context, it is clear that CIA does have listings of large numbers of Americans, as applicants, current and ex-employees, sources and other contacts, contractors, Government and contractor personnel cleared for access to sensitive categories of intelligence, individuals corresponding with us, etc. I am sure you will find that most of these are unexceptional and necessary to run an institution of the size and complexity of CIA, and that these records are maintained in ways which do not suggest that the names are in any way suspect.

Our operational files also include people who were originally foreign intelligence targets but who later became US citizens, such as Cuban or other emigre groups.

There have been lists developed at various times in the past, however, which did appear questionable; for example, caused by an excessive effort to identify possible "threats" to the Agency's security from dissident elements, or from a belief that such lists could identify later applicants or contacts which might be dangerous to the Agency's security. They did not result from CIA collection efforts, but were compilations of names passed to us from other Government agencies such as the FBI, some police forces, or the House Un-

American Activities Committee. A number of these dubious listings have been eliminated in the past three years, and the Agency's current directives clearly require that no such listings be kept.

The New York Times article of December 22, 1974, made certain other charges:

that at least one member of Congress had been under CIA surveillance and that other Congressmen were in our "dossier" on dissident Americans, and that break-ins, wire-taps, and surreptitious inspection of mail were features of CIA activities.

Let me provide background on these allegations.

On May 9, 1973, the Director issued a notice to all CIA employees requesting them to report any indication of any Agency activity any of them might feel to be questionable or beyond the Agency's authority.

The responses led to an internal review of the counterintelligence program and other Agency activity—a review, Mr. Vice President, that is continuing.

The initial responses and our review of them culminated in fresh policy determinations and guidance issued in August 1973. This guidance is a matter of detail in the classified appendices I will provide to this Commission.

As I have said, Mr. Vice President, this review continues in order to insure that our activities remain proper.

Let me discuss our findings with respect to the press allegations.

(1) *The New York Times* article of December 22, 1974, declared:

"At least one avowedly anti-war member of congress was among those placed under surveillance by the CIA, the sources said."

Mr. Vice President, our findings are that there is no—and to my knowledge never has been—surveillance, technical or otherwise, directed against any sitting member of Congress.

The New York Times article also indicated that "Other members of Congress were said to be included in the CIA's dossier on dissident Americans."

No current Congressmen are included in the files of the counterintelligence program described above, although we do have lists and files of current Congressmen.

Some (about 14) were opened prior to the Congressmen's election as a step toward possible operational cooperating with the Agency. Some (about 2) because the names arose in the course of coverage of foreign targets. Some are files on ex-employees (2) or applicants. Some (about 17) are on contacts or sources of our Domestic Collection Division. And, of course, our Congressional liaison staff keeps working files on its contact with Congressmen.

(2) *The New York Times* article also referred to "break-ins," and said no "specific information about domestic CIA break-ins" could be obtained.

Our investigations to date have turned up a total of three instances, which could have been the basis for these allegations. Each of the three involved premises related to Agency employees or ex-employees.

In 1966, a new Agency employee, inspecting a Washington apartment he was thinking of renting, saw classified documents in the apartment, which was the residence of an ex-employee. The new employee advised CIA security officers who promptly went to the apartment, were admitted without stating their intentions, and removed the documents.

The second instance occurred in 1969. A junior Agency employee with sensitive clearances caused security concern by appearing to be living well beyond his means. Surreptitious entry was made into his apartment in the Washington area. No grounds for special concern were found.

The third instance occurred in 1971 in the Washington area. An ex-employee became involved with a person believed to be a Cuban intelligence agent. Security suspicions were that the two were engaged in trying to elicit information from Agency employees. A

surreptitious entry was made into the place of business of the suspect Cuban agent. Results were negative. An attempt to enter the suspect agent's apartment were unsuccessful.

(3) *The New York Times* article also referred to wire-taps and said no specific information could be obtained.

Our findings show that there were telephone taps directed against twenty-one residents of the United States between 1951 and 1965, and none thereafter. In each case the purpose was to check on leaks of classified information. Nineteen of the individuals concerned were Agency employees or former Agency employees, including three defector contract agents (not US citizens) and one contract employee who was the wife of a staff agent. The two private citizens whose phones were tapped in 1963 were thought to be receiving sensitive intelligence information, and the effort was aimed at determining their sources. Our records show that these two taps were approved by the Attorney General.

In 1965, President Johnson issued an order that there be no wire-taps in national security cases without approval by the Attorney General. Only one of the operations mentioned above took place in 1965, against a CIA employee suspected of foreign connections. This operation was approved by the Attorney General.

Since World War II, successive Presidents have authorized the Attorney General to approve electronic surveillance in national security situations. The Omnibus Crime Act of 1968 prohibits interception and disclosure of wire or oral communications but further provides that nothing in such law:

“ . . . shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence.”
(Emphasis supplied.)

While this statute does not purport to convey a new power to the President, it is a recognition by the Congress that such measures are within the constitutional power of the President.

(4) *The New York Times* article also alleges physical surveillance of American citizens.

The Agency has conducted physical surveillance on our employees when there was reason to believe that they might be passing information to hostile intelligence services. This was done on rare occasions, and in recent years only three times—in 1968, 1971, and 1972. In 1971 and 1972, physical surveillance was also employed against five Americans who were not CIA employees. We had clear indications that they were receiving classified information without authorization, and the surveillance effort was designed to identify the sources of the leaks.

Also, in 1971 and 1972, a long-standing CIA source—a foreigner visiting in the US—told of a plot to kill the Vice President and kidnap the CIA Director. We alerted the Secret Service and the FBI and we carried out physical surveillance in two American cities. The surveillance came to involve Americans who were thought to be part of the plot—and the mail of one suspect was opened and read.

(5) *The New York Times* article also refers to “surreptitious inspection of mail.”

As part of its foreign intelligence program, CIA has conducted at various places in the world a survey of mail to and from certain Communist countries. This provides technical information on Communist mail procedures and censorship. It provides addresses that might be used for various intelligence programs and, in those instances in which selected mail is opened, it sometimes provides information on conditions in the country as well as operational leads for agent recruitment.

From 1953 until February 1973, CIA conducted programs at three sites in the United States to survey mail between the United States and two Communist countries. Some of this mail was opened to determine Communist censorship techniques or to report the contents of the messages. The main product of this activity was material of an internal security nature, which was disseminated to the FBI.

The activities discussed above were reported as a result of the Director's 9 May 1973 notice and were

reported to the Chairman of the Senate and House Armed Services Committees—the Congressional bodies responsible for oversight of CIA—on 21 May 1973.

CIA Relationships With Other Government Agencies

In August 1973, in connection with the review of all activities of the Agency which might be considered questionable under the terms of its charter, I ordered a review of assistance to other Federal, state, and local government components. Each of the Agency's Deputy Director was required to terminate all activities he considered inappropriate.

Based upon this review, I asked the CIA Inspector General and General Counsel to review and make recommendations on all activities not terminated by the Deputy Directors. On this basis, I made an individual determination to continue, modify, or terminate each such activity. Most assistance to other agencies was continued, but a substantial number of such activities were modified or terminated.

Assistance to agencies with foreign operations and not involved in domestic law enforcement was generally continued, while assistance which could involve the Agency even indirectly in law enforcement activities was appropriately modified or terminated.

In addition, some assistance activities not warranted on the basis of economy or necessity were discovered and terminated. This program of review of assistance to other Government agencies has been made permanent and each new proposal for this kind of assistance must be reviewed and approved by the Deputy Director concerned, the Inspector General, and the General Counsel before it may be instituted. In case any one of them disagrees, I personally make the decision.

I believe this continuing program will assure that all assistance is carefully considered and kept within the bounds of legality, propriety, and economy.

In discussing allegations of improper CIA domestic activity, I wish to comment on "the Watergate affair." This topic has been the subject of extensive hearings by the Ervin Committee and the four CIA Subcommittees of the Congress as well as by other investigations by

the Grand Jury, the Department of Justice, and the Special Prosecutor. So I will comment only briefly on it. The allegation was that CIA had prior knowledge of the Watergate break-in and was somehow otherwise knowingly involved. While I have admitted the CIA made mistakes in providing certain equipment to Howard Hunt and in preparing a psychological assessment on Daniel Ellsberg, both in response to directives from the White House, we have no evidence, and none was developed in any of the hearings or inquiries I have just mentioned, to support the other allegations concerning CIA. Aside from these two instances, the main CIA role in Watergate was to refuse to be used in the coverup, and to avoid being misunderstood as involved. Most recent evidence clearly demonstrates CIA's non-involvement rather than involvement in Watergate.

While Senator Baker's minority report suggests that the Agency was involved in domestic activities beyond its charter, the testimony of 24 Agency witnesses covering 2,000 pages, along with the production of some 700 sensitive Agency documents, failed to result in any concrete evidence to support these allegations.

Although we entered into that investigation in the spirit of cooperation and in the interest of providing information relevant to the investigation, eventually extremely broad requests, which would have exposed sensitive intelligence sources and methods having no relationship to the inquiry, forced me to request a more precise bill of particulars, and to suggest that they might be handled more appropriately through our normal oversight procedure with the Senate Armed Services Committee.

I think it is interesting in this connection that despite the fact that the profile and the provisioning were requested by the White House, questions as to the propriety of these actions were brought to the attention of senior officials of the Agency by Agency employees at the working level.

For the Commission's background, I would also like to mention the Agency's relationships with American student and other associations and foundations, revealed in 1967 by *Ramparts* magazine. The Agency had developed confidential relationships with some officials of these groups to assist their activities abroad in

exposing and counteracting Communist-controlled efforts to subvert international student and labor groups.

State Department Under Secretary Katzenbach chaired an interagency group which investigated this matter. The group's recommendations resulted in a ban on CIA covert assistance to American educational or voluntary organizations, and these restrictions are reflected in internal Agency regulations and policy.

The activities I have described to you in this statement related to *The New York Times* allegations and were among those, as I have said, that were reported to the Director by our officials and employees in 1973 in response to his notice to all employees asking them to report any and all activities that they or others might deem questionable. These were reported to the Chairmen of the Senate and House Armed Services Committees—the Congressional bodies responsible for oversight of CIA—in May 1973.

These briefings were accompanied by my assurances that the Agency's activities would be conducted strictly within its proper charter, and specific instructions were issued within the Agency along these lines. Recently, I was advised by the Acting Attorney General that I was obliged to call certain of these to his attention for review, and I have done so, although it is my opinion that none

would properly be the subject of adverse action against men who performed their duties in good faith.

The Commission will be interested in some of the CIA's internal checks and balances—its safeguards designed to ensure that its activities remain within proper bounds.

In the first place, strength is to be found in the simplicity of CIA's organization. The command line runs from the Director to four Deputies and thence to Office or Division Chiefs. The arrangement provides the Director with an uncomplicated and direct access to action officers within the separate components, whether they be Deputies, Office Chiefs, analysts, or operators.

The Agency relies on certain functions, as well as organization, to provide safeguards. The Inspector General, who reports directly to me, is vested with an independent authority to review the activities of all elements of the Agency.

The CIA General Counsel reports to the Director and oversees the legal aspects of Agency activity.

The CIA Comptroller, who reports directly to the director, reviews programs and the allocation of



CIA Headquarters

resources independent of the Deputies and makes his advice known to the Director and the Deputies.

The CIA Audit Staff is responsible for checking the use of funds by Agency components and for assuring that the funds are properly used and are consistent with appropriate internal approvals and the law.

The Office of Finance watches the integrity of the Agency's accounting structure, supervises internal financial audits, and assures compliance with the fiscal requirements of the Agency and the Government.

In addition to my dealings with each Deputy Director and Independent Office Chief, they together comprise the CIA Management Committee. As such, they meet regularly to advise me on a wide range of policy decisions. This practice also ensures communication among the leadership of all components of the Agency and provides for cross-fertilization of ideas and opinions.

One characteristic of the Agency is the need for compartmentation to enhance security and protect particularly sensitive sources and methods. This does not diminish my responsibility to know of and approve all sensitive operations, but it does limit the awareness of employees not directly involved in the operation and leads to limits on written records to which substantial numbers of people have access. As a result the written records immediately available to describe the background of some Agency activities conducted in earlier years are less complete than I—and I am sure the Commission—would like. There is no implication here of improper destruction of records, but the intelligence profession does limit the detail in which they exist and the degree to which they are circulated.

Finally, every year Agency employees are instructed to bring either to my attention or to that of the Inspector General any activity which they think may be beyond our charter.

Mr. Vice President, in this presentation I have endeavored to provide the Commission with a frank description of our intelligence activities. That description is intended to demonstrate the importance of the CIA and the rest of the Intelligence Community in assisting the Government in developing and implementing its foreign policy and alerting it to potential crisis or war. I would now like to summarize

the situation and present some thoughts as to possible Commission recommendations.

First, as I said at the outset, I flatly deny the press allegation that CIA has been engaged in a "massive illegal domestic intelligence operation."

Whether we strayed over the edge of our authority on a few occasions over the past 25 years is a question for you gentlemen, and whatever investigative bodies Congress may designate, to judge.

Mr. Vice President, any institution—in or out of Government—that has been functioning for 25 years finds it hard put to avoid some missteps, but I submit that any such missteps in the CIA's history were few and far between, and unconnected with the thrust of the Agency's important and primary mission—the collection and production of intelligence pertaining to foreign areas and developments.

Certainly at this time it is my firm belief that no activity of the Agency exceeds the limits of its authority under law.

Mr. Vice President, the President's charge to this Commission requires that your review lead to recommendations, some to be made to me as well as to the President. I look forward to those recommendations, including any you may make with regard to internal CIA safeguards and organization.

I would like to offer for the Commission's consideration certain suggestions which the Commission may deem to be appropriate subjects for eventual recommendations.

There are several bills now in Congress recommending certain amendments to the National Security Act so as to clarify the extent of CIA's activities within the United States.

One of these is to add the word "foreign" before the word "intelligence" wherever it appears in the Act, to make crystal clear that the Agency's purpose and authority lie in the field of foreign intelligence.

Another amendment proposes that within the United States the Agency will not engage.

“in any police or police-type operation or activity, any law enforcement operation or activity, any internal security operation or activity, or any domestic intelligence operation or activity.”

The Agency full accepts these amendments as a clear statement of prohibited activity and as a way to reassure any concerned that CIA has any such function. Last September, I wrote to the Chairman of the Senate Armed Services Committee assuring him that the Agency will abide by the letter and the spirit of this proposed amendment..

The prohibition in this amendment is supplemented by the following additional proviso:

“Provided, however, that nothing in this Act shall be construed to prohibit CIA from protecting its installations or conducting personnel investigations of Agency employees and applicants or other individuals granted access to sensitive Agency information; nor from carrying on within the United States activities in support of its foreign intelligence responsibilities; nor from providing information resulting from foreign intelligence activities to those agencies responsible for the matters involved.”

Again, we welcome this text as a clear statement of what the Agency properly does in the United States in support of its foreign intelligence mission. As I described to you earlier and explained in my confirmation hearings, these include:

- (1) Recruiting, screening, training, and investigating employees, applicants, and others granted access to sensitive Agency information;
- (2) Contracting for supplies;
- (3) Interviewing US citizens who voluntarily share with the Government their information on foreign topics;
- (4) Collecting foreign intelligence from foreigners in the United States;
- (5) Establishing and maintaining support structures essential to CIA's foreign intelligence operations; and

(6) Processing, evaluating, and disseminating foreign intelligence information to appropriate recipients within the United States.

I respectfully suggest that the Commission might indicate its support of these legislative amendments in its recommendations.

A separate matter of concern deals with the question of appropriate oversight of the Agency. Within the Executive Department, the Director is appointed by the President with the advice and consent of the Senate and serves “at the pleasure of the President of the United States .”

The President has appointed a Foreign Intelligence Advisory Board to assist him in supervising the foreign intelligence activities of the United States.

This Board has a long and excellent record of reviewing the Foreign intelligence activities of the United States—those in CIA as well as the other departments and agencies.

The board has made a number of very important recommendations to the President and has stimulated and supported major advances in our intelligence systems.

The activities of the CIA and the Intelligence Community are also reviewed by the Office of Management and Budget, to which the Agency reports fully and through whom the Director's recommendations for the total foreign intelligence program are routed to the President.

General guidance of the CIA and the Intelligence Community is provided by the National Security Council through the Assistant to the President for National Security Affairs and the National Security Council staff. The National Security Council is assisted by the National Security Council Intelligence Committee and by several other National Security Council committees, such as the Washington Special Action group for crisis situations, the 40 Committee for covert actions, and others.

Pursuant to a Presidential Directive of 5 November 1971, reaffirmed by President Ford on 9 October 1974,

the Director of Central Intelligence is also assigned a special role with respect to the Intelligence Community as well as the Central Intelligence Agency. He is required to exercise positive leadership of the entire Community and to recommend to the President annually the appropriate composition of the entire intelligence budget of the United States. He is directed to accomplish these with the advice of and through the United States Intelligence Board and the Intelligence Resources Advisory Committee, which include the intelligence elements of the State, Defense, and Treasury Departments, and other agencies concerned with intelligence.

The National Security Council exerts its direction over the Intelligence Community through a series of National Security Council Intelligence Directives assigning responsibilities and providing authorization for actions. These Directives are in the process of consolidation and updating and are supplemented by Directives issued by the Director of Central Intelligence under the general authority provided by the National Security Council Intelligence Directives. One of particular relevance to this Commission's work specifically outlines how CIA will operate within the United States. It is in its final stages of coordination and is essentially agreed between the FBI and CIA.

In my view, Mr. Vice President, the arrangements for administrative supervision of the Central Intelligence Agency and the Intelligence Community by the Executive Branch appear sufficient at this time, but you will certainly want to reassure yourselves on this in detail.

Congressional oversight of CIA has long been handled with full recognition by Congressional leaders of the necessary secrecy of the Agency's activities. As a result, from its earliest days, small subcommittees were established in the Appropriations and Armed Services Committees of the Senate and House to which the Agency reported its activities, but outside of which no information was made available concerning its sensitive operations. There are no secrets from these oversight committees, and between our meetings with the Committees, we are in continuing contact with the Staffs.

The Agency has reported publicly to other committees about matters which can be disclosed publicly, and it

has reported extensively in Executive Session to other committees, providing classified substantive intelligence appreciation of world situations. Over the years, a number of suggestions have been made within the Congress to revise the oversight responsibility, but to date none has been agreed. The Agency's position has always been that it will work with the Congress in any way the Congress chooses to organize itself to exercise its responsibilities for oversight and for appropriations.

Whatever arrangements the Congress adopts, we trust there will be a continuation of congressional protection of the secrecy of our intelligence activities.

This raises the final subject to which I invite the Commission's attention—the need for improvement in our legislation to strengthen our ability to protect those secrets necessary to successful intelligence operations.

It is plain that a number of damaging disclosures of our intelligence activities have occurred in recent years. One affect of this has been to raise questions among some of our foreign official and individual collaborators as to our ability to retain the secrecy on which their continued collaboration with us must rest.

We certainly are not so insensitive as to argue that our secrets are so deep and pervasive that we in CIA are beyond scrutiny and accountability.

We of course must provide sufficient information about ourselves and our activities to permit constructive oversight and direction.

I firmly believe we can be forthcoming for this purpose, but there are certain secrets that must be preserved.

We must protect the identities of people who work with us abroad.

We must protect the advanced and sophisticated technology that brings us such high-quality information today.

To disclose our source and methods is to invite foreign states (including potential enemies) to thwart our collection.

The problem is that current legislation does not adequately protect these secrets that are so essential to us.

Current legislation provides criminal penalties, in event of disclosure of intelligence sources or methods, only if the disclosure is made to a foreigner or is made with an intent to injure the United States. The irony is that criminal penalties exist for the unauthorized disclosure of an income tax return, patent information, or crop statistics.

To improve this situation, we have recommended changes in legislation, and I invite this Commission to support the strengthening of controls over intelligence secrets. These can be fully compatible with the constitution, with the lawful rights of intelligence employees and ex-employees, and with the independence of our judicial authorities.

I believe this matter to be as important as possible improvements in our oversight by the Executive and Legislative Departments. For effective supervision of intelligence activities and the need for effective secrecy must go hand in hand.

Mr. Vice President, I mentioned at the outset that I have submitted for the record classified appendixes to this statement. I trust they will be useful to the Commission in its examination.

I am prepared to respond to any questions the Commission may have and to make available appropriate employees of the Agency for questioning.



Bill Harvey, Chief of Staff D.

As for ex-employees, I respectfully request—should the Commission seek them as witnesses—that they be contacted directly by the Commission. The Agency no longer has authority over them, and I have directed that they not be contacted by the Agency at this time in order to avoid any possibility of misunderstanding of such contacts.

In the event of testimony by ex-employees or others, I respectfully request an opportunity to review with the Commission the details of the testimony before a decision is made to publish them and perhaps reveal sensitive intelligence sources and methods.

In conclusion, Mr. Vice President, I sincerely believe that this Commission will find with me that the Agency did not conduct a massive illegal domestic intelligence activity, that those cases over its history in which the Agency may have overstepped its bounds are few and far between and exceptions to the thrust of its activities and that the personnel of the Agency, and in particular my predecessors in this post, served the nation well and effectively in developing the best intelligence product and service in the world. Lastly, I hope that this Commission may help us to resolve the question of how, and consequently whether, we are to conduct an intelligence service in our free society, and recognize its needs for some secrecy so that it can help protect our freedoms and contribute to the maintenance of peace in the world.

The Angleton Era in CIA

Yale professor, Norman Holmes Pearson, recruited his former student into the Office of Strategic Service's (OSS) X-2 (counterintelligence). In 1943, OSS sent Angleton to London where he learned counterintelligence from the British. He lived at the Rose Garden Hotel on Ryder Street, which was headquarters for the combined counterintelligence operations of OSS and MI6. During his tour in London, the British gave Angleton access to their intercepts of the broken German Abwehr code (ICE).

In 1944, X-2 ordered Angleton to Italy to assume control of its counterintelligence operations as the Allied forces drove northward up the peninsula against the retreating German army (for additional information on

Angleton's operations in Italy, see the article "ARTIFICE" in Volume II). Shortly after the Germans surrendered in May 1945, President Truman disbanded the OSS. Angleton remained in Rome as commanding officer of a small caretaker organization called the 2677th Regiment of the Strategic Services Unit (SSU).

In 1947, Angleton returned to the United States and joined CIA's Office of Special Operations. In December 1949 he became chief of Staff A (Operations), responsible for clearances for all agent operations, double agent operations, provocation, and operational interrogation. With his background in counter-intelligence, it was surprising that Angleton was not assigned to Staff D, which was created at the same time. Staff D was responsible for CI, and William Harvey was named chief. Later, Staff D became Staff C. It operated primarily in the field of records exploitation, analysis of information, control of CI information, and name checks. Both Staffs in effect performed counter-intelligence functions.

Staff C also acquired several responsibilities from the Office of Special Operations (OSO), which was eliminated. It acquired the physical security of all the Agency's foreign installations, the operational security of agents, and protective and counterespionage chores. From the Soviet branch it acquired the external USSR section (International Communism) and the Russian Intelligence Section.

In 1952, Angleton, with the support of the Office of Security, started operation HTLINGUAL. It conducted

international mail openings from the main postal facility in Jamaica, New York. In proposing the operation, Angleton argued that the mail opening operation was a necessary alternate to the CIA's foreign operations. In 1958 the FBI was informed of the mail openings after it requested permission from the postmaster general to mount a similar operation. The postmaster general informed the Bureau that the CIA had been opening mail for five years.

CIA's Office of Security actually opened the letters, and the Counterintelligence Staff processed the information. The operation ran smoothly until Deputy Director of Operations, William Colby, recommended to DCI William Schlesinger that HTLINGUAL be terminated. Angleton made a strong appeal for its continuation, saying the mail information was valuable. To legalize the operation, he urged Schlesinger to obtain the President's personal approval. Not wanting to take sides, Schlesinger suspended the operation, and it eventually died from neglect.

The Philby Connection

Before CIA established its Counterintelligence Staff, Angleton worked with Harvey's Staff C to track down Soviet spies in the United States. Afterwards, Kim Philby, from British intelligence, arrived in Washington in September 1949 to become liaison officer to the FBI and CIA. Angleton and Harvey also collaborated closely with him. Philby and Angleton became friends and often lunched together. An unidentified CIA officer stated that "Philby was Angleton's prime tutor in counterintelligence."



Donald Maclean, head of the British Foreign Office's American Department.



Kim Philby, Angleton's prime tutor in counterintelligence.

In 1950, the British Foreign Office assigned Guy Burgess to the British Embassy in Washington as a second secretary. He previously worked for MI6 but his indiscretions caused MI6 to fire him. After his firing, the British Broadcasting Corporation hired him but he soon left to join the Foreign Office where he was appointed as the confidential secretary to the minister of state.

Upon his arrival in the United States, Burgess moved into Philby's home. Although Philby attempted to be a stabilizing influence for Burgess, the task was impossible because Burgess was a flagrant drunkard and unabashed homosexual. In the Spring of 1951, the British Foreign Office considered recalling Burgess to London for abusing his diplomatic privileges but changed its mind. The issue resurfaced one afternoon when the Virginia State Police stopped him for speeding three times. Each time he berated the state troopers to such an extent that the Governor of Virginia reported the incident to the State Department. The Foreign Office had no choice but to recall Burgess to London to face a disciplinary board for his indiscretions in the United States.

After his return to London, British security noted Burgess having several lunches with Donald Maclean. Maclean, head of the British Foreign Office's American Department, was suspected of being a Soviet agent. Suspicion of Maclean surfaced after intercepted KGB coded cables were decrypted by American intelligence pointing to a spy in the British Foreign Office. Of particular interest was an intercept that indicated that "Homer" (codenamed for Maclean) met his Soviet handler twice a week in New York using the cover story



Guy Burgess, assigned to the British Embassy in Washington as a Second Secretary in 1950.

of visiting his wife. This pattern matched that of Maclean's movements of twice-a-week visits to his pregnant wife, Melinda, who was residing with her American mother in New York City.

On Friday, May 25, 1951, the British Foreign Office authorized MI5 to interrogate MacLean the following Monday. Burgess simultaneously knew of this decision. He reportedly told a companion that they would have to postpone plans for a weekend in France because "a friend of mine in the Foreign Office is in trouble. I am the only one who can help him." Burgess and MacLean defected to Russia. On June 7th, the press reported the disappearance of the two men. On June 26, 1951, the Bureau informed the code breakers at Arlington Hall that "Homer" was possibly identical to Maclean.

By early 1951 the British apparently focused on Philby as a Soviet spy. Their suspicions grew after the defection of Burgess and Maclean and because of further decrypted KGB messages being read by American intelligence. Before anything could be done, however, Bill Harvey and Angleton, aroused by their own suspicions of Philby, began an independent investigation. This unilateral action on the part of the CIA forced the British to recall Philby and show their hand.

When Burgess and MacLean defected on May 25, 1951, the DCI, Gen. Bedell Smith, directed Harvey, Angleton, and everyone else in CIA to prepare a memo on what they knew about them. Harvey's five-page memo, dated June 13, 1951, stated categorically that Philby was a Soviet agent. Angleton's memo of June 18, 1951, did not suggest any suspicions of Philby, according to a CIA officer who studied the memo closely. "It related two or three incidents, the bottom line of which was that you couldn't blame Philby for what this nut Burgess had done." In his memo, Angleton wrote, "Philby has consistently sold (Burgess) as a most gifted individual. In this respect, he has served as subject's apologist on several occasions when subject's behavior has been a source of extreme embarrassment in the Philby household. Philby has explained away these idiosyncrasies caused by a brain concussion in an accident...". Another source said that Angleton's memo did conclude that Philby was a Soviet agent.

After Philby had been unmasked, Angleton would claim to have had his doubts about Philby all along.

Two of Angleton's closest friends would support that contention, but three CIA officers who reviewed the Philby file in depth insisted that Harvey was the first to point the accusing finger. Angleton explained the absence of documentary evidence to support his claim that he had his doubts about Philby all along by saying one did not put in writing something so sensitive as suspicions about the loyalty of a trusted member of a friendly intelligence service. Angleton had not unmasked Philby. Never again would he permit himself to be so badly duped. He would trust no one. Philby was the greatest blow Angleton ever suffered.

Smith forwarded Angleton's and Harvey's memos to MI6 in London with a cover letter stating that Philby was no longer welcome as the British liaison officer in Washington.

Angleton Named Chief of CI Staff

In September 1954, the new DCI Allen Dulles selected Angleton to be chief of an expanded Counterintelligence Staff "to prevent or detect and eliminate penetration of CIA." He previously served as the DCI's personal advisor on CI problems, sometimes to the exclusion of the more official Staff C, and played a leading part in negotiating this restructuring. Angleton's aim was to prevent the CI mission of the Clandestine Services from becoming subordinate to other divisions.

Dulles decided that the Israeli account was too important to be entrusted to the pro-Arab specialists in the Near East Division. His solution was to give it to the Counterintelligence Staff. One rationale for this move was that Angleton had a wide range of contacts with Israeli leaders, many of whom he had met in Italy after the war.

Another responsibility Dulles gave Angleton was handling all liaison with allied intelligence services. This allowed Angleton to boost his personal authority within the CIA because it delegated to him ready access to the Director. He became the central figure through whom the director would learn of important secrets volunteered by allied intelligence services and also allowed him to control what information CIA passed to these services.

British MI5 officer, Peter Wright, in 1957, stated: "I was struck by (Angleton's) intensity. He had a razor-

sharp mind and a determination to win the Cold War, not just to enjoy the fighting of it. Every nuance and complexity of his profession fascinated him, and he had a prodigious appetite for intrigue. I liked him, and he gave enough hints to encourage me into thinking we could do business together."

The CI Staff's charter, published in March 1955 as Chapter V of the revised CSI No. 70-1 established four subunits:

Special Investigations (mainly operational approvals and support).

Liaison (with the FBI regarding US internal security).

Research and Analysis.

Special Projects (especially touchy matters and liaison with the Israeli Service).

Anatoliy Golitsyn, Angleton's Rasputin

Anatoliy Mikhaylovich Golitsyn, born 25 August 1926, Piryatin, Ukraine, was a KGB staff officer who defected to the United States while stationed in Helsinki on 15 December 1961. Golitsyn was the first KGB staff officer defector since 1954. The first nine months after his arrival in the United States were very productive. He provided insights into the operations and personnel of the KGB but only compromised one significant spy— Georges Paques, a French national, working in the NATO press office. Many of his leads were vague; a factor compounded by his refusal to be debriefed in Russian. CIA accepted Golitsyn's bona fides in March 1962. Some of his information was



George Blake

deemed important enough by CIA that DCI McCone and later Richard Helms briefed President Kennedy and the British and French Governments as well, about it.

Golitsyn elaborated on the espionage work of previously identified agents as Heinz Felfe and George Blake. He espoused the theory that the Soviets had penetrated all the Western intelligence services. Peter Wright, an MI5 officer, became one of the most devoted followers of the Golitsyn theories and played a major role in the MI5 investigations of the supposed penetrations of the British services.

In November 1964, Golitsyn identified Ingeborg Lygren as a Soviet agent. She had recently returned to Oslo from Moscow and was serving as secretary to the head of military intelligence, Col. Wilhelm Evang, Norway's chief liaison with CIA. Angleton flew to Oslo but, instead of contacting Evang about Golitsyn's allegation, he told the chief of Norway's internal security service, Asbjorn Bryhn. Bryhn and Evang were bitter enemies and their noncooperation with each other was legendary in Norway. To Bryhn, the arrest of the secretary to his archenemy would be a plum in his cap.

The result of the investigation was insufficient evidence to bring the case to trial. Despite the lack of hard facts, Bryhn had Lygren arrested on 14 September 1965. Evang was informed three days later that his secretary had been arrested and was being held in solitary confinement. During her confinement, Lygren did admit indiscretions in Moscow with persons she presumed were under KGB control but claimed that she was never recruited.



Gunvor Haavik, served as secretary to the Norwegian Ambassador in Moscow.

On 10 December 1965, Lygren was formally charged as a Soviet spy. Four days later, Norway's state prosecutor promptly threw out the case because of the lack of hard evidence. Lygren was freed but the case did not disappear. The Norwegian press began a hue and cry and an impartial Norwegian investigation followed. This investigation cleared Lygren and criticized severely Evang and Bryhn for their distrust of each other. Both men were reassigned.

The whole affair caused an enormous flap that damaged CIA's liaison with Norway for many years. Two years later, Oleg Gordievskiy, a senior KGB officer who was recruited by the British and worked in place for them, advised the British that a KGB agent worked in the Norwegian Ministry of Foreign Affairs. After an investigation, the Norwegian intelligence service arrested Gunvor Haavik, who served as secretary to the Norwegian ambassador in Moscow before Lygren arrived in Moscow in 1956.

Golitsyn arrived at a time when CIA officers were in a state of alarm about the KGB. He convinced many of them of the existence of a successful Soviet conspiracy to push "misinformation." Golitsyn was treated in an unusual manner. For instance, when his original handler died, he was turned over exclusively to the CI Staff, which allowed him access to CI files to look for material to support his theories about the Soviet conspiracy. Golitsyn then went on to encourage suspicions that there were high-ranking spies planted in the West.

The Nosenko-Golitsyn Debate

It was Golitsyn who provided the first information about the KGB's "disinformation" department. When CIA picked up on this, it began to assume that many KGB operations had "disinformation" as their purpose and that most Soviet defectors were in fact "dispatched" agents. Golitsyn also predicted that Moscow would send out another defector with the specific mission of undermining him and his information.

Yuriy Ivanovich Nosenko, a Lieutenant Colonel in the KGB's Second Chief Directorate with considerable experience in operating against Americans, first approached US Intelligence in Geneva, Switzerland in June 1962. He provided information dealing with KGB operations against Americans and other foreigners inside the USSR. In early February 1964, Nosenko defected

while accompanying the Soviet delegation to the Geneva disarmament talks.

The first CIA interviewers who met with Nosenko favored cooperation with him. He was accepted as a defector in February 1964 and began to undergo intensive debriefing. One key item in this was Nosenko's report on the story in the USSR of Oswald and his flat denial that Oswald had been under KGB direction.

Angleton soon converted Nosenko's designated handler Chief, Soviet Russia/Counterintelligence (C/SR/CI) Tennant Bagley, to the Golitsyn point of view. The original attempt to establish Nosenko's bona fides turned into a prolonged effort to break him and to learn from him the details of his mission and its relation to possible penetration of US Intelligence and security agencies. For the remainder of DCI McCone's tenure, CIA held Nosenko in close confinement and periodically subjected him to hostile interrogation. For 10 years, starting in 1964, James Angleton devoted a substantial part of the resources of the Counter-intelligence Staff to investigating the charges and countercharges surrounding Yuri Nosenko, suspecting that the CIA harbored a Soviet double agent.

Pressure from the Clandestine Services led to a reopening of the Nosenko case. Near the end of DCI's Raborn's tenure, a Soviet Division officer laid out his reasons for believing that Nosenko was a bona fide defector and his recommendations for an impartial review in a paper that he sent to the Chief, SB Division. When no action was taken, he sent it to the DDCI. Toward the end of 1966, interrogation of Nosenko resumed under more humane conditions.

Still dissatisfied at the lack of a solution, the officer finally took his case to the DCI in December 1966. In March 1967, Helms turned the Nosenko case over to DDCI Rufus Taylor. Taylor assigned responsibility for the case to the Office of Security, thus getting it off to a fresh start. Bruce Solie took over Nosenko's handling and interrogation, and in due course turned around the Agency's official position. Nosenko was released from detention in October 1968. In May 1977, CIA finally accepted Nosenko's bona fides as valid.

Paradoxically, while SB's efforts against the Soviet target were handicapped by charges of plots, moles, and

disinformation campaigns, the Soviets themselves were evolving in the other direction. By the late 1960s, a new generation—less bound by the idealism of the revolutionary period and the suspicions of the Stalinist era—were emerging as the group most often in contact with Westerners. They proved somewhat more susceptible than their elders to recruitment offers and more willing to supply intelligence information.

The Angleton Legacy and Deception

From 1963 to 1965, the Soviet Division collided with Angleton and his theories that any reports and information acquired from Soviet sources was likely to be planted for the purposes of deceiving US intelligence. Such views negated any accomplishments of the Division, and the Division itself was split over the issue of whether the Division was a victim of Soviet provocation and penetrations.

The Trust Operation and Its Impact on the CI Staff's View of Deception

The Trust was an organization especially created by the GPU (forerunner of the KGB) for the purpose of demoralization of the émigrés, specifically its monarchist faction. In four years after its creation, the "Trust" not only became a powerful organization, which attracted to itself all the orthodox monarchist and anti-Bolshevik elements, but also obtained control over most of the Russian émigrés. It not only achieved penetration into the principal anti-Soviet intelligence services and acquired influence over the information about Soviet Russia going to a number of European capitals, but it became capable of conducting deep recon-naissance in Europe and of committing sabotage in the realm of international relations. One could pose the obvious question: were there no suspicions aroused during this period lasting several years. Did it not seem suspicious that this organization, so much talked about in all the European capitals and all the émigré cabarets, had not been uncovered by the Bolsheviks?

When the Trust ended, it had inflicted great damage on the Russian emigre movements. Their political and military capabilities were undercut to such an extent that, from 1927 on, its role became insignificant. The damage to the European intelligence services was just as devastating, since for several years they were severed from their own potential real sources, were fed notional and deception material, and were demoralized as a result

of the apparent easiness of the work. The Trust was the cause of numerous misunderstandings between the various services, which destroyed that mutual confidence which, at first, united them in their work against the Soviets.

The Monster Plan vs. The Master Plan

The CI Staff took up the doctrine of Soviet use of disinformation techniques and automatically suspected all defectors of being KGB provocateurs. By the time of Nosenko's arrival, it had become virtually impossible for any defector from the Soviet intelligence service to establish his bona fides to the satisfaction of the CI Staff or the Soviet Division.

The feud escalated into competing "plot" scenarios, with CI Staff seeing a Moscow-directed conspiracy to subvert CIA by controlling key officials within it and with certain Soviet Division officers seeing a CI plot to undermine confidence in Agency leaders and CIA's Soviet experts. Productive activities were inhibited for long periods of time while accusations and counteraccusations about a possible Soviet-controlled "mole" in the top echelons of CIA were checked out. The damage to morale lasted longer.

CI Staff's "Monster Plot" theories—developed and elaborated from 1962 to 1970—were based on closely reasoned arguments. They began with the assumption that the KGB would run a Nosenko-style provocation

only if it had a deep penetration of the organization against which the provocation was directed. This was reinforced by a dictum CI Staff applied to its own operations—that a deception or disinformation case cannot be run without controlled channels of communications. CI also had a deep conviction that CIA could not have escaped the sort of penetrations that had been proved in other Western services.

One extreme aspect of the plot theory was a special, rigidly compartmented project that included CI Staff, the Office of Security, and the FBI but excluded the Soviet Division. Much of the work under the special project was done by junior officers, who sought to document given hypotheses they assumed to be valid. CI Staff did not reveal its suspicions to the rest of the Clandestine Service, which remained unaware that some quarters considered all their Soviet Bloc operations contaminated.

The Loginov Affair

Yuriy Loginov was a KGB illegal dispatched to Finland in 1961. Rather than establishing a fictitious, non-Soviet identity there as his KGB superiors had directed, he informed the American Embassy in Helsinki that he wished to defect. Agency officers persuaded him to return to the USSR instead, to serve as a CIA agent. He maintained contact with CIA as he traveled abroad on KGB missions over the next six years, although his production was minimal.

After Nosenko's 1964 detention by CIA, the poisons of that case contaminated the Soviet Division's handling of Loginov as well. In part because Loginov's information substantiated Nosenko's and in part because of Golitsyn's hold over Angleton and the Soviet Division, prevailing CIA opinion when Loginov appeared in South Africa in February 1967 was that he was a witting KGB deception agent. Told that the Agency did not trust him, he asked permission to defect, only to be refused. Tipped by CIA that Loginov was a KGB-controlled agent, South African police arrested him in July, after promising to keep CIA's past association with him a secret. Two years of imprisonment and interrogation followed.



Yuriy Loginov

In July 1969, South African officials, working through the West Germans, exchanged Loginov with the KGB for 11 Westerners jailed in the East. According to several reports, Loginov resisted his forced return to the end. He died before a firing squad.

The Cold Warrior

Angleton was one of a few CIA officers who was granted special authority to report directly to the DCI, outside the normal chain of command. This special reporting authority had arisen both from the need for tight security for sensitive activities and from each DCI's interest in keeping close control of certain matters. To the new DCI William Colby, this special access posed a problem because he wanted to eliminate any possibility that previous loyalties did not transcend current ones. He solved this by firing one of the officers previously given this special access. Angleton presented a much bigger problem.

Colby had first tried to get rid of Angleton in early 1973, when as Director of the Directorate of Operations he urged DCI James Schlesinger to fire the counterintelligence chief on the ground that Angleton's ultraconspiratorial mind was more of a liability than an asset to CIA. Schlesinger refused. In September 1973, with Schlesinger appointed as Secretary of the Department of Defense, Colby was named DCI. As Colby noted in his book, however, by the time the decision was his to make, he thought the Clandestine Service had had about all the personnel turbulence it could take and that it would see a move against Angleton as an omen of much more to come.

Relieved from dismissal, Angleton faced a reduction of his virtual autonomy. In June 1973, Colby saw to it that the mission statement of the Counterintelligence Staff was revised and that Angleton was firmly told the CI Operations component would in the future report to and be directed by the Directorate of Operations. The private communications channels between the Chief of CI Staff and its representatives abroad were put on a case-by-case basis, and Angleton's control of counterterrorism liaison with the FBI was also taken away.

Colby has explained that he did not suspect that Angleton and his staff were engaging in improper activities, but that he just could not figure out what they were doing at all. He said he could not follow Angleton's

tortuous arguments and could not find any tangible results from his activities. Colby's concern grew when he discovered that CI Staff's theories about Soviet deception and manipulation were distracting from CIA's efforts to gather positive intelligence information, damaging the careers of good CIA clandestine operations officers by casting doubt on their reputations, and, in the case of France, threatening the Station's relations with the host country by spreading accusations about the loyalty of the COS.

In another move, Colby stripped the Israeli account from Angleton. Colby hoped that Angleton would take the hint and retire. Angleton fought back but the publicity about illegal domestic surveillance, beginning with a long article by Seymour Hersh on December 22, 1974, tipped the scales.

Colby called Angleton to his office on Friday, December 20, 1974, and demanded his resignation. Colby offered Angleton another assignment, to spend the rest of his career writing an extensive study of the doctrine of counterintelligence complete with case studies. Colby later explained that he had assumed that Angleton would be outraged and quit. Three of Angleton's closest associates resigned at the time he was dismissed. All four were given short-term contracts or granted consultant status in order to provide for an orderly transfer of counterintelligence responsibilities.

The CI Staff was rebuilt with new people, with many of the positions filled on a rotational basis to ensure a continuing infusion of fresh personnel. Angleton's immediate successor was George Kalaris, who was brought in to become Acting Chief, CI.

Seymour Hersh in a *New York Times* article, dated June 25, 1978, stated, "The political struggles that, to one degree or another, were provoked by the Soviet Union after WWII left the West with a legacy of fear of Soviet expansionism. As in any political conflict, there were extremists on both sides, and over the years Angleton came to symbolize one end of the spectrum, his apprehension of the Communist threat affecting all things Russian."

FBI Counterintelligence Programs

*House Judiciary Committee, Subcommittee
On Civil and Constitutional Rights, Hearings
November, 1975*

Statement of the Honorable William B. Saxbe,
Attorney General of the United States

In January of this year during the course of my initial briefing on current issues facing the Department of Justice, I was informed of the existence of an FBI “Counterintelligence Program.”

After ascertaining the general thrust of the counterintelligence programs, I directed Assistant Attorney General Henry Peterson to form a committee charged with the responsibility of conducting a complete study and preparing a report for me which would document the Bureau’s activities in each of the separate counterintelligence programs. That study committee consisted of four Criminal Division representatives and three representatives from the Federal Bureau of Investigation, selected by Director Kelley.

The Committee’s report to me stated that there were seven separate programs—five directed at domestic organizations and individuals, and two programs directed at foreign intelligence services, foreign organizations and individuals connected with them. These programs were implemented at various times during the period from 1956 to 1971 when all programs were discontinued. The Committee further found that 3,247 counterintelligence proposals were submitted of which 2,370 were approved. In 527 instances, known results were ascertained.

It is not my intention at this time to detail for you the particulars of the seven programs inasmuch as you have been provided with a copy of the committee’s report which has been edited to delete national security information. That document describes fully the activities involved in each of the programs.

The materials released today disclose that, in a small number of instances, some of these programs involved what we consider today to be improper activities. I am disturbed about those improper activities. However, I want to stress two things: first, most of the activities

conducted under these counterintelligence programs were legitimate—indeed, the programs were in response to numerous public and even Congressional demands for stronger action by the Federal Government. second, to the extent that there were, nevertheless, isolated excesses, we have taken steps to prevent them from ever happening again. In this connection, Director Kelly last December sent a memorandum to FBI personnel strongly reaffirming the Bureau policy that: “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 circumstances 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.”

Attorney General William B. Saxbe and Federal Bureau of Investigation Director Clarence M. Kelley released today the details of certain counterintelligence programs conducted by the FBI from 1956 to 1971 against several domestic and foreign-based subversive or disruptive groups, organizations, and individuals.

These efforts, which carried the designation “COINTELPRO,” were targeted against the Communist Party U.S.A., the Socialist Workers Party, the New Left, White House groups, and Black Extremist organizations, as well as certain espionage operations and hostile foreign-based intelligence services.

The materials released today significantly expand upon material released in December, 1973, by Director Kelley concerning the counterintelligence program conducted against radical and violent elements as part of the COINTELPRO—New Left.

Counterintelligence Program—Background Material

The FBI’s Counterintelligence Program

I. Introduction

The FBI’s counterintelligence program was developed in response to needs at the time to quickly neutralize organizations and individuals who were advocating and fomenting urban violence and campus disorder. The riots, which swept America’s urban centers beginning

in 1965, were quickly followed by violent disorders which paralyzed college campuses. Both situations led to calls for action by alarmed Government leaders and a frightened citizenry.

II. Tenor of the Times

An Associated Press survey noted that, during the first nine months of 1967, racial violence in 67 cities resulted in 85 deaths, injuries to 3,200 people and property damage of over \$100,000,000. The February 1970 issue of *Security World* stated that during the period January 1 to August 31, 1969, losses specifically traced to campus disorders amounted to \$8,946,972.

In March 1965, then Senator Robert F. Kennedy predicted more violence in the South and North after Congress passed voting rights legislation. Kennedy said, "I don't care what legislation is passed—we are going to have problems...violence."

A United Press International release on December 5, 1967, quoted Pennsylvania Governor Raymond P. Shafer as warning that "urban disaster" in the form of "total urban warfare" is waiting in the wings to strike if the race problem is not solved in the Nation's cities.

Attorney General Ramsey Clark reported to President Johnson on January 12, 1968, according to the *Washington Star*, that extremist activity to foment "rebellion in urban ghettos" has put a severe strain on the FBI and other Justice Department resources. Clark called this "the most difficult intelligence problem" in the Justice Department.

A United Press International release on February 13, 1968, stated that President Johnson expected further turmoil in the cities and "several bad summers" before the Nation's urban problems are solved.

III. Calls to Action

President Lyndon Johnson said in a television address to the Nation on July 24, 1967, in describing events that led to sending troops to Detroit during that city's riot, "We will not tolerate lawlessness. We will not endure violence. It matters not by whom it is done, or under what slogan or banner. It will not be tolerated." He called upon "all of our people in all of our cities" to

"show by word and by deed that rioting, looting and public disorder will just not be tolerated."

In a second address to the Nation in just three days, President Johnson announced the appointment of a special Advisory Commission on Civil Disorder to investigate origins of urban riots. The President said that this country had "endured a week such that no Nation should live through; a time of violence and tragedy." He declared that "the looting and arson and plunder and pillage which have occurred are not part of a civil rights protest." "It is no American right," said the President, to loot or burn or "fire rifles from the rooftops." Those in public responsibility have "an immediate" obligation "to end disorder," the President told the American people, by using "every means at our command...."

The President warned public officials that "if your response to these tragic events is only business-as-usual, you invite not only disaster but dishonor," President Johnson declared that "violence must be stopped—quickly, finally and permanently" and he pledged "we will stop it."

House Speaker John W. McCormick said on July 24, 1967, after conferring with President Johnson, that the President had told party leaders that "public order is the first business of Government." The next day Senator Robert C. Byrd advocated "brutal force" to contain urban rioting and said adult looters should be "shot on the spot."

On April 12, 1968, Representative Clarence D. Long of Maryland urged J. Edgar Hoover in a letter and in a public statement to infiltrate extremist groups to head off future riots and said FBI Agents "could take people like Negro militants Stokely Carmichael and H. Rap Brown out of circulation."

The *St. Louis Globe-Democrat* in a February 14, 1969 editorial entitled, "Throw the Book at Campus Rioters," described campus disorders then sweeping the Nation as "a threat to the entire university educational system." This newspaper called on the Attorney General to "move now to stop these anti-American anarchists and Communist stooges in their tracks. He should hit them with every weapon at his command. The American people are fed up with such bearded, anarchist creeps

and would applaud a strong drive against them. They have been coddled and given license to run roughshod over the rights of the majority of college students far too long. It is time it hit them hard with everything in the book.”

On October 2, 1969, Senator Byrd said that “events in the news in the fast few days concerning activities by militant radical groups should alert us to the new trouble that is brewing on the Nation’s college campuses and elsewhere.” Senator Byrd said that “all of us would do well to pay heed now, and law enforcement authorities should plan a course of action before the situation gets completely out of hand.”

Attorney General William B. Saxbe today has released a report regarding FBI counterintelligence programs. The report was prepared by a Justice Department committee which included FBI representatives that was specially appointed early this year to study and report on those programs.

Since taking the oath of office as Director on July 9, 1973, I also have made a detailed study of these same FBI counterintelligence programs.

The first of them—one directed at the Communist Party, USA—was instituted in September, 1956. None of the programs was continued beyond April, 1971.

The purpose of these counterintelligence programs was to prevent dangerous, and even potentially deadly, acts against individuals, organizations, and institutions—both public and private—across the United States.

They were designed to counter the conspiratorial efforts of revolutionary elements in this country, as well as to neutralize extremists of both the Left and the Right, who were threatening and in many instances fomenting acts of violence.

The study which I have made convinces me that the FBI employees involved in these programs acted entirely in good faith and within the bounds of what was expected of them by the President, the Attorney General, the Congress, and the American people.

Each of these counterintelligence programs bore the approval of the then Director J. Edgar Hoover.

Proposals for courses of action to be taken under these programs were subject to approval in advance, as well as to constant review, by FBI Field Office and Headquarters officials.

Throughout the tenure of these programs, efforts admittedly were made to disrupt the anarchistic plans and activities of violence-prone groups whose publicly announced goal was to bring America to its knees. For the FBI to have done less under the circumstances would have been an abdication of its responsibilities to the American people.

Let me remind those who would now criticize the FBI’s actions that the United States Capitol was bombed; that other explosions rocked public and private offices and buildings; that rioters led by revolutionary extremists laid siege to military, industrial, and educational facilities; and that killings, maiming, and other atrocities accompanied such acts of violence from New England to California.

The victims of these acts of violence were human beings—men, women, and children who looked to the FBI and other law enforcement agencies to protect their lives, rights, and property. An important part of the FBI’s response was to devise counterintelligence programs to minimize the threats and the fears confronting these citizens.

In carrying out its counterintelligence programs, the FBI received the personnel encouragement of myriad citizens both within and without the Government. Many Americans feared for their own safety and of their Government. Others were revolted by the rhetoric of violence and the acts of violence that were being preached and practiced across our country by hard-core extremists.

I invite attention to the gravity of the problems then existed, as well as the need for decisive and effective counteraction by the criminal justice and intelligence communities.

I want to assure you that Director Hoover did not conceal from superior authorities the fact that the FBI was engaging in neutralizing and disruptive tactics against revolutionary and violence-prone groups. For example, in a communication concerning a

revolutionary organization that he sent to the then-Attorney General and the White House on May 8, 1958, Mr. Hoover furnished details of techniques utilized by the FBI to promote disruption of that organization.

A second communication calling attention to measures being employed as an adjunct to the FBI's regular investigative operations concerning this same revolutionary organization was sent to the Attorney General designate and the Deputy Attorney General-designate by Mr. Hoover on January 10, 1961.

Mr. Hoover also sent communications to the then-Attorneys General in 1965, 1967, and 1969 furnishing them information regarding disruptive actions the FBI was employing to neutralize activities of certain Rightist hate groups.

I have previously expressed my feeling that the FBI's counterintelligence programs had an impact on the crises of the time and, therefore, that they helped to bring about a favorable change in this country.

As I said in December, 1973:

"Now, in the context of a different era where peace has returned to the college campuses and revolutionary forces no longer pose a major threat to peace and tranquility of our cities, some may deplore and condemn the FBI's use of a counterintelligence program—even against hostile and arrogant forces which openly sought to destroy this nation.

"I share the public's deep concern about the citizen's right to privacy and the preservation of all rights guaranteed under the Constitution and Bill of Right."

My position remains unchanged.

After the August 24, 1970, bombing at the University of Wisconsin, Madison, a group of faculty members called for disciplinary action against students involved in disruption and violence. In a statement delivered to the Chancellor, 867 faculty members said "the rising tide of intimidation and violence on the campuses in the last few years has made normal educational and scholarly activities increasingly difficult. There has been a steady escalation of destructiveness that has culminated in an act of homicide. Academic freedom, meaning freedom of expression for all ideas and viewpoints, has been steadily eroded until now many

are questioning whether it exists on the Madison campus." The faculty members said that "the acts of a few must not be allowed to endanger the rights and privileges of all members of the academic community."

The New York Times reported on October 11, 1970, on "The Urban Guerrillas—A New Phenomenon in the United States" and noted that the Senate Subcommittee on Internal Security recently heard four days of testimony on four bills aimed at "crushing the urban guerillas" including one "that would make it a crime to belong to or aid organizations advocating terrorism, and would prohibit the publication of periodicals that advocate violence against police and the overthrow of the Government."

The President's Commission on Campus Unrest in detailing "the law enforcement response" noted that "it is an undoubted fact that on some campuses there are men and women who plot, all too often successfully to burn and bomb, and sometimes to maim and kill. The police must attempt to determine whether or not such a plot is in progress, and, if it is, they must attempt to thwart it."

Finally, Allan C. Brownfeld, a faculty member at the University of Maryland, writing in *Christian Economics*, February 11, 1970, on "The New Left and the Politics of Confrontation" noted that "in many instances, those extremists who have fomented disorder have been in violation of state and Federal Statutes." But, Mr. Brownfeld noted. "What is often missing is the will to prosecute and to bring such individuals before the bar of justice." Mr. Brownfeld's article was subcaptioned "A Society Which Will Not Defend Itself Against Anarchists Cannot Long Survive."

IV. Appropriations Testimony

On February 10, 1966, FBI Director J. Edgar Hoover testified regarding the Ku Klux Klan, saying that "the Bureau continues its program of penetrating the Klan at all levels and, I may say, has been quite successful in doing so. The Bureau's role in penetrating the Klan has received public attention due to the solution of the brutal murders of Viola Luizzo in Alabama, Lieutenant Colonel Lemuel A. Penn in Georgia and the three civil rights workers in Mississippi. We have achieved a number of other tangible accomplishments in this field, most of

which are not publicly known but are most significant.” Discussion off the record to follow.

V. Public Support of the Counterintelligence Program

Following acknowledgement that the FBI had a counterintelligence program, syndicated columnist Victor Riesel wrote on June 15, 1973, “no apologies are due from those in the highest authority for secretly developing a domestic counterrevolutionary intelligence strategem in early 1970.” Mr. Riesel detailed the record of “dead students,” “university libraries on flames,” and “insensate murdering of cops,” and concluded “it would have been wrong not to have attempted to counter the sheer off-the-wall terrorism of the 1969-70 bomb seasons. And it would be wrong today. No one need apologize for counterrevolutionary action.”

“Our reaction is that we are exceedingly glad he ordered it,” wrote the *St. Louis Globe-Democrat* in a December 11, 1973, editorial on the counterintelligence program. This newspaper noted that “the Federal Bureau of Investigation under the late J. Edgar Hoover conducted a three-year campaign of counterintelligence ‘to expose, disrupt, and neutralize’ the New Left movement...” and that “many of these New Left groups were doing everything they could to undermine the Government and some of them resorted to bombings, street riots, and other gangster tactics. Others waged war on police across the Nation and on our system of justice. Still others disrupted the Nation’s campuses. The Nation can be thankful it has a courageous and strong leader of the FBI to deal with the serious threats posed by New Left groups during this period.”

On June 18, 1974, Eugene H. Methvin, Senior Editor, *The Readers Digest*, testified before the House Committee on Foreign Affairs regarding terrorism and noted, “...the FBI’s counterintelligence program against the extremist core of the New Left was a model of sophisticated, effective counter-terrorist law enforcement action first developed and applied with devastating effect against the Ku Klux Klan in the mid-1960’s. In that context the strategy won great publicity and praise; yet now we have the Attorney General condemning it. In the current climate of justifiable revulsion over Watergate, we are in danger of crippling law enforcement intelligence in a hysteria of reverse

McCarthyism in which we close our eyes to evidence and some compelling necessities of domestic and international security.”

Central Intelligence Agency Mail openings⁹⁸

Inspector General’s Survey of the Office of Security Annex II

Project SGPOINTER/HTLINGUAL⁹⁹

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 SGPOINTER, representatives of the Office of Security obtained access to mail to and from the USSR and copied the names and addresses and addressers. 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 the envelope, 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.

3. The mechanics of the project can be summarized as follows. Mail to and from the USSR and other countries are processed through the branch 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 is simply 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 individually 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 full-time 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 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 interest, and it ranges between 300 or 400 names. The list itself is not taken to the LaGuardia 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 been a case of a watch list item having been missed by the 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 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 objective. On the other hand, there is no evidence that he has ever communicated this knowledge to his New York supervisors. It is possible, of course, that key postal officials 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 open 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 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



FBI Headquarters.

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 IBM key punch operator who makes the IBM 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 benefit 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 project to SR Division should be one of primary consideration.

12. Dissemination 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 program. 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 component 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.

14. There is no coordinated procedure for presenting 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 IBM 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 actions 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 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 DD/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; 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 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 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 overall 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.

FBI Mail opening

Introduction and Major Facts

The FBI, like the CIA, conducted several mail opening programs of its own within the United States. Eight programs were conducted in as many cities between the years 1940 and 1966; the longest was operated, with one period of suspension, throughout this entire twenty-six-year period; the shortest ran for less than six weeks. FBI use of this technique was initially directed against the Axis powers immediately before and during World War II, but during the decade of the 1950s and the first half of the 1960s all of the programs responded to the Bureau's concern with Communism.

At least three more limited instances of FBI mail opening also occurred in relation to particular espionage cases in the early 1960s.

Significant differences may be found between the FBI mail opening programs and those of the CIA. First, the stated purposes of the two sets of program generally reflects the agencies' differing intelligence jurisdiction: the FBI programs were, in the main, fairly narrowly directed at the detection and identification of foreign illegal agents rather than the collection of foreign positive intelligence. Thus, no premium was placed on the large-scale collection of foreign intelligence information per se; in theory (if not always in practice), only information that might reasonably be expected to provide leads in counterespionage cases was sought. Because of this, the total volume of mail opened in Bureau programs was less than that in the CIA programs. An equally important factor contributing to the smaller volume of opened mail lay in the selection criteria used in several of the FBI's programs. These criteria were more sophisticated than the random and

Watch List methods used by the CIA; they enabled trained Bureau agents to make more reasoned determinations, on the basis of exterior examinations of the envelopes, as to whether or not the communications might be in some sense “suspect.” Third, the FBI mail opening programs were much more centralized and tightly administered than the CIA programs. All but one (which resulted in a reprimand from the Director) received prior approval at the highest levels of the Bureau. They were evaluated and had to be reapproved at least annually. Several of them—unlike the CIA’s New York project—were discontinued on the basis of unfavorable internal evaluations. This high degree of central control clearly mirrored the organizational differences between the FBI and the CIA, and is not limited to mail opening operations alone. Finally, there is less evidence that FBI officials considered their programs to be illegal or attempted to fabricate “cover stories” in the event of exposure. Bureau officials, for the most part, apparently did not focus on questions of legality or “flap potential” strategies; they did not necessarily consider them to be legal or without the potential for adverse public reaction, they simply did not dwell on legal issues or alternative strategies at all.

In some respects, the Bureau’s mail opening programs were even more intrusive than the CIA’s. At least three of them, for example, involved the interception and opening of entirely domestic mail—that is, mail sent from one point within the United States to another point within the United States. All of the CIA programs, by contrast, involved at least one foreign “terminal.” The Bureau programs also highlight the problems inherent in combining criminal and intelligence functions within a single agency: the irony of the nation’s chief law enforcement agency conducting systematic campaigns of mail opening is readily apparent.

Despite their differences, however, the FBI mail opening programs illustrate many of the same themes of the CIA programs. Like the CIA, the FBI did not secure the approval of any senior official outside its own organization prior to the implementation of its programs. While these programs, like the CIA’s, involved the cooperation of the Post Office Department and the United States Customs Service, there is no evidence that any ranking official of either agency was ever aware that mail was actually opened by the FBI.

Similarly, there is no substantial evidence that any President or Attorney General, under whose office the FBI operates, was contemporaneously informed of the programs’ existence. As in the case of the CIA, efforts were also made to prevent word of the programs from reaching the ears of Congressmen investigating possible privacy violations by federal agencies. The record, therefore, again suggests that these programs were operated covertly, by virtue of deception, or, at a minimum, lack of candor on the part of intelligence officials.

Although the FBI relied on more sophisticated selection criteria in some of their programs, moreover, one again sees the same type of “overkill,” which is inherent in any mail opening operation. These criteria, while more precise than the methods used by the CIA, were never sufficiently accurate to result in the opening of correspondence to or from illegal agents alone. Indeed, even by the Bureau’s own accounting of its most successful program, the mail of hundreds of American citizens was opened for every one communication that led to an illegal agent. And several of the FBI programs did not employ these refined criteria: mail in these programs was opened on the basis of methods much more reminiscent of the CIA’s random and Watch List criteria.

In the FBI programs one again sees the tendency of this technique, once in place, to be used for purposes outside the agency’s institutional jurisdiction. While the Bureau has no mandate to collect foreign positive intelligence, for example, several of the programs did in fact result in the gathering of this type of information. More seriously, the record reveals for a second time the ease with which these programs can be directed inward against American citizens: the Bureau programs, despite their counterespionage purpose, generated at least some information of a strictly domestic nature, about criminal activity outside the national security area, and, significantly, about antiwar organizations and their leaders.

Perhaps the most fundamental theme illustrated by both the FBI’s and the CIA’s programs is this: that trained intelligence officers in both agencies, honestly perceiving a foreign and domestic threat to the security of the country, believed that this threat sanctioned—even necessitated—their use of a technique that was

not authorized by any president and was contrary to law. They acted to protect a country whose law and traditions gave every indication that it was not to be “protected” in such a fashion.

The most pertinent facts regarding FBI mail opening may be summarized as follows:

(a) The FBI conducted eight mail opening programs in a total of eight cities in the United States for varying lengths of time between 1940 and 1966.

(b) The primary purpose of most of the FBI mail opening programs was the identification of foreign illegal agents; all of the programs were established to gather foreign counterintelligence information deemed by FBI officials to be important to the security of the United States.

(c) Several of these programs were successful in the identification of illegal agents and were considered by FBI officials to be one of the most effective means of locating such agents. Several of the programs also generated other types of useful counterintelligence information.

(d) In general, the administrative controls were tight. The programs were all subject to review by Headquarters semiannually or annually and some of the programs were terminated because they were not achieving the desired results in the counterintelligence field.

(e) Despite the internal FBI policy which required prior approval by Headquarters for the institution of these programs, however, at least one of them was initiated by a field office without such approval.

(f) Some of the fruits of mail openings were used for other than legitimate foreign counterintelligence purposes. For example, information about individuals who received pornographic material and about drug addicts was forwarded to appropriate FBI field offices and possibly to other federal agencies.

(g) Although on the whole these programs did not stray far from their counterespionage goals,

they also generated substantial positive foreign intelligence and some essentially domestic intelligence about United States citizens. For example, information was obtained regarding two domestic anti-war organizations and government employees and other American citizens who expressed “pro-communist” sympathies.

(h) A significant proportion of the mail that was opened was entirely domestic mail, i.e., the points of origin and destination were both within the United States.

(i) Some of the mail that was intercepted was entirely foreign mail, i.e., it originated in a foreign country and was destined to a foreign country, and was simply routed through the United States.

(j) FBI agents opened mail in regard to particular espionage cases (as opposed to general programs) in at least three instances in the early 1960s.

(k) The legal issues raised by the use of mail opening as an investigative technique were apparently not seriously considered by FBI officials while the programs continue. In 1970, however, after the FBI mail opening programs had been terminated, J. Edgar Hoover wrote that mail opening was “clearly illegal.”

(l) At least as recently as 1972, senior officials recommended the reinstatement of mail opening as an investigative technique.

(m) No attempt was made to inform any Postmaster General of the mail openings.

(n) The Post Office officials who were contacted about these programs, including the Chief Postal Inspector, were not informed of the true nature of the FBI mail surveys, i.e., they were not told that the Bureau contemplated the actual opening of mail.

(o) The FBI neither sought nor received the approval of the Attorney General or the President of the United States for its mail opening programs or for the use of this technique generally.

(p) Although FBI officials might have informed Justice Department attorneys that mail was opened in two or three particular espionage cases and might have informed an Attorney General of some mail screening operations by the Bureau, no attempt was made to inform the Justice Department, including the Attorney General, of the full extent or true nature of these operations.

(q) There is no evidence that any President of the United States ever knew of any ongoing FBI mail opening program.

Description of FBI Mail Opening Programs

The eight FBI mail opening programs are summarized below.

A. Z-Coverage

Z-Coverage, the first and the longest-running FBI mail opening program, originally involved the opening of mail addressed to the diplomatic establishments of Axis powers in Washington, D.C.; in later years, mail coming to similar establishments of several Communist nations was targeted. The stated purpose of the program was “to detect individuals in contact with these establishments who might be attempting to make contact for espionage reasons, for purposes of defecting or who might be illegal agents.”¹

This program was initiated in 1940, before the United States entry into World War II, with FBI agents who had been trained in the technique of “chamfering” (mail opening by representatives of an allied country’s censorship agency.)² It was suspended after the war but reinstated in Washington, D.C. in the early or mid-1950’s on the recommendation of the local FBI field office.³ For more than a decade, mail from both foreign and domestic points of origin was intercepted at the Main Post Office, brought to the FBI Laboratory for opening and photographing, and returned to the Post Office prior to delivery. In 1959, Z-Coverage was extended to New York City as well. As implemented in New York, about 30 to 60 letters addressed to Grand Central and Lenox Hill Post Offices each day for opening and photographing at the New York Field Office.⁴ Some registered mail sent to these establishments was opened as well.⁵

Despite its perceived success at both locations, Z-Coverage was terminated in July 1966.

B. Survey No. 1

Survey No. 1 operated in a total of six cities for varying lengths of time between 1959 and 1966. It involved the opening of certain outgoing mail to selected cities in Europe, Asia, and the Americas, and was considered to be the most successful of all the FBI mail opening programs. Its purposes, as summarized in a 1961 FBI memorandum, were two: “(1) to identify persons corresponding with known espionage mail drops in Europe, and (2) to identify persons in the United States who are directing letters to possible mail drops in Europe and whose letters appear to be the product of an illegal agent.”⁶

Survey No. 1 was first instituted in New York City on October 1, 1959, as a direct result of knowledge the FBI had recently acquired about the means by which foreign illegal agents communicated to their principals abroad. Once in operation, Bureau agents, in a secure room at Idlewild Airport’s Airmail Facility screened more than 425,000 letters from the United States to points in Western Europe each week.⁷ Selected items—a total of 1,011 in seven years⁸—were returned to the New York Field Office for opening and photographing prior to reinsertion into the mailstream. In August 1961, after nearly two years of operation in New York, FBI officials believed that Survey No. 1 was so successful that it was extended to four additional cities—Boston, Los Angeles, Seattle, and Washington, D.C.⁹—where coverage included mail not only to European cities but to Asia and the Americas as well. Survey No. 1 was also extended to Detroit on a sixty-day trial basis in April 1962.¹⁰

The expanded coverage in all cities but Washington did not prove to be as successful as the original effort in New York, however. After thirteen months of operation in Los Angeles, seventeen months in Seattle, one year in Boston, and four months in Detroit, a decision was made at Headquarters to terminate the program in these cities because of “unproductivity and manpower needs.”¹¹ After February 1963, therefore, Survey No. 1 operated only in New York and Washington. In these two cities the annual evaluations¹² continued to praise the effectiveness of Survey No. 1 and it was continued to operate at both locations until all of the mail opening programs were terminated in mid-1966.

C. Survey No. 2

Survey No. 2 operated in New York City, Detroit, and San Francisco for varying lengths of time between March 1961 and March 1962; its purpose was again the location and identification of illegal agents.¹³ No. 2 was, in essence, an inverse No. 1: incoming mail to urban postal zones in which illegal agents were believed likely to reside was screened and opened, on the basis of the same criteria used in Survey No. 1, in an attempt to intercept the other half of the communication link between illegal agents and their principals. Since mail coming into these postal zones was screened irrespective of the point of origin much of the mail that was opened was entirely domestic mail.¹⁴

Survey No. 2 originated as an outgrowth of No. 1. It was first implemented on March 8, 1961, in postal zones 23, 24, and 25 in New York City, with Post Office employees rather than Bureau agents screening the incoming mail.¹⁵ The Post Office personnel were briefed by the FBI as to the selection criteria but were not informed of the true nature of the program. When they discovered a suspect communication, it was turned over to the FBI and, without their knowledge, opened and photographed at the field office before being returned to the mailstream. On the basis of “test” letters sent by the Bureau, however, their performance was judged inadequate and, in September 1961, FBI agents replaced the postal workers in screening the mail.¹⁶

In October 1961, the program was also extended to both Detroit (zone 31 and the Hamtramck area)¹⁷ and San Francisco (all mail sent to that city from New York and Washington) on a trial basis.¹⁸

Survey No. 2 was considered unsuccessful in all of these cities and was consequently discontinued in Detroit and San Francisco in February 1962, and in New York—after a total of approximately 2,350 letters had been opened¹⁹—on March 9, 1962.²⁰

D. Survey No. 3

Survey No. 3 was conducted in New York City from June 1963 to June 1964, and involved the opening of mail (irrespective of point of origin) addressed to known or suspected intelligence agents employed at a diplomatic establishment. The purpose of Survey No. 3 was to detect contacts of an intelligence nature with these agents, who, FBI officials believed, received such

mail using the secure cover of their diplomatic employment.²¹

This program was apparently an outgrowth of the Bureau’s coverage of mail to various other diplomatic establishments in New York (Z-Coverage). Although its precise genesis is undocumented, one of the participants in the program recalled that the idea originated with another agent, then involved with Z-Coverage, who felt that existing coverage was inadequate and should be expanded.²² Headquarters subsequently approved the idea, and, on June 25, 1963 Survey No. 3 was instituted in New York.

Each working day for the next year, a single agent from the New York office went to the Grand Central Post Office where a postal clerk brought him all the mail that was addressed to the Post Office box of the targeted diplomatic establishment—approximately 200 letters per day, according to the agent who was assigned to this task.²³ On the basis of a list of about thirty diplomatic officials, which was compiled from public source information, the agent segregated the mail addressed to these officials and carried the letters—estimated by him to average five or six per day²⁴—to the New York office for opening and photographing.

Survey No. 3 was not considered to be successful by the Bureau and was discontinued on June 26, 1964.

E. Survey No. 4

Survey No. 4 was conducted in Miami, Florida, between January 1963 and July 1966. It involved the screening and opening of certain airmail from Miami and San Juan, Puerto Rico, to two Latin American countries for the purpose of locating clandestine communications in particular espionage cases.²⁵

Survey No. 4 developed from an espionage case in which the Bureau had learned that a Latin American intelligence agent who operated in the United States but whose true identity was unknown, was under instructions to transmit material to his country’s intelligence service by mail. In order to intercept this agent’s written communications, Bureau officials at Headquarters formulated a plan to screen and selectively open mail from San Juan and Miami to that country utilizing their knowledge of its intelligence correspondence, and on December 21, 1962, they

authorized the Miami Field Office to implement the program.²⁶

While the program was initially instituted as a response to a single espionage case, it soon developed into a more generalized survey to detect clandestine communications from any suspected espionage agent working for the same country. Its scope was further broadened on December 9, 1963, when the Miami office was instructed to cover mail from that city to another Latin American country as well.²⁷

Bureau agents in Survey No. 4 screened between 12,000 and 20,000 letters per day at the Biscayne Annex Post Office in Miami.²⁸ A total of 400 letters were opened,²⁹ either in the Post Office itself, or, when secret writing or microdots were suspected, in the FBI Laboratory in Washington, to which they were flown for more sophisticated examination before reinsertion into the mailstream.³⁰

Survey No. 4 was considered to be successful but was terminated along with other FBI mail opening programs, in July 1966.

F. Survey No. 5

Survey No. 5 was the first of three FBI mail opening programs which were conducted in San Francisco and directed against Asian communists and their sympathizers. It began in September 1954 and continued until January 1966. This survey originally involved the physical inspection of third and fourth class propaganda from a Far East Asian country; after August 1956, incoming first class letter mail was selectively opened and photographed as well. The stated purpose of this program was to identify individuals in the United States who, because of the nature of their foreign contacts, were believed to constitute a threat to the internal security of the United States.³¹

Like the CIA's New Orleans and Hawaiian mail intercept projects, Survey No. 5 was initially an extension of the Customs Service examination of propaganda material entering the United States from abroad. Customs Service cooperation ceased, however, on May 26, 1965, as a result of the Supreme Court's decision in *Lamont v. Postmaster General of the United States*, 381 U.S. 301 (1965), which invalidated the

statutory authority under which Customs conducted its propaganda inspection.³² Contact was subsequently made with officials of the Post Office and, with their assistance, No. 5 Survey recommenced at the Rincon Annex Post Office on July 7, 1965.

Approximately 13,500 items of mail were screened in two hour periods each day by Bureau agents who participated in this program.³³ A daily average of 50 to 100 of these letters were returned to the San Francisco Field Office for opening and photographing prior to their reinsertion into the mailstream.³⁴

Survey No. 5 was terminated on January 24, 1966, "for security reasons involving local changes in postal personnel."³⁵

G. Survey No. 6

Survey No. 6 was also conducted in San Francisco, operating from January 1964 until January 1966. This program involved the screening and opening of outgoing mail from the United States to the same Far East Asian country; it was essentially an inverse Survey No. 5. The stated purposes of Survey No. 6 were to obtain foreign counterintelligence information concerning Americans residing in the Far East Asian country; to detect efforts to persuade scientists and other persons of Asian descent residing in the United States to return to that country; to develop information concerning economic and social conditions there; and to secure information concerning subjects in the United States of a security interest to the Bureau who were corresponding with individuals in that Asian country.³⁶

In June 1963, the New York Field Office had extended its Survey No. 1 coverage to include airmail destined for Asia, which was then handled at the same location where European mail was processed. When Post Office procedures changed a few months later, and the Asian mail was routed through San Francisco rather than New York, Headquarters instructed the San Francisco office to assume responsibility for this coverage. The program operated, with one period of suspension, for two years until January 24, 1966, when it was terminated for the same security reasons as the Survey No. 5.³⁷ Figures as to the volume of mail screened and opened cannot be reconstructed.

H. Survey No. 7

Survey No. 7 was conducted in San Francisco from January to November 1961. It involved the screening and opening of mail between North Americans of Asian descent for the purpose of detecting Communist intelligence efforts directed against this country.³⁸

Survey No. 7 evolved from the Survey No. 5 and particular espionage cases handled by the San Francisco Field Office. Without instructions from Headquarters, that office initiated a survey of mail between North Americans of Asian descent in January 1961, and informed Headquarters of the program shortly after it was implemented. On February 28, 1961, Headquarters officials instructed San Francisco to terminate the program because the expected benefits were not believed to justify the additional manpower required by the FBI Laboratory to translate the intercepted letters.³⁹ The San Francisco Field Office was permitted to use this source when it was deemed necessary in connection with particular espionage cases, but even this limited use proved unproductive. It was terminated on November 20, 1961, after a total of 83 letters had been opened.⁴⁰

I. Typical Operational Details

The specific operational details of the eight programs described above obviously varied from program to program. The New York Field Office's conduct of Survey No. 1 represented a pattern that typified these programs, however, in terms of mechanical aspects such as the physical handling of the mail itself. In August 1961, before the extension of Survey No. 1 to Boston, Los Angeles, Seattle, and Washington, D.C., the New York Office was instructed to describe the operation details of this survey as implemented in that city for the benefit of field officers in the four additional cities. A memorandum was subsequently prepared for distribution to these cities, pertinent portions of which are reproduced below:

[Survey No. 1] in New York is located in a secure room at the U.S. Post Office Airmail Facility, New York International Airport, Idlewild, New York. . . . This room. . . measures approximately 9 feet wide by 12 feet long and. . . is locked at all times, whether or not the room is in use. . . Postal employees have no access to this room which is known to them as the Inspector's Room.

Seven Special Agents are assigned to [Survey No. 1] on a full-time basis. The survey operates 7 days a week and personnel work on rotating 8-hour shifts. . . . Personnel assigned to the survey work under the guise of Postal Inspectors and are known to Post Office personnel as Postal Inspectors working on a special assignment. . . .

. . . [B]y arrangement with the postal officials, [mail] pouches to destinations in which we have indicated interest are not sealed but are placed in front of the [Survey No. 1] room. The [Survey No. 1] personnel then take the bag into the room, open the pouch, untie the bundles, and review the mail. Any suspect letters are held aside and the rest are rebundled and returned to the pouch. The pouch is then closed and placed outside the door to the room on a mail skid. Postal employees then take that pouch, seal it with a lead seal and place it aside for, or turn it over to, the carrier. . . .

It should be noted that the mail must be turned over by the Post Office Department to the carrier one hour before departure time. . . .

. . . Each day, one of the Agents is selected as a courier, and when the opportunity presents itself, he returns to the Field Office with the suspected communications. At the Field Office, he or another Agent who has been trained by the Bureau in certain techniques opens the communications. The envelope and its contents are photographed. . . . There will be instances where the Field Office, upon opening the communication, may deem it advisable to immediately notify the Bureau and possibly fly it by courier to the Bureau for examination by the Laboratory. Before making any arrangements to fly the communication to the Bureau, the Field Office should consider the time the examination will take and the time the suspected communication may be placed back in the mail without arousing any suspicion on the part of the addressee.

After the communication has been photographed and resealed, the courier returns to the airport and places the suspected communication in the next appropriate outgoing pouch examined in the [Survey No. 1] Room. If time permits, the

pouch is held in the room until the suspected communication is returned.⁴¹

A device developed by the FBI Laboratory and maintained at participating field offices facilitated the opening process. While this device was relatively simple, it was not as primitive as the kettle and stick method utilized by the CIA agents who opened mail in the New York project and allowed for greater efficiency: The FBI's opening process was reported to take only a second or two for a single letter,⁴² in contrast to five to fifteen seconds for the CIA. According to one of the agents involved, special training in the use of this device was given at the field office rather than at Headquarters, and only on one or two days duration,⁴³ in contrast to the week-long training sessions required of CIA mail openers.

Filing and internal dissemination procedures also varied somewhat from program to program. In Z-Coverage, the negatives of the photographic copies were filed at the field offices in New York and Washington for approximately one year after interception, after which time they were destroyed.⁴⁴ If the developed prints were believed to contain valuable counterintelligence information, they would be disseminated to appropriate supervisors within the field office for placement in a confidential central file or a particular case file. In the latter case, the true source would be disguised by an informant symbol, although, as one supervisor in the New York office noted, the nature of the source would be clear to those familiar with Bureau operations.⁴⁵

No index was maintained of the names of all senders and/or addressees whose mail was intercepted, as was maintained by the CIA in the New York project. In rare cases when a letter was considered to be of exceptional counterintelligence value, a photograph would be sent to Headquarters as well. As a general rule, however, there was no dissemination, either of the photographs themselves or of abstracts of the letters to other field offices.⁴⁶

These procedures generally applied to Survey No. 1 and Survey No. 2 as well, but in these two surveys the photographs of intercepted letters were dated and numbered, and one copy or abstract was placed in a control file maintained by each participating field office.

In Surveys No. 5 and No. 6, the San Francisco Field Office was responsible for conducting "name checks" on all individuals sending or receiving mail that had been opened. If, on the basis of the name check or the text of the letter itself, it was determined that the intercepted letter had intelligence value, a copy of the letter (if written in English) or of the translation (if written in a foreign language) was placed in the main files of the San Francisco office. That office was also responsible for paraphrasing the contents of letters in which other field offices may have had an intelligence interest, and disseminating the information to them in a manner which would not reveal the true source of the information. Except for letters written in a foreign language, photographs of which were sent to Washington for translation, copies were not sent to Headquarters unless the letter was of particularly great intelligence value.

J. Other Instances of FBI Mail opening

In addition to the eight mail surveys described in sections A through H above, it has also been alleged that a Bureau agent actively participated in the CIA's Hawaiian mail intercept project during the mid-1950's. The CIA representative in Honolulu who conducted this operation stated that an FBI agent assisted him in opening and photographing incoming mail from Asia for a period of two months in early 1955.⁴⁷ No supporting Bureau documents could be located to confirm this participation, however.

Aside from generalized surveys of mail, several isolated instances of mail opening by FBI agents occurred in connection with particular espionage cases. It was, in fact, a standard practice to attempt to open the mail of any known illegal agent. As stated by one former Bureau intelligence officer: "... anytime...we identified an illegal agent...we would try to obtain their mail."⁴⁸ FBI agents were successful in this endeavor in at least three cases, described below.

1. Washington, D.C. (1961)

One isolated instance of mail opening by FBI agents occurred in Washington, D.C., in 1961, preceding the local implementation of Survey No. 1. This case involved the opening of several items or correspondence from a known illegal agent residing in the Washington area to a mail drop in Europe. The letters, which were returned to the FBI Laboratory for opening, were intercepted over a period in excess of six months.⁴⁹

2. *Washington, D.C. (1963-64)*

A second mail opening project in regard to a particular espionage case occurred for approximately one and one-half years in Washington, D.C., in 1963 and 1964, in connection with the FBI's investigation of known Soviet illegal agents Robert and Joy Ann Baltch. This case was subsequently prosecuted, but the prosecution was ultimately dropped in part, according to FBI officials because some of the evidence was tainted by use of this technique.⁵⁰

3. *Southern California*

A third isolated instance of mail opening occurred in a southern California city for a one to two-month period in 1962. This project involved the opening of approximately one to six letters received each day by a suspected illegal agent who resided nearby. The suspected agent's mail was delivered on a daily basis to three FBI agents who worked out of the local resident FBI office, and was opened in a back room in that office.⁵¹

Nature and Value of the Product

A. Selection Criteria

Those FBI mail opening programs which were designed to cover mail to or from foreign illegal agents utilized selection criteria that were more refined than the "shotgun" method⁵² used by the CIA in the New York intercept project. Mail was opened on the basis of certain "indicators" on the outside of the envelopes that suggested that the communication might be to or from an illegal agent. The record reveals, however, that despite the claimed success of these "indicators" in locating such agents, they were not so precise as to eliminate individual discretion on the part of the agents who opened the mail, nor could they prevent the opening of significant volumes of mail to or from entirely innocent American citizens. Mail in those programs which were designed for purposes other than locating illegal agents, moreover, was generally opened on the basis of criteria far less narrow and even more intrusive than these "indicators."

1. The Programs Based on Indicators

Before 1959, the FBI had developed no effective means to intercept the communication link between illegal agents and their principals. In Z-Coverage, selection was originally left to the complete discretion of the agents who screened the mail based on their

knowledge and training in the espionage field. The focus was apparently on mail from individuals rather than organizations, and typewritten letters were considered more likely to be from foreign agents than handwritten letters.⁵³ In March 1959, however, the FBI was able to develop much more precise selection criteria through the identification and subsequent incommunicado interrogation of an illegal agent. During the course of his interrogation by Bureau agents, he informed the FBI of the instructions and he and other illegal agents were given when corresponding with their principals.⁵⁴ Particular characteristics on the outside of the envelope, he advised them, indicated that the letter may be from such an agent.

Armed with a knowledge of these "indicators," the FBI agents involved in Z-Coverage were capable of a more selective and accurate means of identifying suspect communications. Survey No. 1 and Survey No. 2 were expressly developed to exploit this knowledge.⁵⁵ While Survey No. 1 also utilized a Watch List which consisted of the addresses of known or suspected mail drops abroad, as well as the (generally fictitious) names of known or suspected foreign intelligence agents,⁵⁶ the primary selection criteria in both Surveys No. 1 and No. 2 were the "indicators" about which the Bureau learned in early 1959.⁵⁷

By means of the "indicators," the Bureau did, in fact, identify three illegal agents through these programs.⁵⁸ But even by the Bureau's own accounting of the number of letters that were opened in the programs, it is clear that the mail of hundreds of innocent American citizens was opened and read for every successful lead obtained.⁵⁹ The random element in the selection process was never eliminated: although FBI officials at Headquarters instructed agents in the field to select only letters with multiple "indicators" on their face,⁶⁰ the field agents frequently opened letters with but one "indicator," which could often be of such a common nature that it could be found on most letters mailed in the United States.⁶¹

One of the FBI agents who opened mail stated that he was trained in counterespionage work generally, and in the identification of the indicators specifically, but he conceded that in the final analysis "it was strictly my own judgment" as to which items would be selected for opening.⁶² Perhaps as a result of such personal

discretion on the part of participating agents, Survey No. 1 generated essentially domestic intelligence on at least two American antiwar organizations as well as genuine counterespionage information.⁶³

In short, knowledge of the indicators did not enable the Bureau to be more precise in the selection of mail than was previously possible, but this knowledge was not so precise as to totally eliminate the discretion—or bias—of the agents involved.

2. *The Latin American-Oriented Program*

In Survey No. 4, which involved the interception of mail to two Latin American nations, letters were selected for opening on the basis of lists of (a) known fictitious names used by illegal agents to address correspondence to their principals, and (b) accommodation addresses used by a foreign intelligence service for receiving clandestine communications.⁶⁴ The “indicators” discussed above were not utilized in this or the Asian-oriented mail opening programs.

3. *The Asian-Oriented Programs*

Survey No. 5 and Survey No. 6 both employed seven general categories as selection criteria:

- (a) Letters to or from a university, scientific, or technical facility;
- (b) Letters to or from a doctor;
- (c) Letters to or from selected Security Index subjects residing in the United States;
- (d) Letters to or from an Asian country where certain scientific activities were reportedly taking place;
- (e) Letters to or from individuals who were known to be “turncoats” from the Korean conflict;
- (f) Letters believed to emanate from an Asian Communist intelligence service based on covers of which the FBI was aware; and
- (g) Letters indicating illegal travel of Americans to denied areas in Asia.⁶⁵

Even if one assumes that these guidelines were strictly observed by the agents opening the mail, (which, given

some of the results of these programs as set forth below,⁶⁶ is not necessarily an accurate assumption) there was obviously ample room for the capture of large numbers of entirely personal communications with no counterintelligence value at all.

The selection criteria utilized in Survey No. 7 cannot be reconstructed.

B. *Requests by Other Intelligence Agencies*

No large-scale requirements were levied upon the FBI's mail opening programs by any other intelligence agency. Bureau officials, in fact, severely restricted knowledge of their programs within the intelligence community; only the CIA knew of any of the bureau's programs, and officers of that agency were formally advised about the existence of only one of the eight, Survey No. 1.

In July 1960, Bureau Headquarters originally rejected the recommendation of the New York Field Office to inform the CIA of Survey No. 1 in order to obtain from it a list of known mail drops in Europe for use in the program.⁶⁷ Headquarters then wrote: “Due to the extremely sensitive nature of the source..., the Bureau is very reluctant to make any contacts which could possibly jeopardize that source. Therefore, the Bureau will not make any contact with CIA to request from it [such a]... The Bureau will, however, continue to exert every effort to obtain from CIA the identities of all such mail drops in the normal course of operations.”⁶⁸

Within six months of this rejection, however, Headquarters officers changed their minds: Donald Moore, head of the Espionage Research Branch and Sam Papich, FBI liaison to the CIA, met with CIA representatives in January 1961, to inform them of Survey No. 1 and to exchange lists of known or suspected mail drops.⁶⁹ CIA provided the Bureau with a list of 16 mail drops and accommodation addresses and the name and address of one Communist Party member in Western Europe,⁷⁰ all of which were subsequently furnished the New York office for inclusion in Survey No. 1 coverage. The exchange of this information did not evolve into a reverse Project Hunter, however. While the Agency may have contributed a small number of additional addresses or names during the next five years, no large-scale levy of general categories or specific names was ever made by the CIA

or solicited by the FBI. According to Donald Moore, the particularized nature and objectives of Survey No. 1, especially when contrasted with the CIA's New York project, precluded active CIA participation in the program.⁷¹

While there is no other evidence that any members of the intelligence community knew of or ever levied requests on the Bureau's mail opening programs, they did receive sanitized information from these programs when deemed relevant to their respective needs by the Bureau.⁷²

C. Results of the Programs

In terms of their counterespionage and counterintelligence *raison d'être*, several of the Bureau's programs were considered to be successful by FBI officials; others were concededly ineffective and were consequently discontinued before the termination of all remaining FBI surveys in 1966. Significantly, some of the surveys also generated large amounts of "positive" foreign intelligence—the collection of which is outside the Bureau's mandate—and information regarding the domestic activities and personal beliefs of American citizens, at least some of which was disseminated within and outside the FBI. The Bureau surveys did remain more focused on their original goal than did the CIA programs. But in them—whether because the selection criteria were overbroad, or because these criteria were not scrupulously adhered to, or both—one again sees the tendency of mail opening programs to produce information well beyond the type originally sought.

1. Counterintelligence Results

Five of the eight FBI mail opening programs—Z-Coverage, Surveys 1, 4, 5, and 6—were clearly seen to have contributed to the FBI's efforts in the area of counterintelligence. The relative success of these programs, in fact, led many Bureau officials to conclude that mail opening—despite its legal status—was one of the most effective counterespionage weapons in their arsenal.⁷³ The primary value of these five programs to the Bureau is summarized below:

Z-Coverage.—A lack of pertinent documentary and testimonial evidence prevents a meaningful evaluation of Z-Coverage during World War II, but a 1951 memorandum reflecting the Washington Field Office's recommendation for its reinstatement noted that "while

Z-Coverage was utilized valuable information of an intelligence nature was obtained."⁷⁴

In evaluating the program during the 1950s and 1960s, Bureau officials have rated it highly in terms of the counterintelligence results it produced. W. Raymond Wannall, former Assistant Director in charge of the Domestic Intelligence Division, testified about two specific examples of mail intercepted in Z-Coverage which revealed attempts on the part of individuals in this country to offer military secrets to foreign governments.⁷⁵ In the first case, the FBI intercepted a letter in July 1964, which was sent by an employee of an American intelligence agency to a foreign diplomatic establishment in the United States. In the letter, the employee offered to sell information relating to weapons systems to the foreign government and also expressed an interest in defecting. The Defense Department was notified, conducted a potential damage evaluation, and concluded that the potential damage could represent a cost to the United States Government of tens of millions of dollars. In the second case, which occurred in mid-1964, an individual on the West Coast offered to sell a foreign government tactical military information for \$60,000.

Survey No. 1.—Survey No. 1 was considered to be one of the most successful of all the Bureau mail opening programs. In New York and Washington, a total of three illegal agents—the identification of which has been described by one senior FBI official as the most difficult task in counterintelligence work⁷⁶—were located through No. 1.⁷⁷ In addition, numerous letters were discovered which contained secret writing and/or were addressed to mail drops in Western Europe. Survey No. 1 in Boston, Los Angeles, Seattle, and Detroit was not successful, however, and as noted above, was discontinued in those cities on the basis of "unproductivity and manpower needs."⁷⁸

Survey No. 4.—Survey No. 4 resulted in the identification of the illegal agent whose presence in the United States had originally motivated development of the survey. In addition, this program led to the detection of a second intelligence agent operating in this country and to the discovery of approximately 60 items of correspondence which contained secret writing either on the letter itself or on the envelope containing the letter.⁷⁹

Survey No. 5.—FBI officials have testified that Survey No. 5 was a very valuable source of counterintelligence (and interrelated positive intelligence) information about an Asian country. W. Raymond Wannall stated that its “principal value probably related to the identification of U.S. trained scientists of [Asian] descent who were recalled or who went voluntarily back to [an Asian country].”⁸⁰ Because of this, he continued, the FBI was able to learn vital information about the progress of weapons research abroad.⁸¹

Survey No. 6.—Survey No. 6 was also believed to be a valuable program from the perspective of counterintelligence, although it was suspended for a nine-month period because the manpower requirements were not considered to outweigh the benefits it produced. Through this survey the FBI identified numerous American subscribers to Asian communist publications; determined instances of the collection of scientific and technical information from the United States by a foreign country; and recorded contacts between approximately fifteen Security Index subjects in the United States and Communists abroad.⁸²

The Other Programs.—Three of the FBI’s programs were not believed to have produced any significant amount of counterintelligence information. Bureau officials testified that they “had very little success in connection with [Survey No. 3],”⁸³ and it was consequently discontinued after one year of operation. Similarly, no positive results were obtained through Survey No. 2 in any of the three cities in which it operated. Although the San Francisco office, for example, opened approximately 85 new cases as a result of Survey No. 2, all of these cases were resolved without the identification of any illegal agents, which was the goal of the program.⁸⁴ As one Bureau official stated in regard to Survey No. 2: “The indicators were good, but the results were not that good.”⁸⁵ It, too, was terminated after approximately one year of operation.

Finally, the results of Survey No. 7, which was initiated without prior approval by Headquarters, were also considered to be valueless. Of the 83 letters intercepted in the program, 79 were merely exchanges of personal news between North Americans of Asian descent. The other four were letters from individuals in Asia to individuals in the United States, routed through contacts in North America, but were solely devoted to

personal information.⁸⁶ As noted above, Headquarters did not believe that this coverage justified the additional manpower necessary to translate the items and the San Francisco Field Office was so advised.

2. “Positive” Foreign Intelligence Results

Although the FBI has no statutory mandate to gather positive foreign intelligence, a great deal of this type of intelligence is generated as a byproduct of several of the mail opening programs and disseminated in sanitized form to interested government agencies. In an annual evaluation of Survey No. 5, for example, it was written:

This source furnishes a magnitude of vital information pertaining to activities with [an Asian country]; including its economical [sic] and industrial achievements.... A true picture of life in that country today is also related by the information which this source furnished reflecting life in general to be horrible due to the lack of proper food, housing, clothes, equipment, and the complete disregard for a human person’s individual rights.⁸⁷

Another evaluation stated that this program had developed information about such matters as the “plans and progress made in construction in railways, locations of oil deposits, as well as the location of chemical plants and hydraulic works.”⁸⁸ It continued: “While this is of no interest to the Bureau, the information has been disseminated to interested agencies.” Survey No. 6 even identified, through the interception of South American mail routed through San Francisco to an Asian country, numerous “[Asian] Communist sympathizers” in Latin America.⁸⁹

Wannall explained that “as a member of the intelligence community, the FBI [was aware] of the positive intelligence requirements [which were] secularized within the community in the form of what was known as a current requirements list, delineating specific areas with regard to such countries that were needed, or information concerning which was needed by the community. So we contributed to the overall community need.”⁹⁰ He conceded, however, that the FBI itself had no independent need for or requirement to collect such positive intelligence.⁹¹ Just as the CIA mail opening programs infringed on the intelligence jurisdiction of the FBI, therefore, so the FBI programs

gathered information which was without value to the Bureau itself and of a variety that was properly within the CIA's mandate.

3. Domestic Intelligence Results

In addition to counterespionage information and positive foreign intelligence, the FBI mail opening programs also developed at least some information of an essentially domestic nature. The collection of this type of information was on a smaller scale and less direct than was the case in the CIA's New York project, for none of the FBI programs involved the wholesale targeting of large numbers of domestic political activists or the purposefully indiscriminate interception of mail. Nonetheless, the Bureau programs did produce domestic intelligence. An April 1966 evaluation of Survey No. 1, for example, noted that "organizations in the United States concerning whom informant [the survey] has furnished information include...[the] Lawyers Committee on American Policy towards Vietnam, Youth Against War and Fascism...and others."⁹²

An evaluation of the Survey No. 5 stated that the program had developed "considerable data" about government employees and other American citizens who expressed pro-Communists sympathies, as well as information about individuals, including American citizens, who were specifically targeted as a consequence of their being on the FBI's Security Index.⁹³ Examples of the latter type of information include their current residence and employment and "anti-U.S. statements which they have made."⁹⁴

Another evaluation of a Bureau program noted that that program had identified American recipients of pornographic material and an American citizen abroad who was a drug addict in correspondence with other addicts in the New York City area;⁹⁵ it indicated that information about the recipients of pornographic material was transmitted to other field offices and stated that "pertinent" information was also forwarded to other Federal agencies.⁹⁶

Given the ready access which Bureau agents had to the mail for a period of years, it is hardly surprising that some domestic intelligence was collected. Indeed, both logic and the evidence support the conclusion that if any intelligence agency undertakes a program of mail opening within the United States for whatever purpose, the gathering of such information cannot be avoided.

Internal Authorization and Controls

While the FBI and the CIA mail opening programs were similar in many respects, the issues of authorization and control within these agencies highlight their differences. The pattern of internal approval for the CIA mail opening programs was inconsistent at best: the New York project began without the approval of the Director of Central Intelligence; at least two Directors were apparently not even advised of its existence; and it is unclear whether any Director knew the details of the other mail opening programs.⁹⁷ Administrative controls in most of the CIA projects, especially the twenty-year New York operation, were clearly lax: periodic reevaluation was non-existent and operational responsibility was diffused.⁹⁸ Probably as a function of the FBI's contrasting organizational structure, the mail opening programs conducted by the Bureau were far more centrally controlled by senior officials at Headquarters. With one significant exception, the FBI mail programs all received prior approval from the highest levels of the Bureau, up to and including J. Edgar Hoover, and the major aspects of their subsequent operation were strictly regulated by officials at or near the top of an integrated chain of command.

A. Internal Authorization

While the documentary record of FBI mail opening programs is incomplete, that evidence which does exist reveals J. Edgar Hoover's explicit authorization for the following surveys:

—The extension of Survey No. 1 to Los Angeles, Boston, Seattle, and Washington, D.C., on August 4, 1961;⁹⁹

—The re-authorization of Survey No. 1 in New York, on December 22, 1961;¹⁰⁰

—The re-authorization of Survey No. 1 in New York and Washington, D.C., on April 15, 1966;¹⁰¹

—The extension of Survey No. 2 to three additional postal zones in New York and its implementation with FBI rather than Post Office employees, on August 31, 1961;¹⁰² and

—The institution of Survey No. 6 in San Francisco, on November 20, 1963.¹⁰³

The documentary evidence also reveals authorizations from former Associate Director Tolson and/or the former Assistant Director in charge of the Domestic Intelligence Division, Sullivan, for the following surveys:

—The extension of Survey No. 1 to Detroit on April 13, 1962;¹⁰⁴

—The extension of Survey No. 2 to Detroit on October 4, 1961;¹⁰⁵

—The re-authorization of Survey No. 2 in New York on December 26, 1961;¹⁰⁶ and

—Administrative changes in the filing procedures for the Survey No. 5 on June 28, 1963.¹⁰⁷

Further, unsigned memoranda and airtels from Headquarters, “Director, FBI,” authorized the extension of Survey No. 2 to San Francisco on October 18, 1961,¹⁰⁸ and the institution of Survey No. 4 on December 21, 1962.¹⁰⁹ Bureau procedures normally require that such memoranda and airtels must be seen and approved by at least an Assistant Director, and there is no reason to assume that this did not occur in these instances.

Despite the absence of some authorizing documents, witness testimony is consistent—and often emphatic—on the point that unwritten Bureau policy required J. Edgar Hoover’s personal approval before the institution of a new mail opening program or even the initial use of mail opening as a technique in specific espionage cases.¹¹⁰ The approval of at least the Assistant Director for the Domestic Intelligence Division, moreover, was required for the periodic re-authorization or the extensions of existing mail surveys to additional cities, as well as for their termination, upon the recommendation of the field office involved. The only surveys for which this policy was apparently violated were Survey No. 7 and possibly—though this is unclear—Survey No. 1.

The testimony of senior FBI officials conflicts on whether Hoover actually authorized the formal institution of Survey No. 1 in New York in 1959, or whether he merely approved the general concept of a mail opening program utilizing the recently acquired knowledge of the “indicators,” but not Survey No. 1 in

particular. The former heads of the Espionage Research Branch at Headquarters and of the Espionage Division at the New York Field Office both believe the former to be the case;¹¹¹ the Section Chief of the section at Headquarters out of which the program was run testified to the latter.¹¹² Even if Hoover only approved the general concept of such a project, however, he was soon aware of the program, and, as noted above, authorized its extension to four additional cities in August 1961.

Survey No. 7 was initiated by the San Francisco Field Office on its own motion without prior approval from Washington. When Headquarters was advised of the implementation of this program,¹¹³ ranking FBI officials immediately demanded justification for it from the Field Office,¹¹⁴ subsequently determined the justification to be inadequate, and ordered its termination as a generalized survey.¹¹⁵ The last sentence of the instruction to end the program warns: “Do not initiate such general coverage without first obtaining specific Bureau authority.”¹¹⁶

Unlike most of their CIA counterparts, then, it appears that the Bureau’s mail opening programs were—with one clear exception—personally approved by the Director before their implementation, and at the highest levels of the organization before major changes in their operation. In the one certain case where prior Headquarters approval was not secured, the field office which implemented the programs was reprimanded.

B. Administrative Controls by Headquarters

FBI Headquarters exerted tight, centralized control over the mail opening programs in other ways as well. One manifestation of this control was found in the periodic evaluations of each program required of every participating field office for the benefit of Headquarters. In general, written evaluations were submitted semiannually for the first few years of the operation of a program in a city; and annually thereafter.¹¹⁷ These evaluations frequently contained such headings as: “Origin;” “Purpose;” “Scope;” “Cost;” “Overall Value;” and “Operation of Source.” Every field office was also obligated to determine whether the counterintelligence benefits from each program justified its continuation in light of manpower and security considerations; on the basis of this recommendation and other information supplied, Headquarters then decided whether to reauthorize the program until the next evaluation period

or order its termination. The net effect of this system of periodic reexamination was that FBI officials were far better informed than were CIA officials of the true value of the programs to their organization. It was difficult for a program to continue unproductively without the knowledge of the highest ranking officials of the Bureau: as noted above, several programs—Surveys No. 2, 3, and 7—were in fact discontinued by Headquarters before 1966 because the results as set forth in the evaluations were felt to be outweighed by other factors.

Also in contrast to the CIA mail opening programs, the Bureau programs were conducted at the field level with Special Agents who were experienced in intelligence work and given detailed instructions regarding the “indicators” and other selection criteria.¹¹⁸ No control procedure could ever eliminate the individual discretion of these agents—ultimately, selection was based on their personal judgment. But Headquarters ensured through the training of these agents that their judgment was at least more informed than that of the Office of Security “interceptors” in the CIA’s New York project, who were neither foreign intelligence experts nor given guidance beyond the Watch List itself as to which items to select.¹¹⁹ At both the Field Office and the Headquarters levels, moreover, responsibility for the operation of the programs was not diffused, as it was in the CIA’s New York project but was centralized in the hands of experienced senior officials within a single chain of command.

C. Knowledge of the Mail opening Programs



William Sullivan

Within the FBI

Officials of the Domestic Intelligence Division at Headquarters carefully controlled knowledge and dissemination procedures of their mail opening programs within the FBI itself. Knowledge of the operations was strictly limited to the Domestic Intelligence Division. The Criminal Division, for example, was never advised of the existence of (and so never levied requests on) any of these programs, but an internal memorandum indicates that it may have received information generated by the programs without being advised of the true source.¹²⁰ Some FBI witnesses assigned to espionage squads which were engaged in mail opening even testified that they were unaware of other mail opening programs being conducted simultaneously by other espionage squads in the same field office.¹²¹

The direct dissemination of the photographic copies of letters or abstracts between field offices was prohibited, but Headquarters avoided some of the problems caused by restricted knowledge in the CIA programs by requiring the offices to paraphrase the contents of letters in which other field offices might have an intelligence interest and disseminate the information to them in sanitized form.

Thus, control over the major aspects of the programs was concentrated at the top of the FBI hierarchy to a degree far greater than that which characterized the CIA programs. With few exceptions, senior officials at Headquarters initially authorized the programs, maximized central influence over their actual operation, restricted knowledge of their existence within the Bureau, and regulated the form in which information from them should be disseminated.

External Authorizations

Despite the differences between the FBI’s and the CIA’s mail opening programs with regard to internal authorization, the respective patterns of authorization outside the agencies were clearly parallel. There is no direct evidence that any President or Postmaster General was ever informed about any of the FBI mail opening programs until four years after they ceased. While two Attorneys General may have known about some aspect of the Bureau’s mail interceptions—and the record is not even clear on this point—it does not appear that any Attorney General was ever briefed on the full scope

of the programs. Thus, like the CIA mail opening programs, the Bureau programs were isolated even within the executive department. They were initiated and operated by Bureau officials alone, without the knowledge, approval, or control of the President or his cabinet.

A. *Post Office Department*

The FBI mail opening programs, like those of the CIA, necessitated the cooperation of the Post Office Department. But the record shows that the Bureau officials who secured this cooperation intended to and did in fact accomplish their task without revealing the FBI's true interest in obtaining access to the mail; no high ranking Postal official was apparently made aware that the FBI actually opened first class mail.

1. *Postmasters General*

There is no evidence that any Postmaster General was ever briefed about any of the FBI mail opening programs, either by the FBI directly or by a Chief Postal Inspector. Henry Montague, who as Chief Postal Inspector was aware of the mail cover (as opposed to the mail opening) aspect of several Bureau programs, stated that he never informed the Postmaster General because he "thought it was our duty to cooperate in this interest, and really, I did not see any reason to run to the Postmaster General with the problem. It was not through design that I kept it away from... the Postmaster General.... It was just that I did not see any reason to run to [him] because he had so many other problems."¹²²

2. *Chief Postal Inspectors*

It is certain that at least one and probably two Chief Postal Inspectors were aware of the fact that Bureau agents received direct access to mail, and in one case permission may have been given to physically remove letters from the mailstream as well, but there is no direct evidence that any Chief Postal Inspector was ever informed that FBI agents actually opened any mail.

Clifton Garner.—Clifton Garner was Chief Postal Inspector under the Truman administration during the period when Z-Coverage may have been reinstated in Washington, D.C. No FBI testimony or documents, however, suggest that his approval was sought prior to this reinstatement, nor can he recall being contacted by Bureau officials about such a program.¹²³

David Stephens.—Henry Montague testified that prior to the 1959 implementation of Z-Coverage in New York, when he was Postal Inspector in Charge of that region, he was instructed by Chief Postal Inspector David Stephens to cooperate with Bureau agents in their proposed program of special "mail covers."¹²⁴ As Montague recalls, Stephens approved the "mail cover" operation and left the mechanical arrangements up to him. Donald Moore has also testified that Stephens must have been contacted by Bureau officials in Washington prior to the implementation of Survey No. 1 in the same year,¹²⁵ although he did not participate in any such meeting himself, and no other FBI official who testified could shed any light on who might have made such contact. There is no evidence, however, that Stephens was ever informed that mail would actually be opened by Bureau agents in either program.

Henry Montague.—Postal Inspector in Charge of the New York Region, Montague followed David Stephens' instructions to cooperate with the FBI regarding Z-Coverage and made the necessary mechanical arrangements within his office. He stated, however, that he was told by the Bureau representatives who came to see him, including Donald Moore (whose testimony is consistent),¹²⁶ that this was a mail cover rather than a mail opening operation.¹²⁷ He was simply informed that the Bureau had an interest in obtaining direct access to particular mail for national security reasons and that his cooperation would be appreciated. While he realized that even this type of access was highly unusual, he agreed because "... they knew what they were looking for; we did not.... [T]hey could not give any names to the Postal Service, as far as I knew, for mail to look for.... [P]erhaps they knew who the agent might be, or something of this sort, which knowledge was not ours and which, at that time, I did not feel was in our province to question."¹²⁸ Montague also acknowledged that during his tenure as Postal Inspector in Charge of the New York Region, he may have known of an FBI operation at Idlewild Airport (Survey No. 1) as well, but stated that he had no "positive recollection" of it.¹²⁹

As Chief Postal Inspector from 1961 to 1969, Montague personally authorized Postal Service cooperation with the Bureau's programs in at least two instances, and in one case possibly approved the removal of selected letters by Bureau agents to a point outside the postal facility in which they worked. According to

a 1961 FBI memorandum, it was recommended by Bureau officials and approved by Director Hoover that Postal officials in Washington should be contacted “to explore the possibility of instituting” Survey No. 2.¹³⁰ In February of that year, Donald Moore met with Montague about this matter, explaining only—according to both Moore and Montague—that the program would involve screening the mail and that it was vital to the security of the country.¹³¹ The fact that the FBI intended to open selected items was apparently not mentioned. Because he “felt it was our duty to cooperate with the Agency which was responsible for the national security in espionage cases,”¹³² Montague agreed to assist the Bureau. On this occasion, however, he indicated that he would prefer to have postal employees rather than FBI agents conduct the “cover” since “it was our position that whenever possible...the mail should remain in the possession of the Postal Service.”¹³³

Less than two years later, Montague did allow Bureau agents to screen mail directly in Survey No. 4. A 1962 FBI memorandum noted that the FBI liaison to the Post Office approached him on December 19 to secure his approval for the Bureau’s plan to cover mail from Miami to a Latin American country.¹³⁴ According to this memorandum, Montague did approve and authorized the removal of selected letters to the FBI laboratory as well. The former chief Postal Inspector remembers approving the screening aspects of the project and knowing that mail left the custody of postal employees,¹³⁵ but cannot recall whether or not he specifically granted his permission for flying certain letters to Washington.¹³⁶ He testified, in any event, that he was not informed that mail would be opened.¹³⁷

In June 1965, Montague reconsidered his original approval of the project, possibly in light of Senator Edward Long’s investigation into the use of mail covers and other techniques by federal agencies. A June 25, 1965 FBI airtel from the Miami office to Headquarters reads in part: “[The Assistant Postal Inspector in Charge of the Atlanta Region] said that due to investigations by Senate and Congressional committees, Mr. Montague requested he be advised of the procedures used in this operation.”¹³⁸ Montague had appeared before the Long Subcommittee and had testified on the subject of mail covers several times earlier that year, but he recalls that his concern in determining the procedures used in

Survey No. 4 in June focused more on the new Postal regulations regarding mail covers that were issued about that time than on the Senate hearings.¹³⁹ Regardless of his motivation, Montague asked the Assistant Postal Inspector in charge to ascertain the details of the Miami operation; the procedures were described to this postal official by representatives of the Miami Field Office, apparently without mention of the fact that mail was actually opened; and the Assistant Postal Inspector reported back to Montague, who found them to be acceptable and did not withdraw his support for the survey.¹⁴⁰

Montague has stated that he was never informed that FBI agents in Survey No. 4 or in any of the other Bureau programs intended to or actually did open first class mail. This testimony is supported by that of Donald Moore, who on at least two occasions was the Bureau representative who sought Montague’s cooperation for the programs. Moore does not believe that he ever told Montague that mail would be opened;¹⁴¹ he said, moreover, that it was “understood” within the Bureau that Postal officials should not be informed.¹⁴² Of his meeting with Montague about Z-Coverage, for example, Moore stated: “I am sure I didn’t volunteer it to him and, in fact, would not volunteer it to him” because of the belief that such information should be closely held within the Bureau.¹⁴³ He added that it was a general, though unwritten, policy that whenever Bureau agents contacted Postal officials concerning the mail programs “it was understood that they would not be told [that mail opening was contemplated].”¹⁴⁴

Montague, for his part, did not specifically warn FBI agents against tampering with the mail because they were Federal officers and he trusted them not to do so. He stated:

I do not recall that I ask [if they intended to open mail], because I never thought that would be necessary. I knew that we never opened mail in connection with a mail cover. I knew that we could not approve it, that we would not approve any opening of any mail by anybody else. Both the CIA and the FBI were Government employees the same as we were, had taken the same oath of office, so that question was really not discussed by me....

With regard to the CIA when they first started [in 1953], we did put more emphasis on that point that mail could not be tampered with, that it could not be delayed, because, according to my recollection, this was the first time that we had any working relationship with the CIA at all. With the FBI, I just did not consider that it was necessary to emphasize that point. I trusted them the same as I would have to tell a Postal person that you cannot open mail. By the same token, I would not consider it necessary to emphasize it to any great degree with the FBI.¹⁴⁵

In short, it does not appear that any senior postal official knew that the FBI opened mail. Postal officials did cooperate extensively with the Bureau, but out of trust did not ask whether mail would be opened and because of a concern for security they were not told.

B. Department of Justice

The record presents no conclusive evidence that any Attorney General ever knew of any of the FBI mail opening programs. The evidence summarized below, does suggest that one and possibly two Attorneys General may have been informed of selected aspects of the Bureau's mail operations, but generally supports the view that no Attorney General was ever briefed on their full scope.

1. Robert F. Kennedy

New York Field Office Briefings.—On April 5, 1962, and again on November 4, 1963, Attorney General Robert F. Kennedy visited the FBI's New York field office and was briefed in foreign espionage matters. The person who briefed him on these occasions, the Assistant Special Agent in Charge for the Espionage Division, testified that he may have mentioned the mail intercept projects then being conducted by the New York field office to the Attorney General, but has no definite recollection whether he did or not.¹⁴⁶ Other participants at these briefings could not recall the technique of mail opening being discussed,¹⁴⁷ nor do the internal FBI memoranda relating to the briefings indicate that the topic arose.¹⁴⁸

The Baltch Case.—It is also possible, though again the evidence is far from conclusive, that Robert Kennedy learned that mail opening was utilized in the Baltch investigation. On July 2, 1963, FBI agents arrested two

alleged Soviet illegal agents who used the names Robert and Joy Ann Baltch; they were indicted for espionage on July 15. Several conferences were held between FBI representatives and Assistant Attorney General for Internal Security, J. Walter Yeagley, regarding this case and the possibility that some of the evidence was tainted.¹⁴⁹ Yeagley subsequently briefed Kennedy on the problems involved in prosecuting the Baltchs.¹⁵⁰ Donald E. Moore, who was one of the FBI representatives who discussed the Baltch case with Yeagley, testified that he believed, though he had no direct knowledge, that the fact of mail opening did come to the attention of the Attorney General in this context.¹⁵¹ Yeagley, however, cannot recall being specifically advised that mail was opened (although he knew that a "mail intercept or cover" had occurred) and stated that he did not inform Kennedy about any mail openings.¹⁵²

Other Espionage Cases.—Internal FBI memoranda concerning at least two other espionage cases that were considered for prosecution while Kennedy was Attorney General, also raise the possibility that Justice Department attorneys, including Yeagley, may have been advised of mail openings that occurred.¹⁵³ Yeagley cannot recall being so advised, however, and, as noted above, stated that he never informed the Attorney General of any mail openings.¹⁵⁴ There is no indication in the memoranda, moreover, that these matters were ever raised with Kennedy.

2. Nicholas deB. Katzenbach

The Baltch Case.—The Baltch case did not come to trial until early October, 1964, when Nicholas deB. Katzenbach was Acting Attorney General. At the time the trial commenced, FBI representatives including Donald Moore, conferred with Thomas K. Hall, a Justice Department attorney who was assigned to the case, again on the subject of tainted evidence.¹⁵⁵ Hall then discussed the case with Katzenbach and, according to an FBI internal memorandum, "Katzenbach recognized the problems, but felt 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 to drop the overt act where our tainted source is involved...."¹⁵⁶ Because he subsequently determined that the case "could not be further prosecuted without revealing national security information,"¹⁵⁷ however, Katzenbach ordered the prosecution to be dropped entirely.

In fact, there were at least two sources of tainted evidence other than mail opening involved in the Baltch case—a surreptitious entry and a microphone installation—and it is only these which Katzenbach recalls.¹⁵⁸ He testified that although he did discuss the tainted issues with both Hall and Joseph Hoey, the United States Attorney who originally presented the government’s case, neither of them brought to his attention the fact of mail opening.¹⁵⁹ Hoey’s recollection supports this contention: a Bureau memorandum suggests that Hoey may have learned of a “mail intercept” in the case,¹⁶⁰ but he recalls neither being informed of an actual opening nor conferring with the Acting Attorney General about any issue related to mail.¹⁶¹ Assistant Attorney General Yeagley recalls discussing the case generally with Katzenbach also, and “may have informed him of the mail intercept or cover which had occurred.” but Yeagley stated that he had no definite knowledge himself that the “intercept or cover” involved the actual opening of mail and so would not have been in a position to advise him that it did.¹⁶²

Katzenbach has testified that he was never aware of the Bureau’s use of mail opening in any espionage investigation.¹⁶³ He added:

Even if one were to conclude that the Bureau did in fact reveal that mail had been opened and that this fact was relayed by lawyers in the [Baltch] case to me, I am certain that that fact would have been revealed by the FBI—and I would have accepted it—as an unfortunate aberration, just then discovered in the context of a Soviet espionage investigation, not a massive mail opening program. In that event, nothing would have led me to deduce that the Bureau was, as a matter of policy and practice, opening letters.¹⁶⁴

The Long Subcommittee Hearings. —According to Donald Moore, he and Assistant Director Belmont did inform Katzenbach at the time of the 1965 Long Subcommittee hearings that Bureau agents screened mail both inside and outside postal facilities as a matter of practice, although he does not claim that the subject of actual opening arose.

In February of that year, the Long Subcommittee directed chief Postal Inspector Montague to provide it with a list of all mail covers, including those in the areas of organized crime and national security, by federal agencies within the previous two years. As a result of

this and other inquiries by the Subcommittee, especially regarding electronic surveillance practices, President Johnson requested Katzenbach to coordinate all executive department matters under his investigation.¹⁶⁵

In executing this responsibility, Katzenbach met with Moore, Belmont, and Courtney Evans, a former FBI Assistant Director who had retired from the Bureau but was then working as a special assistant to the Attorney General, on February 27, 1965, to discuss problems raised by the subcommittee which affected the FBI.¹⁶⁶ One of the subjects discussed at that meeting was the question of Bureau access to the mail. Four days earlier, the chief Postal Inspector had testified before the Subcommittee that he had no knowledge of any case in which mail left the custody of Postal employees during the course of a mail cover.¹⁶⁷ At the time, Montague did know that this practice had occurred¹⁶⁸—indeed, as Chief Postal Inspector he had approved the direct screening of mail by FBI agents in Survey No. 4¹⁶⁹—but he believed that “there was an understanding...that national security cases were not included within this particular part of the hearing.”¹⁷⁰ According to Moore, Katzenbach had been made aware of the possible inaccuracy of Montague’s testimony, and the Bureau officials consequently “pointed out [to the Attorney General] that we do receive mail from the Post Office in certain sensitive areas.”¹⁷¹ Moore believes moreover, that they informed him that this custody was granted in on-going projects rather than isolated instances.¹⁷²

Katzenbach acknowledged that he was aware, while Attorney General, that “in some cases the outside of mail might have been examined or even photographed by persons other than Post Office employees,”¹⁷³ but he stated that he never knew the FBI gained custody to mail on a regular basis in large-scale operations.¹⁷⁴ He also testified that the time of the February meeting he considered Montague’s testimony to be “essentially truthful,”¹⁷⁵ while the record shows that he spoke to Senator Long less than a week after this meeting,¹⁷⁶ Katzenbach stated that this was in regard to the requested list of all mail covers by federal agencies rather than the issue of mail custody.¹⁷⁷ The testimony of Courtney Evans, who was also present at the February 27 meeting, supports that of Katzenbach: at no time, Evans said, was he personally ever made aware that FBI agents received direct access to mail on an on-going basis.¹⁷⁸

Moore does not claim that he told Katzenbach that mail was actually opened by Bureau agents. According to him, this information was volunteered by neither Belmont nor himself and Katzenbach did not inquire whether opening was involved.¹⁷⁹ When asked if he felt any need to hold back from Katzenbach the fact of mail openings as opposed to the fact that Bureau agents received direct access to the mail, Moore replied: "It is perhaps difficult to answer. Perhaps I could liken it to...a defector in place in the KGB. You don't want to tell anybody his name, the location, the title, or anything like that. Not that you don't trust them completely, but the fact is that anytime one additional person becomes aware of it, there is a potential for the information to ...go further."¹⁸⁰

Probably the strongest suggestion in the documentary evidence that Katzenbach may have been made aware of actual FBI mail openings at the time of the Long Subcommittee hearings is found in a memorandum from Hoover to ranking Bureau officials, dated March 2, 1965. This memorandum reads, in part:

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 [Chief counsel to the Subcommittee] 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.¹⁸¹

Katzenbach testified as follows concerning this passage:

[Even] assuming the accuracy of the memo, it is not consistent with my being aware of the Bureau's mail opening program. Had I been aware of that program, I naturally would have assumed that the agents had been involved in that program, and I would scarcely have been content to leave them to their own devices before Senator Long's committee. Moreover, it would have been extremely unusual for ex-FBI agents to be interviewed by the Senate committee staff without revealing that fact to the Bureau. In those circumstances both the Director and I would have been concerned as to the scope of their knowledge with respect to the very information about mail covers which the Senator was demanding and which we were refusing, as well as about any other matters of a national security nature. If the witnesses in fact existed (which I doubted strongly), then both the Director and I wanted to know the extent of their knowledge about Bureau programs, and the extent of their hostility toward the FBI. That is a normal concern that we would have had anytime any ex-FBI agent testified before any Congressional committee on any subject.¹⁸²

The most that can reasonably be inferred from the record on possible knowledge of FBI mail openings by Attorney Generals may have known that mail was opened with regard to particular espionage investigations, and one Attorney General may have learned that the FBI regularly received mail from the Post Office and that five former FBI agents possibly opened mail. Evidence exists which casts doubt on the reasonableness of even these inferences, however. More significantly, there is no indication in either the documents or the testimony that the approval of any Attorney General was ever sought prior to the institution of any Bureau program, and despite a clear opportunity to inform Attorney General Katzenbach of the full scope and true nature of these operations in 1965, he was intentionally not told. In the name of security, the Bureau neither sought the approval of nor even shared knowledge of its programs with the Cabinet officer who was charged with the responsibility of controlling and regulating the FBI's conduct.

The first uncontroverted evidence that any Attorney General knew of the FBI mail opening programs is not found until 1970, four years after the programs were terminated. John Mitchell, upon reading the 1970 “Huston Report,” learned that the Bureau had engaged in “covert mail coverage” in the past, but that this practice had “been discontinued.”¹⁸³ While the report itself stated that mail opening was unlawful,¹⁸⁴ however, Mitchell did not initiate any investigation, nor did he show much interest in the matter. He testified:

I had no consideration of that subject matter at the time. I did not focus on it and I was very happy that the plan was thrown out the window, without pursuing any of its provisions further.... I think if I had focused on it I might have considered [an investigation into these acts] more than I did.¹⁸⁵

C. Presidents

There is no evidence that any President was ever contemporaneously informed about any of the FBI mail opening programs. In 1970, Bureau officials who were involved in the preparation of the “Huston Report” apparently advised Tom Charles Huston that mail opening as an investigative technique had been utilized in the past, for this fact was reflected in the report which was sent to President Nixon.¹⁸⁶

Termination of the FBI Mail opening Programs

A. Hoover’s Decision to Terminate the Programs in 1966

1. Timing

By mid-1966 only three FBI mail opening programs continued to operate: Z-Coverage in New York and Washington, Survey No. 1 in those same cities, and Survey No. 4 in Miami. Three of the programs—No. 2, No. 3, and No.7—and the extensions of Survey No. 1 to four cities other than New York and Washington had all been terminated prior to 1966 because they had produced no valuable counterintelligence information while tying up manpower needed in other areas.¹⁸⁷ Two of the programs—Surveys No. 5 and 6—had been suspended in January 1966 for security reasons involving changes in local postal personnel and never re-instituted. As the San Francisco Field office informed Headquarters in May of that year in regard to both programs: “While it is realized that these sources furnished valuable information to the Federal

Government, it is not believed the value justifies the risk involved. It is not recommended that contact with sources be re-instituted.”¹⁸⁸

The remaining three programs were all terminated in July 1966 at the direct instruction of J. Edgar Hoover. Apparently this instruction was delivered telephonically to the field offices;¹⁸⁹ no memoranda explicitly reflect the order to terminate the programs. There is no evidence that the FBI has employed the technique of mail opening in any of its investigations since that time, although the FBI continued to receive the fruits of the CIA’s mail opening program until 1973.

2. Reasons

Given the perceived success of these three programs the reasons for their termination are not entirely clear. While all FBI officials who testified on the subject were unanimous in their conclusion that the decision was Hoover’s alone, none could testify as to the precise reasons for his decision.

At least three possible reasons are presented by the record. First, the Director may have believed that the benefits derived from mail opening were outweighed by the need to present espionage cases for prosecution which were untainted by use of this technique. Regardless of whether or not the mail opening in the Baltch case was actually a factor in Acting Attorney General Katzenbach’s decision to drop the prosecution, for example, Bureau officials believed that their use of the technique in that case did in fact preclude prosecution.¹⁹⁰ On a memorandum dealing with the evidentiary issues in the Baltch case, Hoover wrote the following notation: “We must immediately and materially reduce the use of techniques which ‘taint’ cases.”¹⁹¹

Second, Hoover may have believed that the Attorney General and other high government officials would not support him in the FBI’s use of questionable investigative practices. It is known that Hoover cut back on a number of other techniques in the mid-1960’s; the use of mail covers by the FBI was suspended in 1964,¹⁹² and in July 1966—the same month which saw the end of the mail opening programs—Hoover terminated the technique of surreptitious entries by Bureau agents.¹⁹³ In a revealing comment on a 1965 memorandum regarding the Long Subcommittee’s investigation of

such techniques as mail covers and electronic surveillance, Hoover wrote:

“I don’t see what all the excitement is about. I would have no hesitation in discontinuing all techniques—technical coverage [i.e. wiretapping], microphones, trash covers, mail covers, etc. While it might handicap us I doubt they are as valuable as some believe and none warrant FBI being used to justify them.”¹⁹⁴

His lack of support from above had been tentatively suggested by some witnesses as a reason for this general retrenchment. Donald Moore, for example, surmised that:

There had been several questions raised on various techniques, and some procedures had changed, and I feel that Mr. Hoover in conversation with other people of which I am not aware, decided that he did not or would not receive backing in these procedures and he did not want them to continue until the policy question was decided at a higher level.¹⁹⁵

While former Attorney General Katzenbach testified that he was unaware of the FBI mail openings, his views on this subject tend to support Moore’s. He speculated that the reason the programs were terminated in 1966 may have related to the then-strained relations between Mr. Hoover and the Justice Department stemming from the case of *Black v. United States*¹⁹⁶ and the issue of warrantless electronic surveillance.¹⁹⁷ Hoover had wanted the Justice Department to inform the Supreme Court, in response to an order by the Court that in that case electronic surveillance had been authorized by every Attorney General since Herbert Brownell. Katzenbach, not believing this to be so, approved a Supplemental Memorandum to the Court which simply stated that microphone installations had been authorized by long-standing “practice.” According to Katzenbach, “this infuriated Hoover.... He was very angry, [and] that may have caused him to stop everything of this kind.”¹⁹⁸

A third related reason was suggested by Wannall, former Assistant Director in charge of the FBI’s Domestic Intelligence Division. Wannall believed that there was a genuine “question in [Hoover’s] mind about

the legality” of mail opening, and noted that by at least 1970, as expressed in one of the Director’s footnotes in the *Huston Report*, Hoover clearly considered mail opening to be outside the framework of the law.¹⁹⁹ This footnote also suggests that, like CIA officials, Hoover was concerned that the perceived illegality of the technique would lead to an adverse public reaction damaging to the FBI and other intelligence agencies if its use were made known. His note to President Nixon read:

The FBI is opposed to implementing any covert mail coverage [i.e., mail opening] 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.²⁰⁰

B. Recommended Re-institution

1. Within the Bureau

Whatever the reasons for it, the FBI Director’s decision to terminate all mail opening programs in 1966 was not favorably received by many of the participating agents in the field. As one official of the New York Field Office at the time of the termination testified:

...the inability of the government to pursue this type of investigative technique meant that we would no longer be able to achieve the results that I felt were necessary to protect the national security, and I did not feel that I wanted to continue in any job where you are unable to achieve the results that really your job calls for.... That was a big influence on my taking retirement from the FBI.²⁰¹

Several recommendations came in from the field to consider the re-institution of the mail opening programs between 1966 and the time of Hoover’s death in 1972.²⁰² None of them was successful. A 1970 internal FBI memorandum, for example, reflects the recommendation of the New York office that the programs be re-instituted,²⁰³ but Headquarters suggested that this course was “not advisable at this time.”²⁰⁴ Underlining the words “not advisable,” Hoover noted: “Absolutely right.”

There is no evidence that any recommendation to re-institute these programs ever reached the desk of an

Acting Director or Director of the Bureau after Hoover's death.

2. Huston Plan

The only known attempt to recommend re-institution of FBI mail opening by officials outside the FBI is found in the Huston Report in 1970.²⁰⁵ The Report itself stated that mail opening did not have the "sanction of law,"²⁰⁶ but proceeded to note several advantages of relaxing restrictions on this technique, among them:

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....²⁰⁷

Primarily because of the objection Hoover expressed in the footnote he added, which are discussed above, this aspect of the Huston Plan was never implemented, however.

Legal and Security Considerations within the FBI

During the years that the FBI mail opening programs operated, Bureau officials attempted only once, in 1951, to formulate a legal theory to justify warrantless mail opening, and the evidence suggests that they never relied upon even this theory. At the same time, there is little in the record (until Hoover's comment in the 1970 Huston Report) to indicate that Bureau officials perceived mail opening to be illegal, as many CIA officials did. The FBI officials who directed the programs apparently gave little consideration to factors of law at all; ironically, it appears that of the two agencies which opened first class mail without warrants, that agency with law enforcement responsibilities and which was a part of the Justice Department gave less thought to the legal ramifications of the technique. Despite its inattentive attitude toward legal issues, the Bureau was

at least as concerned as the CIA that disclosure of their programs outside the FBI—even to its own overseer, the Attorney General, and especially to Congress—would, as Hoover wrote in 1970, "leak...to the press and serious[ly] damage" the FBI.²⁰⁸ To avoid such exposure, the Bureau, like the CIA, took measures to prevent knowledge of their programs from reaching this country's elected leadership.

A. Consideration of Legal Factors by the FBI

1. Prior to the commencement of Mail opening Programs In the Post-War Period.

In June 1951, when the Washington Field Office recommended to Headquarters that consideration should be given to the reinstatement of Z-Coverage, it was specifically suggested that Bureau officials determine whether or not Postal Inspectors have the authority to order the opening of first class mail in espionage cases.²⁰⁹ Headquarters conducted research on this possible legal predicate to the peacetime re-institution of the program, and the results were summarized in a second memorandum on Z-Coverage in September 1951.²¹⁰ The basic conclusion was that Postal Inspectors had no authority to open mail; only employees of the Dead Letter Office and other persons with legal search warrants had such power. It was argued, however, that Postal Inspectors may have sufficient legal authority to open even first class mail whose contents were legally non-mailable under 18 U.S.C. Section 1717. This class of non-mailable items included, and includes today, "[e]very letter...in violation of sections...793, 794 [the espionage statutes]...of this title...." Since it was a crime to mail letters whose contents violated the espionage statutes, it was reasoned, it may not be unlawful to intercept and open such letters, despite the general prohibition against mail opening found in 18 U.S.C. Sections 1701, 1702, and 1703. The study concluded:

...it is believed that appropriate arrangements might be worked out on a high level between the Department and the Postmaster General or between the Bureau and the appropriate Post Office officials whereby the mail of interest to the Bureau could be checked for items in violation of the espionage and other security statutes which are itemized in Title 18, U.S. Code Section.... It

is respectfully suggested that appropriate discussions be held on this matter.²¹¹

This theory ignores the fact that the warrant procedure itself responds to the problem of non-mailable items. If, on the basis of an exterior examination of the envelope or on the basis of facts surrounding its mailing, there exists probable cause for a court to believe that the espionage statutes have been violated, a warrant may be obtained to open the correspondence. If the evidence does not rise to the level of probable cause, the law does not permit the mail to be opened. There is no indication, in any event, that discussions were ever held with any Postmaster General or Attorney General in an attempt to either test or implement this theory. While Z-Coverage was in fact re-instituted after this study was made, it was conducted with FBI personnel rather than Postal Inspectors, and its mail opening aspect was apparently unknown to any high-ranking Postal officials. In regard to the recommendation that “appropriate discussions be held on this matter,” Assistant to the Director Belmont penned the notation, “No action at this time. File for future reference.”²¹²

2. Post-1951

After the mail opening programs were underway, there was apparently no further consideration by FBI officials of the legal factors involved in the operations. Unlike that regarding CIA mail opening, the documentary record on the FBI program does not contain references (until 1970, four years after the programs ceased) to the illegality of mail opening; nor does it suggest that mail opening was considered legal. At most, the record reveals the recognition by the Bureau officials that evidence obtained from their surveys was tainted and, hence, inadmissible in court,²¹³ but not the recognition that the technique was invalid per se. Indeed, after the Supreme Court decisions in *Nardone v. United States*, 302 U.S. 379 (1937) and 308 U.S. 338 (1939), this distinction was explicitly made in the area of electronic surveillance: while the *Nardone* decisions prohibited the admission in court of evidence obtained from wiretapping, the cases were not interpreted by the Bureau to preclude use of the technique itself, and the practice continued.²¹⁴

The testimonial record, moreover, clearly suggests that legal considerations were simply not raised in

contemporaneous policy decisions affecting the various mail surveys: Wannall, William Branigan, and others have all so testified.²¹⁵ None of these officials has any knowledge that any legal theory—either the one which was filed for “future reference” in 1951 or one based on a possible “national security” exception to the general prohibition against mail opening—was ever developed by Bureau officials after 1951 to justify their programs legally, or that a legal opinion from the Attorney General was ever sought. To these officials, such justification as existed stemmed not from legal reasoning but from the end they sought to achieve and an amorphous, albeit honestly held, concept of the “greater good.” As Branigan stated: “It was my assumption that what we were doing was justified by what we had to do.”²¹⁶ He added that he believed “the national security” impelled reliance on such techniques:

The greater good, the national security, this is correct. This is what I believed in. Why I thought these programs were good, it was that the national security required this, this is correct.²¹⁷

At least some of the agents who participated in the mail opening program have testified that they believed the surveys were legal because they assumed (without being told) that the programs had been authorized by the President or Attorney General, or because they assumed (again without being told) that there was a “national security” exception to the laws prohibiting mail opening.²¹⁸ Those officials in a policy-making position, however, apparently did not focus on the legal questions sufficiently to state an opinion regarding the legality or illegality of the programs. Nor did they advise the field offices or participating agents about these matters.

Only in the 1970’s, at least four years after the FBI mail opening programs ceased, is there any clear indication that Bureau officials, like those of the CIA, believed their programs to be illegal. As noted above, Hoover’s footnote to the 1970 Huston Report described the technique as “clearly illegal”; and in the recent public hearings on FBI mail opening, Wannall testified that, as of 1975, “I cannot justify what happened...”²¹⁹

In light of the Bureau’s major responsibilities in the area of law enforcement and the likelihood that some of the espionage cases in which mail opening was

utilized would be prosecuted, it is ironic that FBI officials focused on these legal issues to a lesser degree than did their CIA counterparts. But the Bureau's Domestic Intelligence Division made a clear distinction between law enforcement and counterintelligence matters; what was appropriate in one area was not necessarily appropriate in the other. As Branigan again testified:

In consideration of prosecuting a case, quite obviously [legal factors] would be of vital concern. In discharging counterintelligence responsibilities, namely to identify agents in the United States to determine the extent of damage that they are causing to the United States...we would not necessarily go into the legality or illegality.... We were trying to identify agents and we were trying to find out how this country was being hurt, and [mail opening] was a means of doing it, and it was a successful means.²²⁰

B. Concern with Exposure

Although Bureau officials apparently did not articulate the view prior to 1970 that mail opening was necessarily illegal, they did believe that their use of this technique was so sensitive that its exposure to other officials within the executive branch, the courts, Congress, and the American public generally should be effectively prevented. This fear of exposure may have resulted from a perceived though unexpressed sense that its legality was at least questionable; it was almost certainly a consequence of a very restricted, even arrogant, view of who had a "need to know" about the Bureau's operations. But whatever its source, this concern with security clearly paralleled the CIA's concern with the "flap potential" of their projects and resulted in similar efforts to block knowledge of their use of this technique from reaching the general public and its leaders.

The reluctance of FBI officials to disclose the details of their programs to other officials within the executive branch itself has been described above: there is no clear evidence that any Bureau official ever revealed the complete nature and scope of the mail surveys to any officer of the Post Office Department or Justice Department, or to any President of the United States. It was apparently a Bureau policy not to inform the Postal officials with whom they dealt of the actual intention of FBI agents in receiving the mail, and there is no

indication that this policy was ever violated.²²¹ When Attorney General Katzenbach met with Moore and Belmont on the subject of Bureau custody of mail, Moore testified that he did not inform the Attorney General about the mail opening aspect of the projects because of security reasons: "anytime one additional person becomes aware of it, there is a potential for the information to...go further."²²² One Bureau agent at Headquarters who was familiar with the mail programs (but not in a policy-making position) also speculated that the questionable legal status of this technique may have been an additional reason for not seeking the Attorney General's legal advise. He testified as follows:

Q. Do you know why the opinion of the Attorney General was apparently or probably not sought?

A. Because of the security of the operation. I would imagine that would be the main reason. It was a program we were operating. We wanted to keep it within the Bureau itself—and the fact that it involved opening mail.

Q. What do you mean by the last statement, "... the fact that it involved opening mail"?

A. That was not legal, as far as I knew.²²³

With respect to the Justice Department generally, only the minimum knowledge necessary to resolve a specific prosecutive problem was imparted. Donald Moore said of his meeting with Assistant Attorney General Yeagley about the Baltch case, for example, that he did not disclose to him the FBI's general use of this technique: "I am sure it was confined to the issue at hand, which was anything at all which involved the prosecution of Baltch."²²⁴ Even the term "mail opening" was avoided, and the more ambiguous term "mail intercept" was used:²²⁵ while susceptible of only one meaning within the FBI, the latter term was apparently misinterpreted by Yeagley and other Justice Department officials with different assumptions about Bureau operations.²²⁶

The FBI's concern with exposure extended to the courts as well. In an internal memorandum regarding the Baltch case, it was written that "under no circumstances is the Bureau willing to admit [to the court] that a mail intercept was utilized...."²²⁷

Similarly, FBI officials, like their counterparts in the CIA, did not want their use of this technique known to Congress. One senior Bureau official testified that the FBI feared that the Long Subcommittee's 1965 investigation could publicly expose the mail programs;²²⁸ another that such Congressional exposure could "wrack up" the Bureau.²²⁹ Attorney General Katzenbach had been requested by the President to coordinate executive branch responses to inquiries by the Subcommittee, but the FBI was apparently not content with his efforts in preventing the disclosure of "national security" information generally. To ensure that their mail surveys, as well as certain practices in the area of electronic surveillance, remained unstudied, Bureau officials themselves directly attempted to steer the Subcommittee away from probing these subjects.

Belmont's February 27, 1965, memorandum reflecting his meeting with the Attorney General about Montague's testimony on mail custody, reads in part: "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 [Edward] Long became involved rather than on any ideological basis."²³⁰ The memorandum continues: "I called Mr. DeLoach [an Assistant Director of the FBI] and briefed him on this problem in order that he might contact Senator [James O.] Eastland 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.)" According to an FBI memorandum, Hoover himself subsequently contacted Senator Eastland, who, he reported, "is going to see Senator Long not later than Wednesday morning to caution him that the chief counsel must not go into the kind of questioning he made of Chief Inspector Montague of the Post Office Department."²³¹

The strategy worked. The Subcommittee never learned of the FBI's use of mail opening as an investigative technique. Despite the fact that in 1965 the FBI conducted a total of five mail opening programs in the United States—and despite the fact that in that year alone more than 13,300 letters were opened by CIA agents in New York—the Subcommittee, the general public, the Attorney General, and apparently

even Montague himself accepted as true Montague's testimony that year that:

The seal on a first-class piece of mail is sacred. When a person puts first-class postage on a piece of mail and seals it, he can be sure that the contents of that piece of mail are secure against illegal search and seizure.²³²

Warrantless National Security Electronic Surveillance

Historical Perspective

The following is taken from a prepared statement by Hon. Edward H. Levi, Attorney General of the United States. It has been slightly edited by NACIC Community Training Branch by inserting graphics where AG Levi cited specific figures. Edited wording appears in bold letters in the text.

As I read the history, going back to 1931 and undoubtedly prior to that time, except for the interlude between 1928 and 1931, and for two months in 1940, the policy of the Department of Justice has been that electronic surveillance could be employed without a warrant in certain circumstances.

In 1928 the Supreme Court in *Olmstead v. United States* held that wiretapping was not within the coverage of the Fourth Amendment. Attorney General Sargent had issued an order earlier in the same year prohibiting what was then known as the Bureau of Investigation from engaging in any telephone wiretapping for any reason. Soon after the order was issued, the Prohibition Unit was transferred to the Department as a new bureau. Because of the nature of its work and the fact that the Unit had previously engaged in telephone wiretapping in January 1931, Attorney General William D. Mitchell directed that a study be made to determine whether telephone tapping should be permitted and, if so, under what circumstances. The Attorney General determined that in the meantime the bureaus within the Department could engage in telephone wiretapping upon the personal approval of the bureau chief after consultation with the Assistant Attorney General in charge of the case. The policy during this period was to allow

wiretapping only with respect to the telephones of syndicated bootleggers, where the agent had probable cause to believe the telephone was being used for liquor operations. The bureaus were instructed not to tap telephones of public officials and other persons not directly engaged in the liquor business. In December 1931, Attorney General William Mitchell expanded the previous authority to include “exceptional cases where the crimes are substantial and serious, and the necessity is great and (the bureau chief and the Assistant Attorney General) are satisfied that the persons whose wires are to be taped are of the criminal type.”

During the rest of the thirties it appears that the Department’s policy concerning telephone wiretapping generally conformed to the guidelines adopted by Attorney General William Mitchell. Telephone wiretapping was limited to cases involving the safety of the victim (as in kidnapping), location and apprehension of “desperate” criminals, and other cases considered to be major law enforcement importance, such as espionage and sabotage.

In December 1937, however, in the first *Nardone* case the United States Supreme Court reversed the Court of Appeals for the Second Circuit, and applied Section 605 of the Federal Communications Act of 1934 to law enforcement officers, thus rejecting the Department’s argument that it did not so apply. Although the Court read the Act to cover only wire interceptions where there had also been disclosure in court or to the public, the decision undoubtedly had its impact upon the Department’s estimation of the value of telephone wiretapping as an investigative technique. In the second *Nardone* case in December 1939, the Act was read to bar the use in court not only of the overheard evidence, but also of the fruits of that evidence. Possibly for this reason, and also because of public concern over telephone wiretapping, on March 15, 1940, Attorney General Robert Jackson imposed a total ban on its use by the Department. This ban lasted about two months.

On May 21, 1940, President Franklin Roosevelt issued a memorandum to the Attorney General stating his view that electronic surveillance would be proper under the Constitution where “grave matters involving defense of the nation” were involved. The President authorized and directed the Attorney General “to secure information by listening devices (directed at) the conversations or

other communications of persons suspected of subversive activities against the Government of the United States, including suspected spies.” The Attorney General was requested “to limit these investigations so conducted to a minimum and to limit them insofar as possible as to aliens.” Although the President’s memorandum did not use the term “trespassory microphone surveillance,” the language was sufficiently broad to include that practice and the Department construed it as an authorization to conduct trespassory microphone surveillance as well as telephone wiretapping in national security cases. The authority for the President’s action was later confirmed by an opinion by Assistant Solicitor General Charles Fahy who advised the Attorney General that electronic surveillance could be conducted where matters affected the security of the nation.

On July 17, 1946, Attorney General Tom C. Clark sent President Truman a letter reminding him that President Roosevelt had authorized and directed Attorney General Jackson to approve “listening devices (directed at) the conversation of other communications of persons suspected of subversive activities against the Government of the United States, including suspected spies” and that the directive had been followed by Attorneys General Robert Jackson and Francis Biddle. Attorney General Clark recommended that the directive “be continued in force” in view of the “increase in subversive activities” and “a very substantial increase in crime.” He stated that it was imperative to use such techniques “in cases vitally affecting the domestic security, or where human life is in jeopardy” and that Department files indicated that his two most recent predecessors as Attorney General would concur in this view. President Truman signed his concurrence on the Attorney General’s letter.

According to the Department’s records, the annual total of telephone wiretaps and microphones installed by the Bureau between 1940 and 1951 was **4,068 wiretaps and 753 microphones** (See figures 1 and 2). It should be understood that these figures, as in the case for the figures I have given before, are cumulative for each year and also duplicative to some extent, since a telephone wiretap or microphone which was installed, then discontinued, but later reinstated would be counted as a new action upon reinstatement.

In 1952, there were 285 telephone wiretaps, 300 in 1953, and 322 in 1954. Between February 1952 and May 1954, the Department's position was not to authorize trespassory microphone surveillance. This was the position taken by Attorney General McGrath, who informed the FBI that he would not approve the installation of trespassory microphone surveillance because of his concern over a possible violation of the Fourth Amendment. FBI records indicate there were 63 microphones installed in 1952, there were 52 installed in 1953, and there were 99 installed in 1954. The policy against Attorney General approval, at least in general, of trespassory microphone surveillance was reversed by Attorney General Herbert Brownell on May 20, 1954, in a memorandum to Director Hoover instructing him that the Bureau was authorized to conduct trespassory microphone surveillances. The Attorney General stated that "considerations of internal security and the national safety are paramount and, therefore, may compel the unrestricted use of this technique in the national interest."

A memorandum from Director Hoover to the Deputy Attorney General on May 4, 1961, described the Bureau's practice since 1954 as follows: (I)n the internal security field, we are utilizing microphone surveillances on a restricted basis even though trespass is necessary

to assist in uncovering the activities of Soviet intelligence agents and Communist Party leaders. In the interests of national security, microphone surveillances are also utilized on a restricted basis, even though trespass is necessary in uncovering major criminal activities. We are using such coverage in connection with our investigations of the clandestine activities of top hoodlums and organized crime. From an intelligence standpoint, this investigative technique has produced results unobtainable through other means. The information so obtained is treated in the same manner as information obtained from wiretaps, that is, not from the standpoint of evidentiary value but for intelligence purposes."

The number of telephone wiretaps and microphones from 1955 through 1964 was **1794 wiretaps and 839 microphones.** (see figures 2 and 3)

It appears that there was a change in the authorization procedure for microphone surveillance in 1965. A memorandum of March 30, 1965, from Director Hoover to the Attorney General states that "(i)n line with your suggestion this morning, I have already set up the procedure similar to requesting of authority for phone taps to be utilized in requesting authority for the placement of microphones."

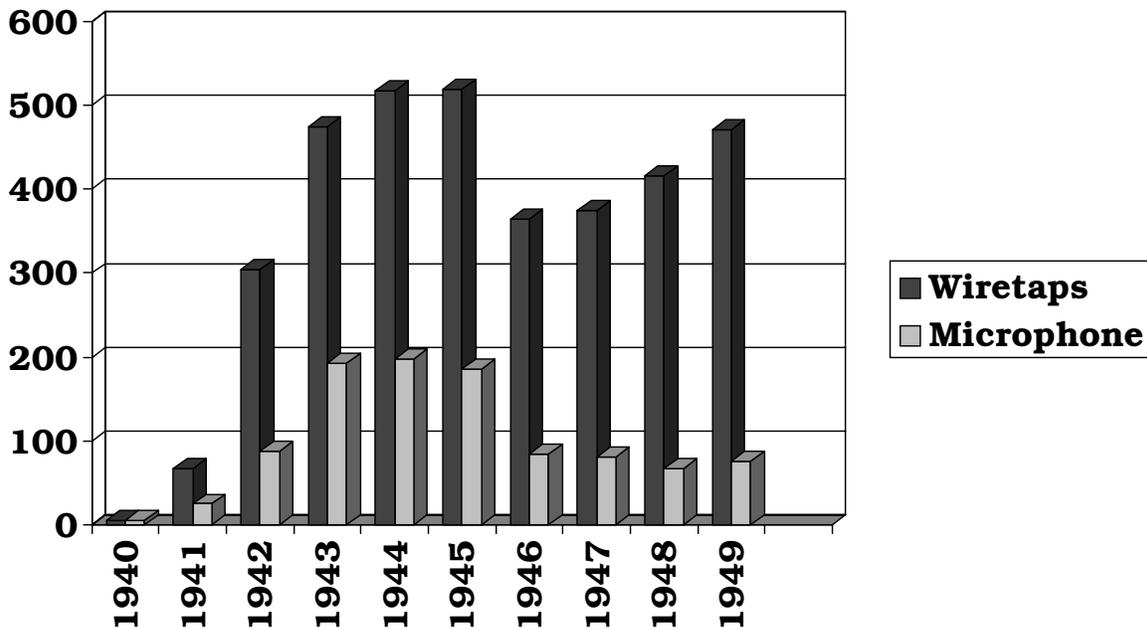


Figure 1. FBI Electronic Surveillance 1940–1949

President Johnson announced a policy for federal agencies in June 1965, which required that the interception of telephone conversations without the consent of one of the parties be limited to investigations relating to national security and that the consent of the Attorney General be obtained in each instance. The memorandum went on to state that use of mechanical or electronic devices to overhear conversations not communicated by wire is an even more difficult problem “which raises substantial and unresolved questions of Constitutional interpretation.” The memorandum instructed each agency conducting such an investigation to consult with the Attorney General to ascertain whether the agency’s practices were fully in accord with the law. Subsequently, in September 1965, the Director of the FBI wrote the Attorney General and referred to the “present atmosphere, brought about by the unrestrained and injudicious use of special investigative techniques by other agencies and departments, resulting in Congressional and public alarm and opposition to any activity which could in any way be termed an invasion of privacy.” “As a consequence,” the Director wrote, “we have discontinued completely the use of microphones.” The Attorney General responded in part as follows: “The use of wiretaps and microphones involving trespass present more difficult problems

because of the inadmissibility of any evidence obtained in court cases and because of current judicial and public attitude regarding their use. It is my understanding that such devices will not be used without my authorization, although in emergency circumstances they may be used subject to my later ratification. At this time I believe it desirable that all such techniques be confined to the gathering of intelligence in national security matters, and I will continue to approve all such requests in the future as I have in the past. I see no need to curtail any such activities in the national security field.”

The policy of the Department was stated publicly by the Solicitor General in a supplemental brief in the Supreme Court in *Black v. United States* in 1966. Speaking of the general delegation of authority by Attorneys General to the Director of the Bureau, the Solicitor General stated in his brief:

“An exception to the general delegation of authority has been prescribed, since 1940, for the interception of wire communications, which (in addition to being limited to matters involving national security or danger to human life) has required the specific authorization of the Attorney General in each instance. No similar procedure existed until 1965 with respect to the use of

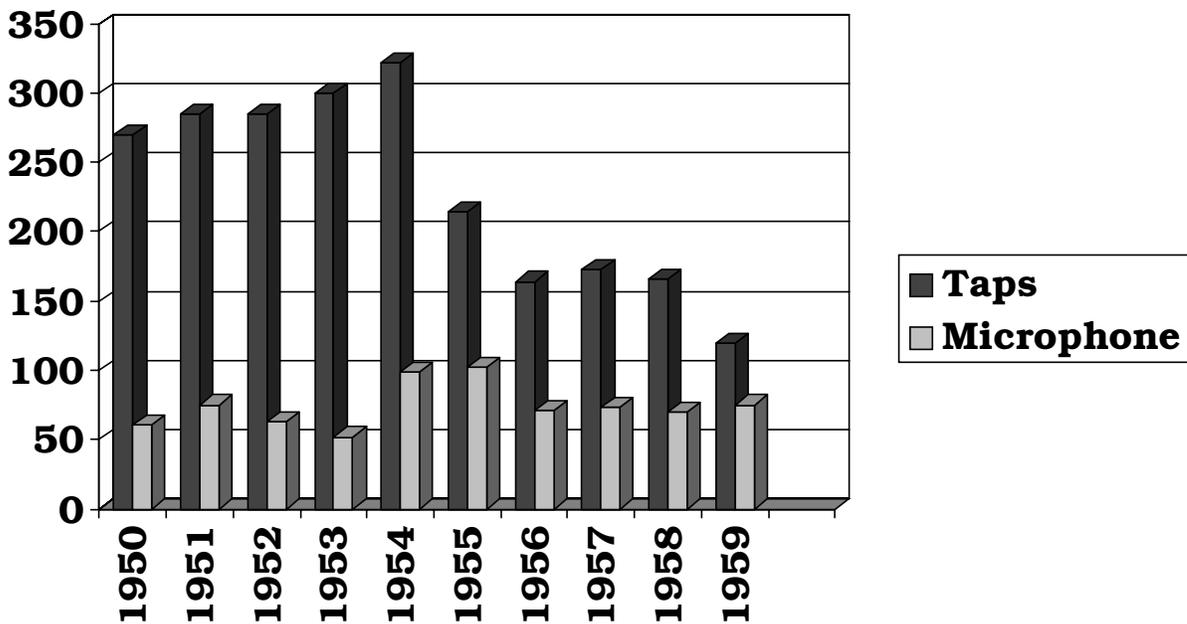


Figure 2. FBI Electronic Surveillance 1950–1959

devices such as those involved in the instant case, although records of oral and written communications within the Department of Justice reflect concern by Attorneys General and the Director of the Federal Bureau of Investigation that the use of listening devices by agents of the government should be confined to a strictly limited category of situations. Under Department practice in effect for a period of years prior to 1963, and continuing until 1965, the Director of the Federal Bureau of Investigation was given authority to approve the installation of devices such as that in question for intelligence (and not evidentiary) purposes when required in the interests of national security or national safety, including organized crime, kidnappings and matters wherein human life might be at stake....

Present Department practice, adopted in July 1965 in conformity with the policies declared by the President on June 30, 1965, for the entire federal establishment, prohibits the use of such listening devices (as well as the interception of telephone and other wire communications) in all instances other than those involving the collection of intelligence affecting the national security. The specific authorization of the Attorney General must be obtained in each instance when this exception is invoked.”

The Solicitor General made a similar statement in another brief filed that same term (*Schipani v U.S.*) again emphasizing that the data would not be made available for prosecutorial purposes, and that the specific authorization of the Attorney General must be obtained in each instance when the national security is sought to be invoked. The number of telephone wiretaps and microphones installed since 1965 (through 1974) is **1,349 wiretaps and 249 microphones** (see figures 3 and 4).

Comparable figures for the year 1975 up to October 29 are: telephone wiretaps: 121; microphones: 24.

In 1968 Congress passed the Omnibus Crime Control and Safe Streets Act. Title III of the Act set up a detailed procedure for the interception of wire or oral communications. The procedure requires the issuance of a judicial warrant, prescribes the information to be set forth in the petition to the judge so that, among other things, he may find probable cause that a crime has been or is about to be committed. It requires notification to the parties subject to the intended surveillance within a period not more than ninety days after the application of the order of approval has been denied or after the termination of the period of the order or the period of

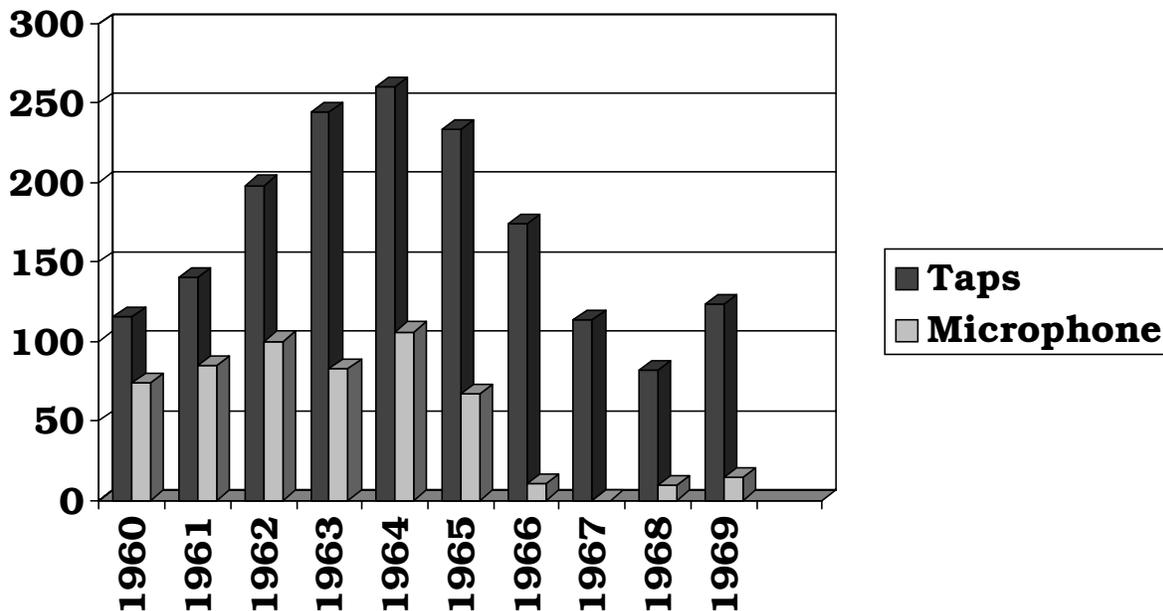


Figure 3. FBI Electronic Surveillance 1960–1969

the extension of the order. Upon a showing of good cause the judge may postpone the notification. The Act contains a saving clause to the effect that it does not limit the constitutional power of the President to take such measures as he deems necessary to protect the nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Then in a separate sentence the proviso goes on to say, "Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the government."

The Act specifies the conditions under which information obtained through a presidentially authorized interception might be received into evidence. In speaking of this saving clause, Justice Powell in the *Keith* case in 1972 wrote: "Congress simply left presidential powers where it found them." In the *Keith* case the Supreme Court held that in the field of internal security, if there was no foreign involvement, a judicial warrant was required for the Fourth Amendment.

Fifteen months after the *Keith* case, Attorney General Richardson, in a letter to Senator Fulbright which was publicly released by the Department, stated: "In general, I must be convinced that it is necessary (1) to protect the nation against actual or potential attack or other hostile acts of a foreign power; (2) to obtain foreign intelligence information deemed essential to the security of the United States; or (3) to protect national security information against foreign intelligence activities."

I have read the debates and the reports of the Senate Judiciary Committee with respect to Title III and particularly the proviso. It may be relevant to point out that Senator Philip Hart questioned and opposed the form of the proviso reserving presidential power. But I believe it is fair to say that his concern was primarily, perhaps exclusively, with the language which dealt with presidential power to take such measures as the President deemed necessary to protect the United States "against any other clear and present danger to the structure or existence of the Government."

I now come to the Department of Justice's present position on electronic surveillance conducted without a warrant. Under the standards and procedures established by the President, the personal approval of the Attorney General is required before any non-consensual electronic surveillance may be instituted

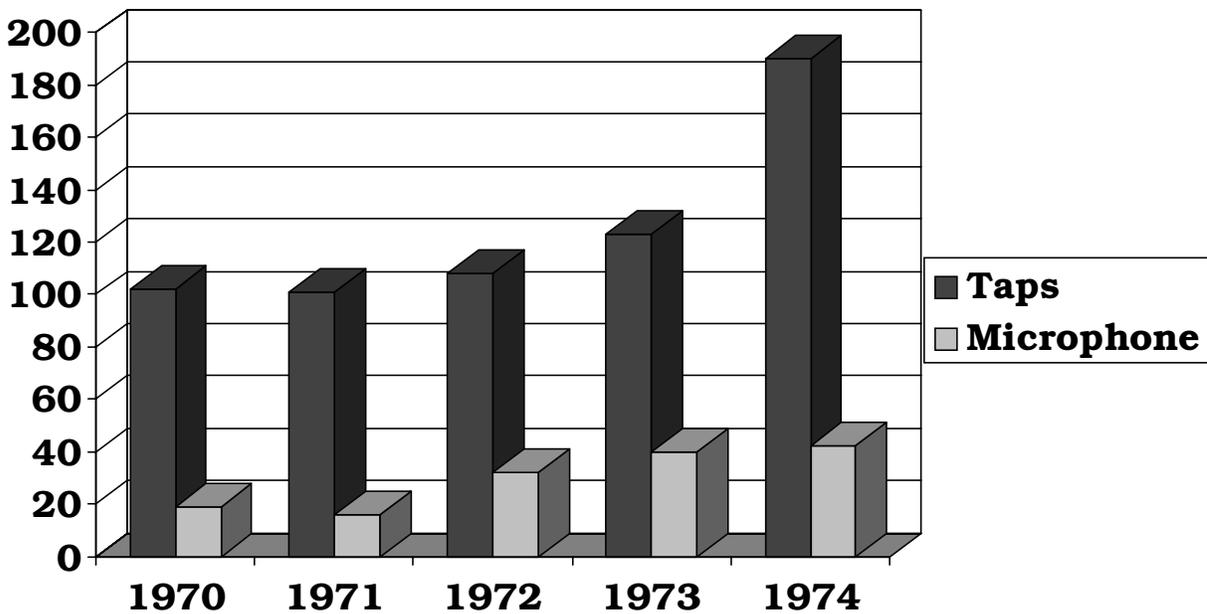


Figure 4. FBI Electronic Surveillance 1970–1974

within the United States without a judicial warrant. All requests for surveillance must be made in writing by the Director of the Federal Bureau of Investigation and must set forth the relevant circumstances that justify the proposed surveillance. Both the agency and the Presidential appointee initiating the request must be identified. These requests come to the Attorney General after they have gone through the review procedures within the Federal Bureau of Investigation. At my request, they are then reviewed in the Criminal Division of the Department. Before they come to the Attorney General, they are then examined by a special review group which I have established within the Office of the Attorney General. Each request, before authorization or denial, receives my personal attention. Requests are only authorized when the requested electronic surveillance is necessary to protect the nation against actual or potential attack or other hostile acts of a foreign power; to obtain foreign intelligence deemed essential to the security of the nation; to protect national security information against foreign intelligence activities; or to obtain information certified as necessary for the conduct of foreign affairs matters important to the national security of the United States. In addition the subject of the electronic surveillance must be consciously assisting a foreign power or foreign-based political group, and there must be assurance that the minimum physical intrusion necessary to obtain the information sought will be used. As these criteria will show and as I will indicate at greater length later in discussing current guidelines the Department of Justice follows, our concern is with respect to foreign powers or their agents. In a public statement made last July 9th, speaking of the warrantless surveillance then authorized by the Department, I said "it can be said that there are no outstanding instances of warrantless wiretaps or electronic surveillances directed against American citizens and none will be authorized by me except in cases where the target of surveillance is an agent or collaborator of a foreign power." This statement accurately reflects the situation today as well.

What, then, is the shape of the present law? To begin with, several statutes appear to recognize that the Government does intercept certain messages for foreign intelligence purpose and that this activity must be, and can be, carried out. Section 952 of Title 18, which I mentioned earlier is one example; section 798 of the same title is another. In addition, Title III's proviso,

which I have quoted earlier, explicitly disclaimed any intent to limit the authority of the Executive to conduct electronic surveillance for national security and foreign intelligence purposes. In an apparent recognition that the power would be exercised, Title III specifies the conditions under which information obtained through Presidentially authorized surveillance may be received into evidence. It seems clear, therefore, that in 1968 Congress was not prepared to come to a judgment that the Executive should discontinue its activities in this area nor was it prepared to regulate how those activities were to be conducted. Yet it cannot be said that Congress has been entirely silent on this matter. Its express statutory references to the existence of the activity must be taken into account.

The case law, although unsatisfactory in some respects, has supported or left untouched the policy of the Executive in the foreign intelligence area whenever the issue has been squarely confronted. The Supreme Court's decision in the *Keith* case in 1972 concerned the legality of warrantless surveillance directed against a domestic organization with no connection to a foreign power and the Government's attempt to introduce the product of the surveillance as evidence in the criminal trial of a person charged with bombing a CIA office in Ann Arbor, Michigan. In part because of the danger that uncontrolled discretion might result in use of electronic surveillance to deter domestic organizations from exercising First Amendment rights, the Supreme Court held that in cases of internal security, when there is no foreign involvement, a judicial warrant is required. Speaking for the Court, Justice Powell emphasized that "this case involves only the domestic aspects of national security. We have expressed no opinion as to the issues which may be involved with respect to activities of foreign powers or their agents.

As I observed in my remarks at the ABA convention, the Supreme Court surely realized, "in view of the importance the Government has placed on the need for warrantless electronic surveillance, that, after the holding in *Keith*, the Government would proceed with the procedures it had developed to conduct those surveillances not prohibited—that is, in the foreign intelligence area or, as Justice Powell said, "with respect to activities of foreign powers and their agents."

The two federal circuit court decisions after *Keith* that have expressly addressed the problem have both held that the Fourth Amendment does not require a warrant for electronic surveillance instituted to obtain foreign intelligence. In the first *United States v. Brown* the defendant, an American citizen, was incidentally overheard as a result of a warrantless wiretap authorized by the Attorney General for foreign intelligence purposes. In upholding the legality of the surveillance, the Court of Appeals for the Fifth Circuit declared that on the basis of “the President’s constitutional duty to act for the United States in the field of foreign affairs, and his inherent power to protect national security in the conduct of foreign affairs...the President may constitutionally authorize warrantless wiretaps for the purpose of gathering foreign intelligence.” The court added that “(r)estrictions on the President’s power which are appropriate in cases of domestic security become inappropriate in the context of the international sphere.”

In *United States v. Butenko*, the Third Circuit reached the same conclusion—that the warrant requirement of the Fourth Amendment does not apply to electronic surveillance undertaken for foreign intelligence purposes. Although the surveillance in that case was directed at a foreign agent, the court held broadly that the warrantless surveillance would be lawful so long as the primary purpose was to obtain foreign intelligence information. The court stated that such surveillance would be reasonable without a warrant even though it might involve the overhearing of conversations of “alien officials and agents, and perhaps of American citizens.” I should note that although the United States prevailed in the *Butenko* case, the Department acquiesced in the petitioner’s application for *certiorari* in order to obtain the Supreme Court’s ruling on the question. The Supreme Court denied review— this left the Third Circuit’s decision undisturbed as the prevailing law.

Most recently, in *Zweibon v. Mitchell*, decided in June of this year, the District of Columbia Circuit dealt with warrantless electronic surveillance directed against a domestic organization allegedly engaged in activities affecting this country’s relations with a foreign power. Judge Skelly Wright’s opinion for four of the nine judges makes many statements questioning any national security exception to the warrant requirement. The court’s actual holding made clear in Judge Wright’s opinion was far narrower and, in fact, is consistent with

holdings in *Brown* and *Butenko*. The court held only that “a warrant must be obtained before a wiretap is installed on a domestic organization that is neither the agent of nor acting in collaboration with a foreign power.” This holding, I should add, was fully consistent with the Department of Justice’s policy prior to the time of the *Zweibon* decision.

With these cases in mind, it is fair to say electronic surveillance conducted for foreign intelligence purposes, essential to the national security, is lawful under the Fourth Amendment, even in the absence of a warrant, at least where the subject of the surveillance is a foreign power or an agent or collaborator of a foreign power. Moreover, the opinions of two circuit courts stress the purpose for which the surveillance is undertaken, rather than the identity of the subject. This suggests that in their view such surveillance without a warrant is lawful so long as its purpose is to obtain foreign intelligence.

But the legality of the activity does not remove from the Executive or from Congress the responsibility to take steps, within their power, to seek an accommodation between the vital public and private interests involved. In our effort to seek such an accommodation, the Department has adopted standards and procedures designed to ensure the reasonableness under the Fourth Amendment of electronic surveillance and to minimize to the extent practical the intrusion on individual interests. As I have stated, it is the Department’s policy to authorize electronic surveillance for foreign intelligence purposes only when the subject is a foreign power or an agent of a foreign power. By the term “agent” I mean a conscious agent; the agency must be of a special kind and must relate to activities of great concern to the United States for foreign intelligence or counterintelligence reasons. In addition, at present, there is no warrantless electronic surveillance directed against any American citizen, and although it is conceivable that circumstances justifying such surveillance may arise in the future, I will not authorize any warrantless surveillance against domestic persons or organizations such as those involved in the *Keith* case. Surveillance without a warrant will not be conducted for purposes of security against domestic or internal threats. It is our policy, moreover, to use the Title III procedure whenever it is possible and appropriate to do so, although the statutory provisions regarding probable cause, notification, and prosecutive purpose make it

unworkable in all foreign intelligence and many counterintelligence cases.

The standards and procedures that the Department has established within the United States seek to ensure that every request for surveillance receives thorough and impartial consideration before a decision is made whether to institute it. The process is elaborate and time-consuming but it is necessary if the public interest is to be served and individual rights safeguarded.

I have just been speaking about telephone wiretapping and microphone surveillances which are reviewed by the Attorney General. In the course of its investigation, the committee has become familiar with the more technologically sophisticated and complex electronic surveillance activities of other agencies. These surveillance activities present somewhat different legal questions. The communications conceivably might take place entirely outside the United States. That fact alone, of course, would not automatically remove the agencies' activities from scrutiny under the Fourth Amendment since at times even communications abroad may involve a legitimate privacy interest of American citizens. Other communications conceivably might be exclusively between foreign powers and their agents and involve no American terminal. In such a case, even though American citizens may be discussed, this may raise less significant, or perhaps no significant, questions under the Fourth Amendment. But the primary concern, I suppose, is whether reasonable minimization procedures are employed with respect to use and dissemination.

With respect to all electronic surveillance, whether conducted within the United States or abroad, it is essential that efforts be made to minimize as much as possible the extent of the intrusion. Much in this regard can be done by modern technology. Standards and procedures can be developed and effectively deployed to limit the scope of the intrusion and the use to which its product is put. Various mechanisms can provide a needed assurance to the American people that the activity is undertaken for legitimate foreign intelligence purposes, and not for political or other improper purposes. The procedures used should not be ones which by indirection in fact target American citizens and resident aliens where these individuals would not themselves be appropriate targets. The proper

minimization criteria can limit the activity to its justifiable and necessary scope.

Another factor must be recognized. It is the importance or potential importance of the information to be secured. The activity may be undertaken to obtain information deemed necessary to protect the nation against actual or potential attack or other hostile acts of a foreign power, to obtain intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities.

Need is itself a matter of degree. It may be that the importance of some information is slight, but that may be impossible to gauge in advance; the significance of a single bit of information may become apparent only when joined to intelligence from other sources. In short, it is necessary to deal in probabilities. The importance of information gathered from foreign establishments and agents must be regarded generally as high-although even here there may be wide variations. At the same time, the effect on individual liberty and security-at least of American citizens-caused by methods directed exclusively to foreign agents, particularly with minimization procedures, would be very slight.

Agreement Governing the Conduct of Defense Department Counterintelligence Activities in Conjunction with the Federal Bureau of Investigation

SECTION 1

Purpose

The purpose of this memorandum is to establish jurisdictional boundaries and operational procedures to govern the conduct of counterintelligence activities by the military counterintelligence services of the Department of Defense in conjunction with the Federal Bureau of Investigation. It implements Section 1-104 of Executive Order 12036, requiring procedures to govern the coordination of military counterintelligence activities within the United States, and supersedes the Delimitation's Agreement of 1949, as amended.

SECTION 2

Defense Components Authorized to Conduct Counterintelligence Activities

Within the Department of Defense, each of the military departments is authorized by Executive Order 12036 to conduct counterintelligence activities within the United States in coordination with the FBI and abroad in coordination with the Central Intelligence Agency. Within the military departments, the United States Army Intelligence and Security Command, the Naval Investigative Service, and the Air Force Office of Special Investigations, are authorized by departmental regulation to conduct such activities. The term “military counterintelligence service” or “military CI service,” as used herein, refers to these components.

SECTION 3

Federal Bureau of Investigation Coordination with the Department of Defense

A. Policy matters affecting Defense counterintelligence components will be coordinated with the Office of the Under Secretary of Defense for Policy.

B. When a counterintelligence activity of the Federal Bureau of Investigation involves military or civilian personnel of the Department of Defense, the Federal Bureau of Investigation shall coordinate with the Department of Defense. (Section 1 - 1401 of Executive Order 12036). For military and civilian personnel of a military department, the military CI Service has coordination authority for the Department of Defense. For other civilian personnel of the Department of Defense, coordination shall be effected with the Office of the Under Secretary of Defense for Policy.

C. It is contemplated that representatives of field elements of the FBI and military counterintelligence services will maintain close personal liaison, and will meet frequently and routinely for the purpose of ensuring close operation in carrying out their counterintelligence activities.

SECTION 4

Definitions

For the purpose of this memorandum, the following definitions shall apply:

A. The term “coordination” means the process of eliciting objections and comments prior to undertaking a proposed action. As used here, the term implies that no such action will be taken so long as the party with whom the action in question is raised continues to have objections which cannot be resolved.

B. The term “counterintelligence investigation” is included in the term “counterintelligence,” as defined in Section 202 of the Executive Order 12036, and refers to the systematic collection of information regarding a person or group which is, or may be, engaged in espionage or other clandestine intelligence activity, sabotage, international terrorist activities, or assassinations, conducted for, or on behalf of, foreign powers, organizations, or persons.

C. The term “counterintelligence operations” is included in the term “counterintelligence,” as defined in Section 4-202 of Executive Order 12036, and refers to actions taken against hostile intelligence services to counter espionage and other clandestine intelligence activities damaging to the national security.

D. The term “DOD civilian personnel” includes all U.S. citizen officers and employees of the Department of Defense not on active duty and all foreign nationals employed by the Department of Defense.

E. The term “security service” refers to that entity or component of a foreign government charged with responsibility for counterespionage or internal security functions of such government.

F. The term “United States” includes the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories, possessions, or protectorates under U.S. sovereignty or control; but does not include occupied territory governed under the President’s authority as Commander-in-Chief.

SECTION 5

Policy

A. The responsibilities of each military counterintelligence service and the Federal Bureau of Investigation for the conduct of counterintelligence investigations and operations shall be governed by relevant statutes, Executive Order 12036, and this agreement.

B. Each military department is responsible for protecting its personnel and installations from physical threats and for ensuring that its programs and activities which involve the national security are not compromised to hostile intelligence agencies.

C. Within the United States, the Federal Bureau of Investigation conducts counterintelligence and coordinates the counterintelligence activities of other agencies.

D. Under combat conditions or other circumstances wherein a military commander is assigned responsibility by the President for U.S. Government operations in a particular geographic area, he shall have the authority to coordinate all counterintelligence activities within such area, notwithstanding the provisions of this memorandum, subject to such direction as he may receive from the Secretary of Defense.

E. The military CI Services and the Federal Bureau of Investigation are mutually responsible to ensure that there is a continuing and complete exchange of all counterintelligence information and operational data relevant to the particular concerns of each operating agency.

F. Policy issues arising in the course of counterintelligence activities which cannot be resolved at the FBI/military CI Service local or headquarters level, shall be jointly referred to the Attorney General and the Secretary of Defense for resolution, or referred to the Special Coordination Committee (Counterintelligence) of the National Security Council in accordance with SCC guidelines.

SECTION 6

Delineation of Responsibility for Counterintelligence Investigations

Responsibility for counterintelligence shall be apportioned between the Federal Bureau of Investigation (FBI) and the military counterintelligence services of the Department of Defense (DOD) as follows:

A. All investigations of violations of the Atomic Energy Act of 1946, which might constitute a counterintelligence investigation as defined herein, shall be the responsibility of the FBI, regardless of the status or location of the subjects of such investigations.

B. Except as provided by paragraph C (2) herein, all counterintelligence investigations of foreign nationals undertaken within the United States shall be the responsibility of the FBI.

C. Counterintelligence investigations within the United States shall be conducted in accordance with the following jurisdictional guidelines:

1. Except as provided herein, investigations of all civilians, including DOD civilian personnel, shall be the responsibility of the FBI;

2. Investigations of U.S. military personnel on active duty shall be the responsibility of the counterintelligence service of the appropriate military department;

3. Investigations of retired military personnel, active and inactive reservists, and National Guard members shall be the responsibility of the FBI; provided, however, that investigations of actions which took place while the subject of the investigation was, or is, on active military duty shall be conducted by the counterintelligence service of the appropriate military department; and

4. Investigations of private contractors of the Department of Defense, and their employees, shall be the responsibility of the FBI.

Provided, however, that nothing contained in this paragraph shall prevent the military counterintelligence services of the Department of Defense, in a manner consistent with applicable law and Executive Branch policy, from undertaking:

(a) In those cases where the FBI chooses to waive investigative jurisdiction, investigative actions which are necessary to establish or refute the factual basis required for an authorized administrative action to protect the security of its personnel, information, activities, and installations; or

(b) To provide assistance to the FBI in support of any counterintelligence investigation for which the FBI is herein assigned responsibility.

D. Counterintelligence investigations outside the United States shall be conducted in accordance with the following guidelines:

1. Investigations of military personnel on active duty shall be the responsibility of the military counterintelligence services of the Department of Defense.

2. Investigations of current civilian employees, their dependents, and the civilian dependents of active duty military personnel shall be the responsibilities of the military counterintelligence services, unless such responsibility is otherwise assigned pursuant to agreement with the host government, U.S. law, or Executive directive.

3. Investigations of retired military personnel, active and inactive reservists, National Guard members, private contractors and their employees, and other U.S. persons, who permanently reside in such locations, shall be undertaken in consultation with the FBI, CIA, and host government as appropriate.

Provided, however that nothing contained in this paragraph shall prevent the military counterintelligence services of the Department of Defense, in a manner consistent with applicable law and Executive Branch policy from undertaking:

(a) Investigative actions which are necessary to establish or refute the factual basis required for an authorized administrative action, to protect the security of its personnel, information, activities, and installations; or

(b) To provide assistance to the FBI or security service of a host government in support of counterintelligence investigations outside the United States for which DOD is not herein assigned investigative responsibility.

SECTION 7

Coordination of Counterintelligence Operations

(The procedures governing the coordination of counterintelligence operations within the United States by the military counterintelligence services with the FBI are contained in the classified annex to the memorandum.)

SECTION 8

Implementation

A. The policy and procedures set forth herein shall be implemented in the regulations of the affected agencies.

B. The provisions of this memorandum, and the classified annex made a part hereof, shall be effective immediately upon execution by the Attorney General and the Secretary of Defense.

GRIFFIN B. BELL
ATTORNEY GENERAL OF THE U.S.
Date: 4/5/79

C. W. DUNCAN, JR.
ACTING SECRETARY OF DEFENSE
Date: 2/9/79

Executive Order No. 12139, Exercise of Certain Authority Respecting Electronic Surveillance

(MAY 23, 1979, 44 F.R. 30311, 50 U.S.C. 1803
NOTE)

By the authority vested in me as President by Section 102 and 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1802 and 1804), in order to provide as set forth in that Act for the authorization of electronic surveillance for foreign intelligence purposes, it is hereby ordered as follows:

1-101. Pursuant to Section 102 (a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1802(a)), the Attorney General is authorized to approve electronic surveillance to acquire foreign intelligence information without a court order, but only if the Attorney General makes the certificates required by that Section.

1-102. Pursuant to Section 102(b) of the Foreign Intelligence Act of 1978 (50 U.S.C. 1802 (b)), the Attorney General is authorized to approve applications to the court having jurisdiction under section 103 of that Act to obtain orders for electronic surveillance for

the purpose of obtaining foreign intelligence information.

1-103. Pursuant to Section 104(a)(7) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804(a)(7)), the following officials, each of whom is employed in the area of national security or defense, is designated to make the certifications required by Section 104(a)(7) of the Act in support of applications to conduct electronic surveillance:

- (a) Secretary of State.
- (b) Secretary of Defense.
- (c) Director of Central Intelligence.
- (d) Director of the Federal Bureau of Investigations.
- (e) Deputy Secretary of State.
- (f) Deputy Secretary of Defense.
- (g) Deputy Director of Central Intelligence.

None of the above officials, nor anyone officially acting in that capacity, may exercise the authority to make the above certifications, unless that official has been appointed by the President with the advice and consent of the Senate.

1-104. (Section 1-104 consisted of an amendment to section 2-202 of Executive Order No. 12036.)

1-105. (Section 1-105 consisted of an amendment to section 2-203 of Executive Order No. 12036.)

Jimmy Carter



Jimmy Carter

Congressional Committees and Executive Commissions 1934-1975

Special Committee To Investigate Un-American Activities

Congress established this committee in 1934 and appointed Representative John W. McCormack from Massachusetts as its chairman. It charged the committee with investigating activities by Communists, Nazis, and Fascists. After conducting its investigation, the committee concluded that Communism was not sufficiently strong enough to harm the United States but its continued growth did represent a future danger to the country.

The committee cited attempts made from abroad and by diplomatic or consular officials in the United States to influence Americans. They also found that some efforts were being made to organize some American citizens and resident aliens and said that constitutional rights of Americans had to be preserved from these "isms." The committee found Nazism, Fascism, and Communism all to be equally dangerous and unacceptable to American interests.

To solve the problem, the Committee recommended that a law be enacted:

that required the registration of all publicity, propaganda, or public relations agents, or other agents who represent any foreign country;

that the Secretary of Labor have authority to shorten or terminate any visit to the United States by a foreign visitor traveling on a temporary visa if that person engaged in propaganda activities;

that the Department of State and Department of Labor negotiate treaties with other nations to take back their citizens who are deported;

that Congress make it unlawful to advise, counsel or urge any military or naval member, including the reserves, to disobey the laws and regulations governing such forces;

that Congress enact legislation so the U.S. Attorneys outside the District of Columbia can proceed against witnesses who refuse to answer

questions, produce documents or records or refuse to appear or hold in contempt the authority of any Congressional investigating committee; and

that Congress make it unlawful for any person to advocate the overthrow or destruction of the United States Government or the form of government guaranteed to the States by Article IV of the fourth section of the Constitution.

On the basis of the Committee's recommendation, Congress enacted the McCormack Foreign Agents Registration Act in 1938.

Special House Committee for the Investigation of Un-American Activities

On 21 July 1937, a Texas Congressman, Martin Dies, introduced a resolution in the House of Representatives to create a special committee to investigate subversion in the United States. After prolonged debate in the House, the resolution passed on 26 May 1938. Congress established the Dies Committee, named after its new chairman, on 6 June. Formal hearings of the committee opened on 12 August 1938.

The major target of the committee was organized labor groups, particularly the Congress of Industrial Organizations. A major tactic employed by Dies, and one that set a pattern for how the committee functioned, was his meeting alone and covertly with sympathetic witnesses who accused hundreds of individuals of supporting Communist activities. The American press dramatically reported the accusations but only a handful of the named individuals were provided an opportunity to defend themselves.

The Dies Committee was a special committee under House Rules, and its mandate had to be renewed by Congress every two years. It did so until 1945 when Congress replaced it with a permanent standing body called the Committee on Un-American Activities or HUAC. During the next five years, the Committee began investigations into the American film industry, hunting for Communists. This investigation resulted in Hollywood blacklisting various producers, writers, and actors.

The Committee's greatest distinction was its investigation of Alger Hiss, which led to his eventual

perjury conviction. The Hiss case also defined Communism as the foremost political issue in the nation. The Committee became a major political force and used contempt citations as a primary weapon against individuals who refused to testify by taking the Fifth Amendment against self-incrimination. In 1950, for example, the Committee issued 56 citations out of the 59 citations voted by the House of Representatives.

In the 1950s, the Republican Senator from Wisconsin, Joseph McCarthy, began his probe for Communists in the US Government. McCarthy's inquisition overshadowed the Committee's own inquiries into Communism. Since McCarthy was in the background, his downfall had no effect on the Committee. It continued to pursue Communists and others engaged in un-American activities until the beginning of 1960.

In 1960 and for the next 15 years, the Committee's attention concentrated on the domestic unrest within the nation. They investigated the black militant and antiwar movements, other radical youth groups, and terrorism.

In 1968, the House of Representatives changed the committee's name to the Committee on Internal Security. In 1975, Congress abolished the Committee.

Commission on the Organization of the Executive Branch of the Government

In 1954, Congress revived the Commission on the Organization of the Executive Branch of the Government. Previously established in 1944, the commission's head was former President Herbert Hoover. The reinstated commission came at a time when Senator McCarthy alleged that the Central Intelligence Agency (CIA) was infiltrated by Communists. McCarthy was ready to launch an investigation into the CIA but agreed to postpone it if the commission included the CIA in its study.

To appease the Senator, on 4 July 1954, the President appointed General Mark Clark, USA (Ret.) to chair a six-member committee under the commission to evaluate the intelligence community and report back to Congress. To accomplish this task, Clark divided the committee into groups. Clark and another committee member, Admiral Richard Conolly, USN (Ret.), inspected the CIA. After several months of discussions

in 1955 with CIA officials, in particular with Director Allen Dulles, the two men completed their review. In May 1955, the commission completed its report and submitted it to Congress.

The report was divided between an unclassified and classified section. The main report covered the six agencies or departments having intelligence responsibilities. In its long descriptive narrative, the report did not make any extensive recommendations. It did say that the Cold War distracted the intelligence community from other tasks. As for the CIA, the commission found no valid information that organized subversives or Communists had penetrated the Agency. This conclusion discharged the commitment to Senator McCarthy.

The Doolittle Review

President Dwight Eisenhower wanted to avoid any investigation of the CIA's clandestine service by the Commission on the Organization of the Executive Branch of the Government. To do this, on 8 July 1954, he appointed General James Doolittle, USAF, to chair a four-member committee to do a comprehensive study of CIA's covert activities. The committee's report was submitted to the President on 30 September, less than three months after it was commissioned.

The White House released a press statement, which stated that General Doolittle found the CIA to be doing a good job and gradually improving its capabilities. To demonstrate his cooperation with the Congressional Commission, President Eisenhower provided a copy of the report to General Clark.

The Doolittle Review indicated several major concerns involving personnel, security, coordination and operations, organization and administration, and costs. It faulted the Agency for accepting additional tasking than its personnel could properly handle. The committee said the CIA had to be more aggressive in its covert action programs. In the committee's view, as long as the Cold War remained a national policy, the CIA needed to be more effective, clever, and, if necessary, more ruthless than the enemy.

Doolittle downplayed attempts to infiltrate agents in the Soviet Union and recommended inducing defections of Soviet and East European officials abroad. The

committee also recommended greater use of technical means to collect intelligence.

The Rockefeller Commission

On 22 December 1974, the *New York Times* published an article by Seymour Hersh that accused the CIA of violating its charter by spying on Americans in the United States. Additional media coverage followed with new stories of CIA's unlawful activities. Congress made plans to investigate these charges and President Gerald Ford also decided to appoint a commission to look into the allegations.

On 4 January 1975, the President signed an executive order creating the Commission on CIA Activities, referred to as the Rockefeller Commission, named after its chairman, Vice President Nelson Rockefeller. The President tasked the commission to determine if the CIA exceeded its statutory authority and if existing safeguards were adequate to preclude CIA from engaging in activities outside its authority. During the next five months, the Commission investigated the charges and found that CIA indeed conducted illegal and improper activities and made 30 recommendations to prevent future abuses.

The Commission delivered its report to the President on 6 June 1975. On 11 June, the President released the report to the public. In the report, the Commission said that previous presidents requested, either directly or indirectly, that the CIA conduct some of the activities. The Commission did not recommend any changes in the law governing the CIA but recommended that the law be clarified and that a greater stress had to be made on external oversight and internal controls.

The report covered in some detail 11 "significant areas of investigation." They were:

CIA's intercepted mail operation between 1952 and 1973.

The activities of the Special Operations Group in the Counterintelligence Staff that from August 1967 to March 1972 ran Operation Chaos.

The five instances, from 1959 to 1972, CIA conducted wiretaps or physical surveillance of American newsmen.

Domestic operations of the Directorate of Operations.

The program of illegal drug testing from the late 1940s until 1967.

Turning over in 1971 of highly classified information to President Nixon, which, unknown to the CIA, was to serve Nixon's own personal ends.

CIA's relationships with other federal, state, and local agencies.

Domestic investigations by the Office of Security.

The unlawful holding of a Soviet defector for three years in solitary confinement.

Keeping indices and files on US persons.

Allegations concerning the assassination of President John F. Kennedy.

Select Committee To Study Government Operations With Respect to Intelligence Activities

On 27 January 1975, the US Senate voted to establish the Select Committee to Study Government Operations With Respect to Intelligence Activities with Senator Frank Church from Idaho as its chairman. Known as the Church Committee, the Senate assigned the committee with the task of determining:

If the CIA, FBI, or any of the 58 other US law enforcement and intelligence agencies conducted "illegal, improper or unethical activities.

If existing laws governing intelligence and law enforcement operations were adequate.

If present congressional oversight of the agencies was satisfactory.

The extent to which overt and covert intelligence activities in the United States and abroad were necessary.

The Senate gave the committee until 1 September 1975 to complete its investigation but the committee failed to meet the deadline. The committee released its final report on 23 and 26 August 1976. The committee first met in secret on 9 April 1975 and continued to meet secretly until 16 September when it began public hearings and issued reports on CIA activities.

The secret meetings concentrated on CIA's assassination schemes against foreign leaders. The Rockefeller Commission, with President Ford's approval, examined this question but did not complete its inquiry because time ran out. The Church Committee asked for the information gathered by the Commission and then proceeded to conduct its own investigation. The Committee published its report in November 1975, despite a last minute request by President Ford not to do so.

The public hearings started in September with the discovery by CIA that the Agency failed to destroy some deadly shellfish toxins as previously ordered by President Nixon. In late September the Committee focused on the FBI's and NSA's domestic intelligence collections and operations. During this phase of the hearing, the CIA's Counterintelligence Staff's mail opening operation, codenamed HTLINGUAL, surfaced.

In October, the Committee held closed hearings on covert action operations. Because the hearings continued to drag on, there were pressures on the Committee to complete its business. The White House wanted to announce its reorganization of the intelligence community but was delaying it while the Committee still met. The parallel House of Representative's investigation into the same subject area also compelled the Committee to soon end its review. Adding to the sense that any further prolong hearing was becoming futile was the lost of interest by the American public and Senator's Church's own presidential ambitions.

The House Select Committee on Intelligence

The House of Representatives was late getting started in its own investigation into the domestic intelligence scene and the role of the White House. Democratic Representative from Michigan, Lucien Nedzi, headed the House probe. One member of Congress, Michael Harrington (D-MA) chastised the committee for failing

to move rapidly to investigate the CIA. He introduced a bill in Congress to create a new committee on intelligence. Harrington also wanted to chair the new committee but CIA and several supportive members of the House fought the bill because they did not want to see Harrington in such a position as he had earlier leaked classified House testimony to the press.

Nedzi also fought against the bill. He informed his colleagues that he would chair any House investigation of the CIA. On 6 January 1975, he restated his position that any investigation of the alleged abuses by the CIA was his subcommittee's prerogative. In addition, Nedzi worked behind the scenes to keep Harrington off any investigative committee.

On 19 February, the House voted 286 to 120, almost along party lines, to establish the House Select Committee on Intelligence and named Nedzi its chairman. Nedzi lost his battle to keep Harrington off the committee when House Speaker Carl Albert named him as a member.

For the next several weeks, Nedzi accomplished nothing but the appointment of a security director for the committee. His delay in getting started angered several representatives who wanted to push the investigation quickly. Harrington again led the charge. They accused Nedzi of neglecting to act although he knew for more than one year of CIA assassination planning and illegal domestic activities.

On 12 June, the DCI, William Colby, arrived on Capital Hill to testify in front of the committee. Upon his arrival he discovered there was no meeting because Nedzi had just resigned his chairmanship. The Speaker of the House, Carl Albert had placed the question of Nedzi's chairmanship on hold as pressure mounted from the Harrington-led group and the boycott by the Republican members of the committee.

On 17 July the House abolished Nedzi's committee and established a new select committee. Otis Pike (D-New York) was named chairman. Although the committee's size increased from 10 to 13, Harrington was not named to the committee.

Under Pike's leadership, the Committee began its investigation using preconceived notions and looking

for a fight. Instead of compromising with the White House on information it sought, the Committee issued subpoenas. This confrontational attitude led to acrimonious relations with both the White House and CIA. After Pike leaked sensitive intelligence to the press, the White House sought reassurance from the committee that there would be no further leaks. The committee agreed but on 19-20 December abandoned its commitment to protect sensitive intelligence by voting to unilaterally declassify and publish documents revealing sensitive US covert operations in Angola and Italy.

The assassination of CIA's Chief of Station in Athens, Greece on 23 December further strained the relationship between the committee and the White House. The President informed the committee that they had enough information to write their report without revealing any additional sources and methods.

The committee provided the CIA the first draft of its final report on 19 January 1976. The committee wanted an immediate review and concurrence. The next day, parts of the report appeared in *The New York Times*. Despite further efforts by the White House and the DCI to get the committee to postpone its rush to publish, the committee proceeded on its own self-imposed agenda. On 23 January, members of the committee voted 9 to 7 to release the report to the public.

On 28 January, the House of Representatives, in a rare move, killed the committee's report.

In the United States District Court For the District of Maryland

UNITED STATES OF AMERICA

v.

DAVID HENRY BARNETT

RULE 11 STATEMENT OF FACTS

This case comes before the Court on a one-count indictment charging David Henry Barnett with espionage, for selling sensitive American intelligence information to the Union of Soviet Socialist Republics.

The indictment charges Barnett with a violation of 18 U.S.C. Sec. 794. The charge carries a maximum penalty of life imprisonment.

Section 794(a) requires that the Government prove beyond a reasonable doubt that Barnett knowingly and willfully communicated information relating to the national defense to the Soviet Union and that he did so with intent to injure the United States or give advantage to the Soviet Union.

The Government will establish this offense by showing that in 1976 and 1977 in Vienna, Austria and Jakarta, Indonesia, David Henry Barnett, a former Central Intelligence Agency employee, communicated national defense information including information about a CIA operation known as HABRINK to agents of the Soviet Committee for State Security, the KGB.

An overview of the case to be detailed is as follows: Barnett was employed by the CIA in the late 1950s and 1960s as a contract employee and staff officer. His primary responsibility involved the conduct of clandestine intelligence operations, including operations designed to collect information on the Soviet Union. Because of his position, he was given clearances up to and including Top Secret as well as several special compartmented clearances and had access to sensitive classified information, particularly concerning the CIA's clandestine intelligence collection operations. During this period he was an undercover employee.

Barnett, however, decided in 1970 that his employment with the CIA was not sufficiently remunerative and left his employment to go into business on his own. After a few years, however, Barnett encountered significant financial difficulties in the business world and incurred substantial debts. To solve his financial

difficulties, he approached the KGB in 1976 to sell them classified information that he had garnered as a CIA employee. Over the course of the next few years, Barnett received approximately \$92,600 in exchange for telling the KGB about CIA operations with which he was familiar, and the identities of numerous foreign nationals who at personal risk cooperated with the CIA by providing information of value to our nation's security. In addition, he furnished the true identities of CIA covert employees, and the identities of persons in the employ of the Soviet Union who had been targeted by the CIA for possible recruitment. He also agreed to seek re-employment in the intelligence field at the behest of the Soviet Union to collect further national defense information.

Among the items relating to the national defense that Barnett sold the Russians was a description of a covert operation known as HABRINK, a CIA effort that procured substantial technical information concerning Soviet weaponry. It is that operation which is specified in this indictment. The operation took place in a foreign country without that country's knowledge.

Information, other than HABRINK, that Barnett sold would have formed the basis for additional counts had the case gone to trial, and his communication of still other information would have been the subject of testimony as other acts evidencing intent. Because the Government can adequately establish the factual basis for a plea without extensive reference to these leads, the Government will submit to Court and counsel, under a protective order, an in camera sentencing memorandum detailing these items, so that the Court will be fully informed for sentencing. The defendant claims that he did not transmit certain classified information to the Soviets. The details of that claim will also be submitted to the Court in camera by his counsel.

With respect to the value of information Barnett sold, the Government does not take the position that the KGB paid \$92,600 solely for the value of the information passed by Barnett. Undoubtedly, the KGB was motivated to pay this amount not only for the information obtained but also in anticipation of Barnett's becoming re-employed in the U.S. intelligence community, or with Congressional or White House oversight committees, a re-employment that would have been of great value to the KGB.



David Henry Barnett

The Government's proof of intent would rest principally on four items: First, Barnett's monetary motivation; second, the range of information Barnett sold—he passed a significant portion of his knowledge to the Soviet Union without regard to its significance to our national defense; third, his own intelligence training and background that should have made him fully aware of the significance of the information he sold; and fourth, his clandestine manner of communicating with the KGB.

The Government's proof includes a lengthy confession given by Barnett to the FBI during the course of twelve interviews over an eighteen day period in March and April 1980. The Government would also offer independent evidence establishing the trustworthiness of and corroborating the confession and expert testimony regarding the national defense character of the information passed.

With respect to proof of venue, it should be noted that 18 U.S.C. Section 3238 provides that if, as here, the offense is committed out of the jurisdiction of a particular State or District, the indictment may be brought in the district of the defendant's last known residence; in this case, Maryland.

If this case were to proceed to trial, the Government would provide as follows:

The defendant was employed by the CIA as a contract employee from November 1958 through May 1960 when his contract expired. He was rehired as a contract employee in June 1961 and remained in that capacity until March 1963 when he became a staff officer of the CIA. He remained in that position until January 1970. He was again employed as a contract employee from January 1979 to March 1980.

From March 1963 until December 1965, he served as an intelligence officer in a covert capacity in a foreign country. He then returned to CIA Headquarters where he stayed until November 1967.

In November 1967, he was sent to another foreign country where he was Chief of Base, a position he held until he left the CIA in January 1970 to enter private business for family reasons and to increase his income. As Barnett later admitted, and the FBI has corroborated,

after Barnett left the CIA in 1970, he business ventures proved unsuccessful and as a consequence, he became substantially indebted.

During the fall of 1972, Barnett, together with his family, established residence in Indonesia for the purpose of working in private industry and starting a number of businesses. By 1976, however, Barnett's financial situation had become quite precarious. The Government would introduce the testimony of Lee Lok-Khoen and Jacob Vendra Syahrail, two employees of P.T. Trifoods, an Indonesian seafood processing corporation managed by Barnett in the mid-1970's. They would testify that Barnett was authorized to and did in fact take advances at will from this corporation, in excess of \$100,000, for his own personal use or for the use of C.V. Kemiri Gading, one of his then personally owned companies.

Records kept by the two employees in the ordinary course of P.T. Trifoods business reflect that during 1977, after Barnett had been paid money by the KGB, the defendant repaid approximately \$100,000 in advances that he or his personal companies had received. The Government is able to link \$12,500 of the repayment to moneys paid Barnett by the KGB.

Barnett admits that in mid-1976, however, while he was still in the midst of these financial difficulties, he typed an unsigned note that he intended to give the Soviets when the occasion arose, setting forth his difficult financial situation, his CIA experience and training, and his willingness to sell his services to the KGB for approximately \$70,000.

In the fall of 1976, Barnett went to the home of a Soviet Cultural Attaché in Jakarta, Indonesia with whom Barnett had met frequently while he had been with the Agency. As CIA records show, there had been extensive earlier contacts between this Soviet and Barnett during Barnett's tenure with the CIA—at a time when the CIA had been assessing the possibility of recruiting this Soviet. Moreover, CIA employees would testify that this Cultural Attaché is quite accessible to American diplomatic personnel and has had frequent contact with them. Barnett gave the Soviet Attaché the note and offered to provide information relating to his former CIA employment. The Soviet requested Barnett to return the following Sunday.

That Sunday at the Soviet's residence, Barnett was introduced to someone identified only as Dmitriy. During this meeting, Barnett outlined his financial situation, requested \$70,000 and for the first time discussed CIA operations he had learned of while operating covertly for the CIA.

On a subsequent Sunday in late November 1976, Barnett again met with Dmitriy inside the Soviet compound in Jakarta and communicated more information that he had acquired during his CIA employment. For this, Dmitriy paid Barnett \$25,000 in United States currency in \$100, \$50, and \$20 bills and arranged a meeting between the defendant and the KGB in Vienna, Austria on February 27-28, 1977.

Once more before February 25, 1977, Barnett met with Dmitriy and was given an additional \$3,000 for the travel expenses he would incur during his upcoming trip to Vienna.

On Friday, February 25, 1977, Barnett left Jakarta for Brussels, Belgium, where he took a commuter train to Antwerp. On the 26th he had a brief unrelated meeting in Antwerp with a business associate. After the meeting, Barnett took the train first to Brussels and then to Vienna. He arrived in Vienna on the morning of the 27th. During his trip from Antwerp to Vienna, Barnett's passport was not stamped.

Shortly after he arrived in Vienna, Barnett was met at the contact point by a man who exchanged the prearranged verbal code, known as a parole, and identified himself as Pavel. Barnett was then taken to a KGB safehouse on the outskirts of Vienna.

Barnett's meeting with the KGB in Vienna lasted eight to ten hours. He related his knowledge of national defense information to Pavel, and two other KGB agents identified only as Mike and Aleksey. Barnett also convinced the three that he could get a job in the United States which would give him access to classified information. The KGB told Barnett that their primary targets were the CIA, the Intelligence and Research Bureau at the State Department (INR) and the Defense Intelligence Agency (DIA). At the conclusion of the meeting, the defendant was paid \$15,000.

On Tuesday, March 1, Barnett left Vienna by train for Brussels. Again, his passport was not stamped. After

another meeting with his business associate in Antwerp, Barnett flew back to Jakarta from Brussels, arriving there on March 3 or 4, 1977.

In late March 1977, Barnett met again with Dmitriy in Jakarta. Dmitriy paid him an additional \$30,000 and again instructed him to obtain a job in the United States with access to national defense information. As business records show, Barnett repaid P.T. Trifoods, the company he managed, \$5,000 on March 29 and \$7,500 on March 31. Barnett admits this money came from the KGB.

Barnett also admits that before flying to the United States on June 16, 1977, he met with Dmitriy and was paid \$3,000 for expenses for his upcoming trip to the United States to search for a job.

Barnett was in the United States from June 16 to July 3. While in Washington, Barnett called David Kenny, a State Department employee, about obtaining a job on the White House Intelligence Oversight Board. Barnett subsequently reported his effort to Dmitriy.

Approximately July 10, 1977, after his return to Indonesia, Barnett met with Dmitriy and Pavel. Barnett falsely told Pavel that during his last trip to Washington, he had met with a senior CIA official. However, Barnett mentioned that he was afraid to become reemployed with the CIA because he felt that he could not pass the polygraph examination required for staff employment with the Agency. Nonetheless, the KGB instructed him to obtain a position in the CIA, INR or DIA. Barnett was given \$3,000 for travel expenses to return to Washington for another attempt to find a job.

On August 11, 1977, Barnett traveled to Washington, D.C. While in Washington, he met with Joseph Dennin, General Counsel of the White House Intelligence Oversight Board, and with William Miller, Staff Director, Senate Select Committee on Intelligence, and applied for jobs on those committees. The Government would call Mr. Dennin and Mr. Miller to confirm that Barnett unsuccessfully sought employment in those sensitive organizations.

Barnett returned to Jakarta on September 5, 1977. On Wednesday following his arrival, he met with Dmitriy. During this meeting, Barnett claims he falsely told Dmitriy that he had obtained a job on the "White

House Oversight Committee.” He also met with Dmitriy sometime between late September and early November and received approximately \$3,600 for packing and moving expenses back to the United States.

Barnett’s travels to meet with members of the KGB during 1977 are corroborated in large part by an examination of the defendant’s passports. Robert G. Lockard, Chief of the Forensic Document Laboratory in the Immigration and Naturalization Service, would testify that Barnett’s passports show either an entry or exit on February 25, 1977 from Indonesia and another entry into that country on March 4, 1977, the dates coinciding accurately with the dates on which he admits he traveled from that country to Vienna and returned.

The absence of European entries reflected on his passport also corroborates Barnett’s statements that no European passport entries had been made during his trip to Vienna. The passport also reflects two departures from and entries into Indonesia during the summer of 1977, the time when Barnett states that he traveled to the United States to obtain a job with access to intelligence information.

In November 1977, in Jakarta, Barnett was introduced by Dmitriy to a Soviet who identified himself only as Igor. Igor claimed to be stationed in America and explained that he would be working with Barnett in Washington. Igor also mentioned that he lived in a Virginia apartment complex owned by Shannon and Luchs. During that meeting, Igor gave Barnett the location of two public telephones near an Exxon station at 7336 Little River Turnpike, Annandale, Virginia, which were to be used for contact purposes at 3:00 p.m. on the last Saturday of every month.

Igor also arranged a dead drop site near Lock 11 along the C&O Canal. Barnett was instructed to place a piece of red tape on the side of a nearby telephone booth to signal the KGB that the drop site had been serviced. Neither the two phone booths in Annandale nor the dead drop site, however, was ever used by Barnett.

During one of the FBI interviews, Barnett was shown a photograph of Vladimir V. Popov, a former Third Secretary at the Soviet Embassy, Washington, D.C., and identified Igor as Popov. The Government would offer further evidence establishing that the “Igor” Barnett met

in November was, in fact, Vladimir V. Popov, former Third Secretary at the Soviet Embassy, Washington, D.C. As noted, Igor mentioned that he lived in a Shannon and Luchs apartment in northern Virginia in 1977. A copy of the lease for apartment 830, 1200 South Courthouse Road, Arlington, Virginia, an apartment managed by Shannon & Luchs, shows the lessee to be Vladimir Popov. To corroborate the fact that Popov met with the defendant in Jakarta in November 1977, the Government would also introduce two I-94 forms from the Immigration and Naturalization Service showing that Popov departed Dulles Airport on November 22, 1977 for Moscow and returned on December 6, 1977. Testimony from the CIA would establish that Barnett would not have had any reason to know Popov or his whereabouts from Barnett’s employment with the CIA.

On April 21, 1978, Barnett returned to the United States and established residence in Bethesda, Maryland, where he resides today. Between April 1978, and January 1979, Barnett sought jobs both in the intelligence field and in the private sector. Barnett, for example, admits meeting with Richard Anderson, an employee of the House Permanent Select Committee on Intelligence (HPSCI), in Washington to discuss employment possibilities.

Mr. Richard D. Anderson, Jr., Professional Staff Member on the House Permanent Select Committee on Intelligence (HPSCI), would testify that Barnett called him in September 1978, regarding the possibility of obtaining a position on the HPSCI. The two met on September 27, 1978, and Barnett told Anderson that he “was well fixed for funds” and that his interest in the committee was a matter of personal interest rather than salary. Mr. Anderson, however, informed Barnett that there were no vacancies on the committee. Anderson would also testify that had Barnett obtained a position on the committee, he probably would have had access to information relating to CIA covert operations. Despite this job-seeking effort, Barnett did not contact the KGB during this time.

In January 1979, Barnett was rehired by the CIA as a contract employee to train CIA employees in operational tradecraft, on a part-time basis at a wage of \$200 a day. This position, which did not provide him with access to CIA records and files, did provide him with access to

some classified information. Because Barnett was still in dire financial straits, he traveled on March 31 from Maryland back to Indonesia. On his arrival, he went to the residence of the Soviet Attaché in Jakarta to re-establish contacts with the KGB. He told the Soviet that if the KGB wanted to contact him, they should meet him at 9:00 p.m. at the same place where Barnett first met Dmitriy. When no one appeared, Barnett returned to the attaché's residence where he met for an hour with another Soviet identified to Barnett only as Bob. According to Barnett, he told Bob of his experiences since his return to the United States and provided a general description of his new position with the CIA.

Two days later, Barnett says that he met with Bob again. During this session, Bob reiterated Igor's instructions given during the November 1977, meeting, by urging the defendant to use the emergency contact plan on the last Saturday of each month if a need arose. Barnett, however, told Bob that he did not feel that Igor's contact plan was secure and provided the number to a public telephone located at the Bethesda Medical Building on Wisconsin Avenue, Bethesda, Maryland. He later discovered, however, that he had transposed the first two numbers to this telephone number. As a result, Barnett was never able to use the emergency contact procedure. Arrangements were also made with Bob for another meeting with the KGB at the same location for June 30, 1979. At the conclusion of the meeting, Bob paid Barnett \$4,000 for expenses. Barnett returned to the United States on April 14, 1979.

On June 30, 1979, as instructed by the KGB, Barnett traveled back to Jakarta, and met with another Soviet, identified only as George, in the Soviet compound. During this meeting, which lasted approximately two days, Barnett described his new position with the CIA, offered to photograph the training manual and to use the deaddrop site to transfer the information, and gave the correct number to the public telephone booth at the Bethesda Medical Building. The Government is not taking the position that these manuals had substantial significance.

George, the Soviet contact, told Barnett that if no contact were established on the last Saturday of each month, Barnett should go to the Annandale Bowling Alley on the following Sunday to meet Igor. George stressed that Barnett should attempt to obtain a

permanent position with the CIA which would give him access to more sensitive information. Barnett, however, was reluctant, feeling that he would not pass the polygraph that the CIA gives to staff employees. Barnett arranged to meet again with the KGB in late November. George paid Barnett \$3,000 for expenses.

As Barnett details in his confession, on the last Saturdays in September and October at 3:00 p.m., Barnett received calls at the Bethesda Medical Building from an individual whose voice he later positively identified to the FBI as belonging to Igor, the Soviet that he had met in November 1977. The exchanges between Barnett and Igor were brief, no classified information was exchanged, and the defendant told Igor that he was still looking for another job. During the October telephone contact, Barnett specified other days in December 1979, on which he could meet with the KGB should he not be able to meet at the scheduled date in November.

In his interviews with the FBI, Barnett admits traveling again to meet with the KGB in late November 1979 in Jakarta. On the day of his arrival, Barnett was picked up and taken to the Soviet compound where he met George. During the meeting, which lasted into the night and the following day, George told Barnett his present position with the CIA was of no interest to the KGB and urged Barnett to pursue actively a full time position with the CIA. The defendant also provided George with a number of a second public telephone which was to be used for future contacts and which was located at the corner of Wilson Lane and Cordell Avenue in Bethesda, Maryland.

George gave Barnett \$3,000 for travel and expenses, for Barnett to meet with him in Vienna on April 25, 1980. The two were to meet at 64 Taberstrasse in front of the KOCH Radio Shop in the second district. To corroborate this fact, Leonard H. Ralston, FBI Legal Attaché, from Berne would testify that he traveled to 64 Taberstrasse in the second district. At that address is the KOCH Radio Shop.

The Government would further corroborate Barnett's dealings with the KGB in 1979, as they have been described here. His passport accurately reflects his 1979 journeys to Indonesia. Also, an American Express card slip shows his purchase of an airline ticket on November

31, 1979 from Dupont International Travel, Inc., a Washington, D.C. travel agency for one of these trips. Moreover, records of Barnett's bank account at Riggs National Bank shows a \$2,600 cash deposit on December 5, 1979, only a few days after the KGB paid him \$3,000 in late November.

When Barnett returned to the United States, he was called by Igor on the first Saturday in January at the public telephone in the Bethesda Medical Building. Barnett told Igor that he was still trying to obtain a full-time job with the CIA. Barnett also suggested that he be called at the second telephone number.

The defendant also states that he was again contacted by Igor at 3:00 p.m. on the first and third Saturdays in February. The first telephone call was received at the public telephone at the corner of Cordell Avenue and Wilson Lane; the second at the Bethesda Medical Building. According to Barnett, he told Igor in the first call that he would be traveling abroad in connection with his CIA employment and gave his itinerary during the second call. During the second conversation, the defendant gave Igor the number of a telephone at the Bradley Shopping Center on Arlington Road in Bethesda which was to be used for the contact on the following Saturday, March 1, 1980.

On March 1, Barnett received a telephone call at the Bradley shopping Center from Igor. During the conversation, Igor told the defendant that the KGB would not meet with Barnett during Barnett's upcoming overseas trip for the CIA, but would meet with him in Europe as previously scheduled.

In his confession, Barnett also told the FBI that on April 5, 1980, Igor was to call him at the Bradley Shopping Center at 3:00 p.m. If the call was not completed at 3:00, Igor was to call again at 4:00 p.m. By April 5, 1980, of course, Barnett had been confronted by the FBI. However, Special Agent Michael Waguespack would testify that he went to the phone booth described on the fifth of April and heard it ring three different times between 2:58 p.m. and 3:03 p.m.

In fairness to Barnett, it should be noted that after his initial sale of information in 1976 and 1977, he did not do everything that the KGB wished. He claims that he failed to communicate with the KGB as directed

between April 1978, and January 1979, in the United States. Barnett told the FBI he was fearful of detection if he operated in this country. He also failed to regain staff officer status with CIA and thus had not attained access to the type of intelligence information that the KGB primarily sought or would consider of major importance. It could well be that these failures could have caused some skepticism in the KGB about his bona fides and, retrospectively, the value of the information that he had previously sold.

In March 1980, Barnett was interviewed by the FBI about his suspected espionage activities involving the KGB, and confessed his involvement as has been described here. Special Agents Michael J. Waguespack, R. Dion Rankin, Charles T. McComas and Paul K. Minor of the FBI would testify that they interviewed the defendant either singly or in pairs on twelve occasions during the period between March 18 and April 4, 1980. They would also present testimony and FBI Advice of Rights forms establishing that Barnett's statements were given voluntarily and that his rights under the Miranda decision and its progeny were not violated.

Barnett was first interviewed by the FBI on the morning of March 18, 1980 at his place of work. Special Agents Waguespack and Rankin would testify that they told Barnett that they wished to speak with him regarding his involvement with the KGB and that they knew he had been in contact with the KGB. At no time did the agents indicate that the defendant was under arrest or that his freedom of movement had been deprived in any way. In fact, Barnett was told that the FBI's function was only to investigate the facts and that the Attorney General would decide whether a prosecution was warranted. After a short discussion with the agents, Barnett began his confession. He was read his rights and signed the standard waiver form prior to his drafting and signing a written statement outlining briefly his activities with the representatives of the Soviet Union. He left his office for home after the interview. Prior to each of the subsequent eleven interviews which all occurred in motel rooms, Barnett was read his Miranda rights and signed a standard waiver form.

Barnett admitted that during his meeting with Dmitriy in the Fall of 1976 and early 1977 and his meeting with the KGB in Vienna, he communicated information

relating to (1) the details of the CIA's collection of personality data on seven Soviet consular officials in the late 1960s, where Barnett had been Chief of Base; (2) the identities of thirty covert CIA employees as well as personality data on some of them; and (3) numerous CIA operations with which the defendant was familiar from his employment with the CIA, including HABRINK, the operation that forms the basis for the indictment. Again, the details and significance of the remaining information will be discussed in an in camera sentencing memorandum.

Barnett's access to the classified information which he confessed to having communicated to the Soviets can be proved through both CIA documents and the testimony of Barnett's former colleagues within the CIA. Personnel records maintained at the CIA indicate that Barnett had security clearances while he was employed by the CIA and had access to the information which he confessed to having communicated to the KGB. In particular, the CIA has documents, authored by Barnett during his employment, detailing his involvement in studies of the recruitment potential of the seven Soviets and his participation in some of those operations, the details of which he confessed to having transmitted. Moreover, testimony from one of the defendant's former colleagues within the CIA would establish that Barnett worked closely on the HABRINK operation, which is the subject matter of the indictment.

HABRINK was a clandestine intelligence collection operation designed to obtain information on Soviet weaponry. The information was collected by utilizing a net of agents with access to information concerning sophisticated weaponry which the Soviets were, during that period, supplying to a foreign nation, whose relationships, however, at the time were very close to the Soviet Union. Recently, however, that country has enjoyed good relations with the United States.

In the early 1960's that country had begun to receive current conventional Soviet army, navy and air force weapons systems. The purpose of the HABRINK operation was to secure, without the knowledge of the government of that country or the Soviet Union, the weaponry itself or parts thereof and classified Soviet documents providing the operational characteristics and technical description of these weapons systems. The operation was very successful and provided a large

volume of Soviet documentary data and a limited amount of Soviet hardware on a large variety of weapons systems deployed in that country.

The operation collected detailed information concerning the Soviet SA-2 surface-to-air missile system, the Russian Styx naval cruise missile, and the Soviet W-class submarine. The information regarding that weaponry has never been available from any other source. Information pertaining to the KOMAR-class guided missile patrol boats, the RIGA-class destroyer, the SVERDLOV-class cruiser, the TU-16 (BADGER) bomber aircraft and the associated KENNEL air-to-surface missile systems as well as other weaponry information of lesser significance was also obtained.

One example of the importance of this operation to the national defense of this country during the late 60's and early 70's was the securing by HABRINK of the guidance system from an SA-2, familiarly known as a SAM missile. That missile had been used very effectively by the North Vietnamese to shoot down many U.S. aircraft. As a result of HABRINK's obtaining the guidance system, it became possible to determine the radio frequencies used to direct the missile and jam those frequencies, resulting in the saving of the lives of many bomber crews engaged in action in Vietnam. This example is cited to demonstrate the utility of the HABRINK operation and its relationship to the national defense. The Government, however, is not attempting to argue that Barnett's disclosure of HABRINK in 1976 had a deleterious impact on the United States with respect to that particular item of Soviet weaponry and American countermeasures.

As indicated above, this operation was run without the knowledge and consent of this foreign nation, has not been publicly disclosed and—so far as can be determined—was not known by the Soviet Union until Barnett revealed it to the KGB.

The operation was run by the CIA through an individual assigned to cryptonym HABRINK/1 who had wide access to the information sought and utilized an extensive network of sub-agents who supplied him with the information desired by the United States. This agent is alive, though no longer active as a source.

Barnett told the KGB HBRINK/1's true name. The CIA has confirmed that the name Barnett admits giving to the KGB is, in fact, the agent's true name. As a result of Barnett's actions, HBRINK/1 is exposed to retribution if the Soviets find it to their advantage.

Clearly, Barnett knew, when he told the Soviets about HBRINK, that the operation related to the national defense and that there was a continued need to keep the operation secret. When Barnett was asked by the FBI in March 1980, if there was one event or operation that was big and that stood out in his mind, he promptly identified HBRINK. Barnett's acknowledgment of HBRINK's importance is further evidence of his intent.

Barnett also admits telling the Soviets that HBRINK obtained Soviet training manuals and hardware from all over the country and from air force, army and navy bases and received \$300,000 for the material, being paid approximately \$175 per manual. He claims not to have any recollection of which manuals were secured. However, experts from the CIA would testify that Barnett's disclosures sufficed to alert the KGB that the compromise to the United States of the weapons supplied to that country was total. Barnett also admits that the KGB was interested in knowing where the manuals came from, when the operation started, when it ended, which agents and subagents were still in the country and the circumstances behind the termination of the operation. Finally, he accurately revealed to the KGB that HBRINK had secured the antenna guidance system and gyroscope from the Soviet Styx missile, but the KGB for its own reasons, falsely denied that the missiles supplied had that equipment. In short, Barnett fully and accurately described his knowledge of the HBRINK operation.

Barnett claims, however, that when he disclosed information about HBRINK at the Vienna meeting, Dmitriy did not question him extensively concerning the operation. Barnett told the KGB that he had been afraid to tell them about this operation for fear they would be angered by his involvement. Dmitriy, according to Barnett, shrugged the operation off, claiming that the KGB assumed that when hardware gets out of their hands, it is compromised. According to Barnett, Dmitriy said that "the Americans got the information so they are happy, and the Soviets got the

benefits from supplying the hardware in the first place, so everybody's happy."

To the contrary, expert testimony from the Government would establish that the decision to supply sophisticated weaponry to this nation involved was the subject of an intense internal debate within the Soviet Union. The Soviet faction opposing the supplying of these weapons argued this supplying would lead to the compromise of detailed Soviet defense information. The decision to supply the weapons was eventually made on purely political grounds. In short, the Government's position would be that while debriefing Barnett, the KGB gave short shrift to HBRINK because it did not want to acquaint him with the value of the HBRINK operation or the value to them of learning that such an operation had taken place.

At the height of its productivity in the late 1960s, HBRINK was considered by the CIA as one of its highest priority operations. It should be noted that Barnett's compromise of HBRINK in 1976 and 1977 was far less damaging than if it had been compromised while it was ongoing in the late 1960's or soon after its termination in 1969. Nonetheless, Barnett's disclosure of HBRINK to the KGB in 1976 and 1977 has military, operational and diplomatic implications for the United States.

To address the military significance of Barnett having revealed the HBRINK operation, the Government would call among its expert witnesses Rear Admiral John L. Butts of the Office of Naval Intelligence, Mr. Jerry Sydow, Program Director of the Navy Foreign Material Program, and Mr. Jay Dewing, Intelligence Officer, Physical Sciences, of the Central Intelligence Agency, as well as other military and technical witnesses. Collectively, they would testify that among the items received by the HBRINK operation were the components of a Styx cruise missile, including the seeker and autopilot, and its wiring manuals and associated diagrams. The Styx missile is a patrol boat missile that has the demonstrated capacity of sinking a destroyer at a range of at least 15 miles. Although developed in the later 1950s and in the early 1960s, the Soviet Union still supplies the Styx to a number of third-world countries. The Soviet Union makes extensive use of updated and modified versions of the Styx in their own fleet. Unlike most military programs of the

United States that develop new weapons systems to replace old ones, the Soviet Union frequently updates its arsenal by piecemeal modification of existing weapons. For this reason, information about the Styx missile has continuing use to the United States, even after the Soviet Union replaced it with successor weapons.

The United States benefited from HBRINK's obtaining the Styx and related information. As a result of this information, the military refined and developed offensive and defensive countermeasures, including electronic, design, tactical and other countermeasures to a high degree of effectiveness. According to these experts, some of these countermeasures can be expected to be useful in combating the successors of the Styx. Moreover, the HBRINK information enabled the United States to identify as ineffective other costly countermeasures previously underway and to cease those efforts.

Barnett's disclosure to the KGB that the United States got the guidance system for the Styx missile signals the Soviets that the United States has likely developed effective electronic counter measures just as it did with the SA-2 missile. As a result of Barnett's actions, the Soviet Union may make design changes on its successor missiles intended to nullify the electronic and other countermeasures that the United States has developed. This could make the United States more vulnerable to these weapons systems.

Limitations on resources require the Soviet Union, like the United States, to select priorities in weapons development. Government experts would say, confirmation of HBRINK's success in obtaining the Styx would make the Soviet Union's choices more informed, since it would now definitely know that the United States possessed this information and would have developed countermeasures.

In other words, should the United States become engaged in an armed confrontation with the Soviet Union or its allies who have Styx missiles or their successors, Barnett's transmission of the information concerning HBRINK's success may allow the Soviet Union to use those missiles more effectively against our ships where, before Barnett's revelation, those ships might well have been able to take appropriate countermeasures.

HBRINK obtained the battery discharge curves for the Soviet W-class submarines. The W-class submarines are diesel submarines, still in use because they have certain advantages over nuclear powered submarines in certain tactical situations. The Soviet Union uses these submarines in its own arsenal. Indeed, it has continued manufacturing diesel submarines that use either the same or similar batteries. The battery discharge curves could not then have been predicted without this information.

The United States learned from the discharge curves how long Soviet submarines may stay submerged. That period of time was longer than the United States had previously thought and that information was disseminated, under classification, within the American fleet.

In an engagement, a Soviet submarine commander might well make some tactical decisions if he believed the United States did not know how long he could stay submerged. The United States, in fact, having that knowledge would not be misled by those decisions and therefore could have a distinct tactical advantage in such an engagement.

However, as a result of Barnett's revelations, Soviet submarine commanders have undoubtedly been notified that the United States is aware of the discharge curves and will thus forego engaging in strategies that would erroneously attempt to take advantage of our supposed ignorance. In short, Barnett's compromise of the information garnered by HBRINK eliminates the tactical advantage the information originally provided.

An expert witness from the Soviet East Europe Division of the Directorate of Operations of the CIA would testify concerning the operational damage done by Barnett's transmission of this information. According to this expert, Barnett's compromise is the first definite indication to the Soviets that the CIA has been able to obtain successfully technical information in such quantity and detail regarding Soviet military equipment supplied by the Soviets to foreign countries by means of clandestine intelligence operations conducted without the knowledge or cooperation of the government of the country involved. As I mentioned above, the Soviets made the decision to supply this foreign nation with the sophisticated weapons for political reasons and over the objections of those factions within the Soviet Union who

felt that such action could compromise sensitive weaponry information. This expert would testify that, in his judgment, the Soviets, having learned through Barnett's revelations that CIA has such capability, may now further restrict the dissemination of technical information when it exports equipment to nonaligned nations. If this were to happen, continued access to such information by clandestine means would become exceedingly difficult.

Barnett's revelation of this information to the Soviet Union has serious implication for our diplomatic relationship with this country. The country where this operation was carried out has definite geopolitical significance to the United States and which is one with whom this country currently enjoys a good relationship. It is also a country with natural resources important to the United States. The Soviets could use this information to the disadvantage of the United States' relationships with the country involved. If the Soviets were to reveal to the government of the country involved that CIA had conducted clandestine intelligence collection operations, without that country's government's knowledge, the country involved may well take steps to monitor and restrict essential activities there.

The Soviet Union has the option of attempting to use its knowledge of this operation to damage our relationship with that country, by conveying to that country's government the fact of, the nature of, and the extent of the HABRINK operation. The Soviets can withhold disclosure until conditions prevail that maximize the impact of disclosure.

If the Soviet Union chooses to reveal this information, diplomatic relations may be soured for some period of time and the CIA's capability in that country could be



Rudolph Chernyayev



Valdik Enger

substantially curtailed. The Government, had the case gone to trial, would have called as experts persons from the Department of State and the Central Intelligence Agency to describe the use that the Soviet Union could make to damage our diplomatic relations with that country.

Mr. Barnett's awareness that the Soviet Union could make use of the HABRINK operation to the damage of the United States' diplomatic interests is demonstrated by Barnett's admission to the FBI that during the HABRINK operation the CIA was concerned about political implications, should the operation be exposed. Thus, Barnett must have been aware that he was giving the Soviet Union an opportunity to do exactly what had been a concern of the United States all along, and that was to avoid the diplomatic damage that would flow from its exposure.

Your honor, if the case were to go trial, the Government would present ample proof—beyond a reasonable doubt—that David Henry Barnett communicated information to the Soviet Union relating to the national defense of the United States with intent and reason to believe that the information would aid the Soviet Union and injure the United States.

Operation Lemonaid

"Operation Lemonaid" took place in New York in the late 1970s and utilized a Navy Lt. Cdr. Art Lindberg as a double agent.

Lt. Cmdr. Lindberg was approached by the Naval Investigative Service (NIS) (now the Naval Criminal Investigative Service) in April 1977. After some meetings and interviews, NIS Special Agent Terry Tate asked Lt. Cmdr. Lindberg if he would be willing to consider performing a sensitive assignment for his country. Lt. Cmdr. Lindberg accepted the assignment and was later introduced to FBI agents from New York, who assisted in briefing him on the operation.

In August 1977, Lt. Cmdr. Lindberg took a trip on the Soviet cruise ship *Kazakhstan*. Upon the ship's return to New York, Lt. Cmdr. Lindberg passed a note to one of the Soviet officers containing an offer to sell

information. He was later contacted by telephone by a Soviet agent.

During subsequent telephone calls, Lt. Cmdr. Lindberg was given contact instructions on the type of information to get and the locations of drop sites where that information could be left and payment money could be found. NIS and FBI agents kept the drop zones under surveillance and later identified the Soviet agents.

On 20 May 1978, Lt. Cmdr Lindberg was asked to make another drop. This time, however, FBI agents moved into the drop zone and arrested three Soviets.

One of them was Vladimir Petrovich Zinyakin, who was a member of the Soviet Mission to the United Nations. Zinyakin, who had diplomatic immunity, was expelled from the United States. The other two, Rudolph Petrovich Chernyayev and Valdik Aleksandrovich Enger, did not have diplomatic immunity. They were subsequently convicted of espionage and later traded for five Soviet dissidents in a dramatic swap at Kennedy Airport in New York.

Other Spies

Joseph B. Attardi

Staff Sergeant Joseph B. Attardi joined the Army in 1963. He copied Top Secret plans from the document



Herbert W. Boeckenhaupt, Air Force Sergeant found guilty of conspiring to commit espionage on behalf of the Soviet Union.

section of an Army unit in Heidelberg, West Germany, and gave an acquaintance a copy of a four-page document dealing with defense measures in Europe.

Based on information provided by the acquaintance, Attardi was arrested on 11 April 1969. On 27 August 1969, the 29-year-old staff sergeant was sentenced to three years in prison on charges of providing NATO defense plans to a fellow soldier.

Herbert W. Boeckenhaupt

On 25 May 1967, Air Force sergeant, Herbert W. Boeckenhaupt, was found guilty of conspiring to commit espionage on behalf of the Soviet Union. Federal District Court Judge Lewis, commenting on the fact that the evidence showed “this young man did give away some secrets involving the national security of his adopted country,” sentenced the 24-year-old Boeckenhaupt on 7 June 1967 to serve 30 years on charges of conspiring to deliver US defense secrets to Russian agents.

Boeckenhaupt was born on 26 November 1942, in Mannheim, Germany. He first came to the United States with his mother in 1948. He lived with his stepfather and mother in Wisconsin, achieving derivative citizenship through his mother. He enlisted in the Air Force on 29 July 1960. He was assigned to Sidi Slimane AFB, Morocco, from May 1962, to July 1963; served at Andrews AFB from July 1963 through March 1964; and performed duties at the Pentagon Communications Command Center from April 1964 to August 1965. As a radio operator, he required and was granted a Secret clearance in October 1961, and a Top Secret clearance was issued on 20 March 1964.

To his associates, he was considered difficult to understand, arrogant, a “loner,” yet capable at times of an outstanding performance of his duties. He never seemed completely satisfied with his assignments and kept requesting changes of duty hours and immediate supervisors. He enjoyed discussing politics and German culture and had revealed that his father had been a former Nazi during WWII. Although professing to be broke most of the time, he nevertheless seemed to possess money when needed and gained the reputation as a “big spender.” He mentioned an inheritance, variously described to range from \$1,500 to \$10,000. He alleged that his stepfather was a Reynolds, and he spoke often

of the Reynolds Tobacco Company, implying a family tie but in truth there was no relationship. To substantiate his apparent affluence, perhaps, he made vague reference on occasions to holding choice electronic company stocks; yet when pressed for details he declined to reveal any amounts or sources.

Boeckenhaupt was arrested by the USAF, taken into custody, and questioned on 24 October 1966. He was initially charged with failure to report contact with a foreign government agent. He consented to a search of his residence, and certain items found therein were confiscated as material evidence. Finally, on 31 October 1966, he was formally charged with committing an espionage conspiracy. His coconspirator was the former Soviet Embassy official, Aleksey R. Malinin. Malinin was declared "persona non grata" by the State Department and ordered to leave the country within three days, thus becoming the twenty-first Soviet diplomat to be expelled for engaging in espionage activities since the end of W.W.II.

Boeckenhaupt told the FBI that sometime in June 1963, while working part-time in a Washington, DC, clothing store, he was approached by an individual who expressed interest in purchasing a raincoat. Boeckenhaupt claimed the latter introduced himself as "Robert," subsequently identified as Malinin, an Assistant Commercial Counselor at the Soviet Embassy. He addressed Boeckenhaupt by name and made reference to having knowledge of his natural father and suggested "they get together after work." "Robert" and Boeckenhaupt later drove to a park near Exit 13 (Virginia Route 193) off the Capital Beltway where Malinin allegedly talked about his father, who resided in Germany. According to Boeckenhaupt, Malinin implied that although the father's health was good at the present time, it might not continue to be that way. (Boeckenhaupt entered the plea during his trial that he had the definite impression that if he did not cooperate with the Russian agent, harm might befall his father!) During a subsequent meeting in July 1965, Malinin was informed of Boeckenhaupt's forthcoming transfer to the Air Force Crypto school at Lackland AFB, Texas. He requested that he be kept informed "about the type of thing" Boeckenhaupt would be studying.

Boeckenhaupt admitted to the FBI that he and Malinin met on some five or more occasions, during which he

was given various instructions and espionage equipment. Included in the spy equipment and instructions were pressure sensitive paper for secret writing; a London address; hollowed-out flashlight battery containing a 35-mm slide on which were listed certain "deaddrop" locations, meeting dates and signal points within the Washington, DC, metropolitan area, and code words to interpret communications from the Soviets.

At the time of his trial, he admitted using the above furnished London address to communicate three times with Malinin, twice while assigned at Lackland AFB and again the following spring when he learned of his pending transfer to March AFB, California. Shortly after Boeckenhaupt's arrest, an Anglo-American businessman, Cecil Mulvena, was arrested in London on charges of obtaining an illegal passport. At the time, sources stated this was the same individual to whom Boeckenhaupt forwarded his secret communications in London. Mulvena later pleaded guilty to violating the British Official Secrets Act and was sentenced to a prison term.

The sensitized pressure paper, taken from his home at the time of his arrest, was analyzed by the FBI and several incriminating secret messages were lifted. One stated, "I'm going to California. I will meet you at the agreed place on April 20th. It is very important." Another read, "I need more paper to write with. Send some money. I can give you plans for power equipment plus copies of our code cards and I can start on these right away. There is a lot of copying...but photos are still possible if the camera is very, very small...I could use a lot of money to pay some bills and work on the car. Thank you, 'H.'" In still another revealed message, he asked his handler, "Are you interested in an airplane called 'Stepmother'?"...with an added reference to "Airborne Command Post." Other exhibits obtained by the FBI from his apartment included a letter signed "David" and postmarked September 4, 1966, from Alexandria, Virginia. This was revealed to be from Malinin and contained the code word "Barbara," which according to notations on the 35mm slide meant "Change the London address."

In 1963, Boeckenhaupt had picked up his first Avanti sports car, paying \$5,000 cash for it. Prior to his transfer from Washington, DC, to Texas, he traded in the 1963

Avanti on a 1964 Avanti (\$6,000), made a partial cash payment, and mortgaged the balance. Upon completing his schooling in Texas, he rented a U-Haul trailer, attached it to the Avanti and returned to Washington, DC, where he was married. The newlyweds then proceeded back across the country to his next assignment at March AFB, California. However, the U-Haul proved to be too much strain on the Avanti's gear system, and upon arrival Boeckenhaupt discovered he had burned out his engine. He then passed another secret message to his handler stating, "My car engine was ruined on the trip out. Ought to get a new one put in. Will you send me the money to fix it plus some money for added costs. The car is very important and must be fixed right away so I can keep driving. I must take it to Los Angeles to fix it."

Although Boeckenhaupt's initial defense was based on the plea that he was the victim of a hostage threat, evidence indicates that his real motives were money and fast cars, both of which disappeared in short order. Further, he was fully aware that his father resided in West Germany, an area under Western allied protection, where any alleged hostage threat would be remote. Following his arrest, his wife had to sell the heavily mortgaged Avanti in order to obtain funds to return home to her family in Washington, DC. Further, Boeckenhaupt was unable to hire his own defense lawyer, and both the Justice Department and the USAF appointed legal counsel to represent him after he was declared a pauper. His defense further attempted to prove that Boeckenhaupt had never passed any secrets to the Russians.

On 1 March 1968, the Fourth US Circuit Court of Appeals rejected these allegations and affirmed the earlier conviction. The court noted in its decision that Boeckenhaupt had been under surveillance by the FBI and the Air Force after he was seen with a Soviet Embassy official in northern Virginia in 1966...that the Air Force had probable cause to arrest Boeckenhaupt and had no obligation to take him before a US Commissioner before espionage charges were filed.

Harold N. Borger

Harold N. Borger worked in West Germany as a civilian in an import-export business in Nuremberg. During a visit to East Berlin, Borger allegedly was led to believe that a woman he met was a Jew working for

Israeli intelligence. The woman convinced Borger to attempt to collect classified information from US servicemen in West Germany. His espionage attempts were identified by a defector, and Borger was arrested by West German authorities in March 1961. The US Air Force Reserve Major later admitted that he had fabricated the details of his recruitment. The West German authorities accused Borger of attempting to provide to East German intelligence an Army manual dealing with nuclear warfare, information on new protective masks, and details on plans for evacuating US dependents in the event of conflict.

The court determined that Borger, the first American to be tried in West Germany on espionage charges, was a very intelligent man who passionately served East Germany based on his admiration for Communism. Although the court did not establish that Borger actually passed military information to the East Germans, it stated that he greatly endangered American and West German defenses. In May 1962, the 42-year-old Borger was sentenced to two years and six months in prison with time spent in pretrial confinement subtracted from his sentence.

Christopher J. Boyce and Andrew Dalton Lee

Christopher J. Boyce, an employee of TRW Inc., a California-based Defense contractor, and his friend Andrew Dalton Lee, were arrested in January 1977, for selling classified information to the Soviets.

Over a period of several months, Boyce, employed in a vaulted communications center, removed classified code material. He gave this material to Lee who passed the information to the Soviets in Mexico City. The scheme, which netted the pair \$70,000, was discovered only after Lee's arrest by the Mexico City security police as he attempted to deliver classified material at the Soviet embassy.

A search of the material Lee had in his possession revealed film strips marked Top Secret. These strips were turned over to American officials. Under questioning by Mexican security police and FBI representatives, Lee implicated Boyce. The FBI arrested Boyce on 16 January 1977 in California.

The pair are reported to have seriously compromised the Rylite surveillance satellite system developed at

TRW. Lee was sentenced to life in prison, Boyce received 40 years.

In 1980, Boyce escaped from prison and spent 19 months as a fugitive. Following Boyce's second apprehension, his sentenced was increased by 28 years.

John William Butenko

John William Butenko was born in New Jersey of Soviet parents. Butenko's father was a naturalized US citizen. The younger Butenko had served for almost one year in the US Navy during World War II until his discharge for a medical disability. The medical disability was later described as being "emotional instability." He was an honors student at, and graduate of, Rutgers University.

In 1963, the 38-year-old bachelor worked as an electronics engineer at American Telephone and Telegraph Corporation, for a salary of \$14,700 per year. He was described as quiet and nondescript, as well as a



Christopher J. Boyce, arrested in 1977 for selling classified information to the Soviets.

Andrew Dalton Lee, arrested by the Mexico Security Police as he attempted to deliver classified material to the Soviet Embassy.



heavy drinker who liked high-stake card games. Butenko lived with and cared for his widowed father and was considered a dutiful son. He was also described as being given to violence and a defender of homosexuals.

On 29 October 1963, the FBI arrested Butenko on charges of conspiracy to commit espionage. Also arrested was Igor A. Ivanov, a chauffeur for Amtorg, a Soviet trading agency. The pair was apprehended in a parking lot in Englewood, New Jersey after Butenko had transferred a briefcase to the Soviet. In the briefcase were documents and data relating to a US Air Force contract dealing with a worldwide electronic control system for the Strategic Air command.

The complaint issued against Butenko charged that conspiratorial meetings were held, specifically on 21 April, 28 May, and 24 September 1963 with Ivanov and two other Soviets: Yuri A. Romashin and Vladimir I. Olenov, employees of the Soviet Mission. Also named in the complaint was Gleb A. Pavlov, a Soviet Mission attaché.

In his defense, Butenko testified that he had received a letter from George Lesnikov, whom he believed to be associated with the United Nations, with an offer to discuss his relatives in Russia. They met once and conferred once on the telephone for this purpose between April and October 1963. It was later determined that Lesnikov was Gleb A. Pavlov. Under cross-examination, Butenko admitted that he had visited the Soviet Embassy in Washington, DC, in 1953 or 1954 to ask about his relatives in the Soviet Union. Papers submitted for his security clearance indicated he had no known relatives living outside the United States.

On 2 December 1964, Butenko was found guilty of conspiring to commit espionage and of failing to register as an agent of a foreign government. The Russian chauffeur, Igor A. Ivanov, was found guilty on one count of conspiracy to commit espionage. Two weeks later, Butenko was sentenced to 30 years in a Federal penitentiary, while Ivanov received a prison term of 20 years.

Butenko was paroled in April 1974 after serving 10 years of his 30-year prison sentence.

**Morris and Lona Cohen
a.k.a. Peter and Helen Kroger**

Morris and Lona Cohen were native-born Americans who had been absent from their native land since 1950. Morris Cohen fought in the Abraham Lincoln Brigade during the Spanish Civil War in 1937, and his involvement with Soviet intelligence may have begun at that time. He returned to the United States on a false passport obtained from unknown sources.

Following the Second World War, Cohen went through Teachers College at Columbia University and later obtained a teaching job with the Curtiss Summer Day High School in New York City. Cohen had been teaching only a short while when, in mid-1950, Julius and Ethel Rosenberg and David Greenglass were arrested on charges of having engaged in espionage on behalf of the Soviets. Coincident with these arrests, Cohen resigned his teaching position and suddenly left the United States with his wife. Four years later—the “Krogers”—they appeared in England.

Sometime later, the names of the Cohens once again came to the attention of US authorities. This time it was in connection with the arrest of a key Soviet agent—Col. Rudolf Ivanovich Abel—in New York City in June 1957. Among Abel’s effects were photographs of Morris and Lona Cohen. Subsequent investigation further indicated the involvement of the Cohens in Abel’s espionage work in the United States.

Thus, the names of the Cohens were linked with two major Soviet espionage efforts against the United States



Peter and Helen Kroger, Alias Lona and Morris Cohen, who were arrested in London with GRU illegal Konon Molody, Alias Gordon Lonsdale.

In tracing the movement of the Cohens, it appears that they resided for a short period in Canada in 1950, but then remained in obscurity until they applied in Vienna in the spring 1954, for New Zealand passports in the name of Kroger.

The Kroger identities are completely false, and the supporting documents for the passport application were supplied by the KGB. Upon receipt of the New Zealand passports, the Krogers traveled through Europe and the Far East before returning to settle in the United Kingdom in the spring of 1955, arriving only two months after Gordon Lonsdale, a Soviet illegal.

Peter Kroger set himself up as a dealer in antiquarian books and a specialist in Americana. Although he originally opened an office in London, he gave it up in 1958 and conducted his business by mail from his home in Ruislip, which had been selected for its isolated location and corresponding security.

The Cohens were arrested by British intelligence in 1961 and sentenced to 20 years in prison. The couple was exchanged in 1969 for British teacher Gerald Brooke, arrested in Moscow by the KGB for distributing anti-Communist propaganda. Lona Cohen died in 1992. Morris Cohen died 23 June 1995 at the age of 84 in a Moscow hospital.

Raymond George DeChamplain

On 5 June 1971, it was learned that Viktor Vladimír Mizan, a Third Secretary at the Soviet Embassy, and a known KGB officer in Bangkok, Thailand, was in contact with a US serviceman for the purpose of committing espionage. The US serviceman had been previously in contact with Yuri Markin (another known KGB officer who had recently returned to the Soviet Union) and was in contact with Mizan to provide him with information Markin had requested. Mizan was observed meeting with an individual who was later identified as MSgt Raymond George DeChamplain, a direct descendant of Samuel DeChamplain, the famous French explorer and founder of the Canadian province of Quebec.

Surveillance coverage was initiated on DeChamplain, and a second contact with the Soviets was observed, which DeChamplain had failed to report as required by USAF Regulations. On 2 July, 1971, AFOSI detected

DeChamplain removing a Top Secret document from his duty section, along with three Secret and several unclassified documents. Later, DeChamplain was observed taking a taxi from his residence, heading for downtown Bangkok and was apprehended as he was about to deliver the package of classified material to Mizan. At the time of his arrest, DeChamplain was 40 years old and had over 20 years in the Air Force.

DeChamplain was born 6 August, 1931 in Hartford, Connecticut. He was raised in a white, lower middle-class neighborhood, along with his three sisters and two brothers. Without any civilian prospects, he enlisted in the USAF in 1951 at the age of 19, after dropping out of the University of Maryland. His assignments included tours in Japan, France, Germany, and Italy before being assigned to Thailand in November 1967. He was granted a Top Secret clearance in 1966.

He worked as an administrative specialist, and at the time of his apprehension he was assigned as the Non-Commissioned Officer in Charge (NCOIC) of J-1 (personnel) at the Joint US Military Advisory Group (JUSMAG) in Bangkok. He was inattentive, incompetent, and frequently absent from his duty station. He was disliked by his coworkers and often derided, although he tried hard to make friends by freely spending his money—even on those who mistreated him. Although not popular with his peers, he quickly acquired a good grasp of the Thai language (not an easy feat) and made several close friends within the Thai community. Although many coworkers knew of DeChamplain's homosexual relationships with young

Thais, they did not report his activities to his commander. His coworkers and others who knew him described him as being “weak, vulnerable to persuasion, moody and a carouser.” He enjoyed frequenting the many bars in Bangkok where military personnel spent their off-duty time, with his favorite bar being the Sea Hag, a known homosexual hangout.

While in Thailand, DeChamplain married a Thai woman; however, after a few weeks she moved out. There is strong evidence which indicates that he was having a homosexual relationship with his brother-in-law, a musician who, after his sister moved out, continued to live with DeChamplain.

DeChamplain did not appear to have any strong political convictions; however, he was chronically in debt. His landlady said he seemed poor to her compared with other GIs. He usually asked her if he could put off paying the rent for a few days. Later he admitted to investigators that he had always been bad at managing his money and frequently took out one loan to pay off another, resulting in debt exceeding \$13,000.

DeChamplain alleged that he had been blackmailed by the Soviets into committing espionage, but this seems unlikely. Although a Soviet intelligence spotter seems to have introduced him to Markin at a party, Markin did not follow up on the introduction. It was DeChamplain who, four years later, approached the Soviets, and the evidence indicates he volunteered to betray his country in an effort to obtain money to repay some of his debts.

DeChamplain had approximately 10 personal meetings with the KGB in Thailand before being apprehended, he was provided with a codename, verbal recognition codes (parole), and safety signals. Because he was bringing out such large quantities of documents, the KGB feared that their operation would be detected and they would lose a valuable volunteer that was successfully being exploited. In order to overcome this problem, the KGB prepared to train him in the use of a camera, so that he could photograph the documents instead of removing them from the office. In July 1971, he was scheduled to receive training on the Minox camera and other methods of clandestine communication and operation, but was arrested beforehand.



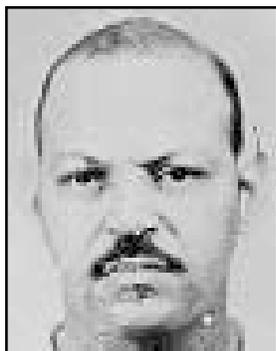
Raymond George DeChamplain

Although he had only received \$3,800, he had been promised additional payments ranging from between \$10,000 and \$25,000. He was also to be paid a retainer of \$400 per month. During the few days of his treason, his duty performance improved tremendously. He suddenly volunteered for extra work, taking over duties processing and distributing all Top Secret documents. All he had to do was to briefly delay in-processing the documents and he could then remove them to show the KGB, or copy them if necessary. The destruction of Top Secret documents requires that a witness be present, but DeChamplain falsified the necessary signatures. He came to work early and volunteered to stay late to keep up the office work, but in reality, this provided him with uninterrupted access to the office copy machine. When questioned by investigators about which documents he passed to the KGB, he nonchalantly pointed to all the safes in the room indicating that he passed everything to which he had access.

In November 1971, DeChamplain was convicted at a court-martial and sentenced to 15 years confinement, reduction to the lowest grade, and forfeiture of all pay and allowances. This sentence was later reduced to seven years confinement at hard labor.

Nelson Cornelious Drummond

Yeoman First Class Nelson Cornelious Drummond, US Navy, first came to the attention of the Office of Naval Intelligence (ONI) in June 1962, when the FBI provided information that a particular classified document concerning guided missile systems, dated May 1961, has been compromised to the Soviets in New York. The document in question was traced to the Mobile Electronics Technical Unit No. 8 (METU-8) at Naval Base, Newport, Rhode Island. Drummond was responsible for receipt, filing, and disposition of classified material at METU-8. An investigation



Nelson Cornelious Drummond

mounted by ONI and the FBI discovered that Drummond was removing documents from METU, he had a Minox camera, made frequent trips to New York City, and deposited large sums of cash in local banks upon his return from New York.

Drummond was arrested by the FBI on 19 September 1962, outside a diner in Larchmont, New York. He was in the company of two known GRU officers, Evgeni M. Prokhorov and Ivan Y. Vyrodov, and eight classified documents were recovered. During interrogation, Drummond confessed to have been recruited, while stationed in London, England, by the Soviets in 1958, to commit espionage. He said he was approached one day in London while on his way home from work. The man making the approach indicated that he was aware that Drummond had financial problems and gave him 250 British pounds (about \$700). The individual asked for Drummond’s Navy identification card and a receipt for the money.

At a later meeting, this individual told Drummond that he was a “colonel in the Russian Army.” The Soviet also told Drummond that he knew Drummond was about to be investigated by the Office of Naval Intelligence and that the investigation had nothing to do with his relationship with the Soviet so he was not to be concerned. The Soviets were also aware of Drummond’s transfer back to the United States before Drummond informed them of the transfer. Over the next five years, he had regular contact with Soviet handlers and provided sensitive communications information as well as other classified material.

Drummond had had financial problems and had been living well beyond his means. At the time of his arrest, he owned two automobiles and had recently purchased a bar and grill near his base in Newport, Rhode Island. At the base, Drummond was an administrative assistant to the officer-in-charge of a mobile electronics technical unit where he had access to classified defense information. A damage assessment estimated it would cost the United States 200 million dollars to recover from damage done by Drummond’s activities.

Drummond was indicted for attempting to obtain information relating to naval weapons systems, maintenance data relating to submarines, and electronic data. Drummond was suspected of having received a

total of \$10,000 from the Soviets for his espionage activity. He was found guilty of espionage in Federal Court, and on 15 August 1963 he was sentenced to life imprisonment.

George John Gessner

George John Gessner, with an IQ of 142, enlisted in the U S Air Force at age 17 and was assigned to Patrick Air Force Base, Florida. After serving his four-year listment, Gessner was discharged from the Air Force and worked on Titian and Atlas missile projects as a civilian.

In 1960, Gessner enlisted in the US Army and worked on nuclear weapons projects. Ten months later, on 7 December 1960, Private First Class Gessner deserted his post at Fort Bliss, Texas. He was subsequently apprehended and was given a one-year sentence for desertion. While still in custody for desertion, he was charged with passing classified information to Soviet Intelligence agents in Mexico City, Mexico.

The espionage indictment charged that Gessner provided information to the Soviets on the internal construction and firing systems of the Mark VII nuclear weapon as well as information on elements of design of the 280-millimeter cannon and 8-inch weapon. During the trial, witnesses stated that Gessner admitted passing classified information in December 1960, and January 1961. Gessner was quoted as saying, "I knew those weapons were going to be used on little children... just let all those things build up inside me."

Gessner had traveled to Mexico City and made contact with the Soviet Embassy. In meetings with two alleged Soviet colonels in two different public parks, he provided the information to the Soviets and received \$200 in payment for the information. The Soviets instructed him to use the money to travel to Cuba. Gessner, lacking a passport, was unable to go to Cuba. He received another \$800 from the Soviets and drifted to Panama City where he was picked up by Panamanian police for failure to have registration papers in his possession. The police turned Gessner over to US authorities who arrested him on desertion charges.

Initially Gessner would not admit to US authorities his reason for being in Mexico and Panama. Eventually he confessed his willful compromise of US classified

information following a visit to the post chaplain. In 1962, Gessner underwent a month-long mental examination, and the US District Judge hearing the case ruled that he was mentally incapable of standing trial on the charges in the indictment. A psychiatrist stated that Gessner suffered from "delusions and hallucinations" and was "unable to assist his attorney" in preparing a defense.

In April 1964, Gessner was declared mentally competent to stand trial. The trial lasted only two weeks and on 9 June 1964 he was convicted of the charges of providing classified information to the Soviets. In a footnote to this case, the Federal Government dropped the espionage charges against Gessner on 9 March, 1966 and immediately set him free. The Federal Court of Appeals found that Gessner confessed only following a lengthy interrogation and under extreme pressure from the Army chaplain.

Oliver Everett Grunden

In September 1973, an AFOSI source reported that Airman First Class Oliver Grunden, a 20-year-old airman assigned to the 100th Organizational Maintenance Squadron, Davis Monthan Air Force Base, Arizona, was attempting to sell classified information concerning the U-2 aircraft. AFOSI's source informed Grunden that she might be able to introduce him to someone who would be willing to purchase the classified information.

Grunden provided the source with a tape recording containing classified information pertaining to U-2 tail numbers, performance data, overflight information, and Olympic Fire Missions. Later, Grunden met with two AFOSI special agents posing as Soviet intelligence officers and was paid \$950 for two sheets of paper, which contained classified information concerning the U-2 aircraft. Grunden additionally offered to take the two "Soviet" intelligence officers on a tour of the base and flight line to observe the U-2 aircraft. Grunden was confronted and apprehended by AFOSI.

Grunden was born on July 27, 1953, in Mitchell, Indiana and raised in a white, middle-class family. After graduating from high school, he entered the United States Air Force in 1973 at age 19 and after basic and technical training was assigned as a maintenance

specialist for the U-2. Grunden had been granted a Secret security clearance.

At the time of his attempted espionage, he was married, had one child, and his wife was pregnant with their second child; however, the couple had separated and his wife was living with her parents. He was described as being weak, naïve, immature, and a carouser. His motivation for committing espionage was strictly financial gain.

In March 1974, Grunden was tried by court-martial and convicted, receiving a five-year prison sentence, reduction in grade to Airman Basic, forfeiture of all pay and allowances in excess of \$300 a month, and a dishonorable discharge. The US Court of Military Appeals overturned his conviction based on prosecution procedural errors and, in March 1977, Grunden was retried and again found guilty, with his sentence reduced to time already served.

Robert Lee Johnson

US Army Sergeant Robert Lee Johnson was a clerk in West Berlin when, in early 1953, he traveled to East Berlin with the intention of defecting to the Soviets. Johnson was disgruntled due to having been passed over for promotion and to other grievances he harbored against the US Army. While in East Berlin, two KGB agents convinced Johnson that he could do a better job of “getting even” with the US Army by remaining on active duty in West Berlin and acting as an agent for Soviet intelligence.

Several months after agreeing to work with the KGB, Johnson married his German mistress. Both Johnsons subsequently received intelligence training by the Soviets. Shortly thereafter Johnson recruited a friend,

US Army Sergeant James Allen Mintkenbaugh, to work with him in his espionage endeavors. The Soviets were at first upset with Johnson for having recruited someone without proper approval. They soon learned however, that Mintkenbaugh was a homosexual, and this facet of his personality was of interest to Soviet intelligence. One of the first assignments the Soviets gave Mintkenbaugh was to spot other homosexuals in the American community in West Berlin. The Soviets regarded homosexuality as an exploitable trait since the homosexual frequently felt he was an outcast in his society and often felt compelled to retaliate against those who shunned him due to his homosexuality.

Johnson was voluntarily discharged from the service in 1956, but reenlisted in 1957 at the urging of Mintkenbaugh who had been tasked by the Soviets to reactivate Johnson. Mintkenbaugh had also been discharged from the service in 1956 and continued to work for the Soviets in various capacities. For a time, Mintkenbaugh was a real estate agent in northern Virginia.

Subsequent to his reenlistment, Johnson was moderately successful in providing classified defense information to his Soviet handlers. It was not until his assignments in France, however, that Johnson’s espionage resulted in highly damaging compromises. In 1962, Johnson was assigned to the Armed Forces Courier Center at Orly Air Field near Paris, France. While on this assignment, he gained unauthorized access to sensitive US defense information contained in sealed pouches en route to various US Commands within Europe.

By use of sophisticated and finely honed surreptitious entry techniques and careful KGB control, Johnson was able to access sealed pouches, which were stored overnight in a triple-locked vault. Johnson, whenever on duty alone, would remove the pouches and deliver them to the Soviets and return to his post. The Soviets entered the pouches, copied the material, and resealed them so that no one knew that they had been opened. Johnson would then retrieve the pouches from the Soviets and replace them in the vault. It was not discovered until Johnson’s arrest that the pouches had been opened and the information compromised.



Robert Lee Johnson



James Allen Mintkenbaugh

Johnson received approximately \$300 per month for his espionage activities, plus bonuses totaling at least \$2,800. Mrs. Johnson's constantly deteriorating mental condition caused her to confess to authorities that she, her husband, and Mintkenbaugh had been engaged in espionage. At the time of his arrest, the then 43-year-old Johnson was a courier at the Pentagon. He had been reduced to the rank of corporal in December 1964 for absence without authorized leave. Both Johnson and Mintkenbaugh admitted to their involvement in espionage for pay.

On 30 July 1965, both men were sentenced to 25 years each in prison, having pleaded guilty on 7 June to lesser charges of conspiracy to obtain defense secrets and acting as Soviet agents. Johnson's prison sentence came to an unexpected end on 18 May 1972 when he was stabbed to death in his prison cell in the Lewisburg Federal Penitentiary by his son, who had visited him that day.

William Kampiles

In August 1978, the FBI arrested William Kampiles, a lower echelon CIA employee from March to November 1977, on charges he stole a Top Secret technical manual on an intelligence surveillance system and later sold it to a Soviet intelligence officer in Athens, Greece for \$3,000.

Kampiles had resigned from the CIA after being told he was not qualified to work as a field agent. He then proceeded to Greece where he contacted Soviet representatives. His detection followed receipt of a letter by a CIA employee from Kampiles in which he mentioned frequent meetings with a Soviet official in Athens.



William Kampiles

On returning to the United States, Kampiles was contacted by FBI special agents and confessed to an act of espionage. Kampiles maintained that his objective was to become a double agent for the CIA.

He was sentenced on 22 December 1978 to 40 years in prison.

Joseph Patrick Kauffman

Joseph Patrick Kauffman graduated from the University of Wyoming and enlisted in the Army Air Corps in 1942. He left the military service for several years following World War II, but returned to active duty during the Korean conflict. Beginning in September 1960, the then Captain Kauffman began collaboration with an East German intelligence officer, Guenter Maennel. Kauffman was on a holiday trip to Berlin en route from his assignment in Greenland to his new assignment in California when he first met Maennel. He had been picked up by East German Police for questioning and was held for three days in East Berlin for interrogation. This detention was followed by subsequent meetings in West Berlin with East German intelligence officers during which time Kauffman agreed to cooperate with the East Germans.

Following his arrival at his new assignment at Castle Air Force Base in California, the 43-year-old bachelor was revealed by Maennel, who had defected to the West, as having been an agent of East German intelligence. Kauffman was returned to the European Headquarters of the US Air Force in December 1961 for a preliminary hearing being specifically accused of turning over information to Maennel on 29 September 1960.

Charges against Kauffman included providing information to East Germany on US Air Force installations in Greenland and Japan and providing information on fellow officers from those two locations, including their identities, descriptions, shortcomings, and weaknesses. Maennel testified that he had introduced Kauffman to Soviet security agents and that Kauffman had signed a two-page statement in German and English that listed the information he provided to the Soviets.

On 18 April 1962, Kauffman was found guilty of the charges of passing US defense information to the East Germans. He was sentenced to 20 years' imprisonment

at hard labor, dismissal from the service, and forfeiture of all pay and allowances. In a reversal of the earlier conviction and sentencing, on 13 December 1963, the US Court of Military Appeals dismissed an espionage conspiracy charge while affirming his conviction for failing to report attempts by enemy agents to recruit him. Kauffman had already served almost two years of a 10-year sentence. His original sentence of 20 years had been reduced by a review board. Successful appeals had been based principally on procedural matters connected with the US Air Force investigation.

Erich Englehardt and Karl Heinz Kiefer

During late July 1960, the West German police arrested Erich Englehardt and with him a woman, Lore Poehlmann, for espionage on behalf of the Soviet Military Intelligence (GRU). Investigations and confessions of the principals uncovered extensive GRU activity against US Army and Air Force installations since 1955.

Early in 1955, Englehardt recruited his half brother Erich Heinz Kiefer, to work for the GRU. Both men were used to collect order of battle data on US Army and Air force installations in West Germany, especially in the vicinity of Wiesbaden and Kaiserslautern. Between 1957 and 1959, both men were inactive, but during 1959 their intelligence activity increased. Kiefer made a number of trips to Erfurt to meet his case officer, Lt. Col. Petr Sokolov. He was furnished cipher pads and secret writing materials for purposes of communication. Kiefer's intelligence targets included US military maneuvers, atomic cannon, and missiles. He was ordered to set up a dead drop for the passage of bulky materials. Emergency communications, not used in this operation, involved a radio in the Soviet Military Liaison Mission in West Germany. Kiefer's dead drop was to be served by personnel of this Mission.

During 1959, Kiefer was introduced to Lore Poehlmann, who thereafter served as his support agent and courier. Surveillance of Poehlmann as she made her rounds uncovered Kiefer and scores of other agents. Several of their agents worked also for the East Germany state security (MfS) and even for the Poles. A large and complicated network was uncovered.

Kurt Kuehn

On 17 October 1960, Kurt Kuehn, section Chief of the Technical Publications Branch of the Adjutant

General's Division, Northern Area Command, was arrested by West German security forces for acts of espionage. The exposure and arrest of Kuehn resulted from information supplied by an agent of the East German intelligence service, who had in his possession when arrested filmed copies of US Army documents, which were subsequently traced back directly to Kuehn.

After his arrest, Kuehn confessed that he had been recruited by the East Germany intelligence service during a visit to his mother in Gera, Germany, in 1957. He had transmitted official materials and information to his East German employers in East Berlin since that time. Kuehn received his instructions from East Berlin, either directly through radio communications or via a courier. He supplied his East Berlin employers with information in the same manner. In his position, he had access to various US Army Regulations and documents, some of which were classified. He furnished the East German intelligence officers in East Berlin, at their request, a copy of the index of official documents filed at the United States Technical Army Regulations Administration. Using this index, the MfS was then able to tell Kuehn, which documents were to be photographed and transmitted to East Berlin. Kuehn also made written and verbal reports regarding his coworkers in the US office, details regarding office operations, and information regarding agencies and military installations in the Frankfurt area.

Kuehn's East German intelligence superiors provided him with cryptographic material for the decoding of radio messages and trained him in its use. He was also provided with concealment devices (hollowed-out book ends) for the transmittal of material. These espionage materials were found in Kuehn's apartment after his arrest.

Joseph Werner Leben

On 11 July 1961, Joseph Werner Leben, a 29-year-old German immigrant, was arrested in Sao Paulo by Brazilian police for engaging in espionage activities on behalf of the Germany Democratic Republic. A search of his apartment revealed a large amount of correspondence to and from his East Germany superiors, codes and ciphers, chemically-treated stationary for use in secret writing, and photographic equipment. He confessed to being a spy and gave complete information about his intelligence career.

Leben said he was first brought to the attention of East German Intelligence at the 1956 Leipzig Fair by a West German Communist Party member. He was introduced to one Heinz Schwerdt, a Captain in the East German Intelligence Service, and later to Lt. Heinz Schmallfuss who was known to him as "Herr Hansen." Schmallfuss began a concentrated study of Leben aimed toward his eventual use as an agent, but at no time indicated that he himself was an intelligence officer. When Leben traveled to Brazil in May 1956, Schmallfuss corresponded with him, and finally offered to pay his expenses back to East Berlin for a visit. On this trip, Leben was recruited as an agent, assigned the cover name "ARMADO," and paid 6000 German Marks (approximately \$1,500).

In December 1956, Leben again returned to Brazil at the direction of the East German Intelligence Service and commenced his intelligence activities against the Brazilian Government and United States interests there. By October 1958, Lt. Guenter Maennel of the East Germany Intelligence Service, had assumed control of Leben's case from East Berlin, and ordered Leben back to East Berlin for additional training.

Leben returned to Berlin and acquired a room in a West Berlin pension. He met his East German Intelligence Service superiors, however, in a private home located at Fontanastrasse 17A, in the East sector of the city. This address was frequently used by the East Germans for similar situations and the residents, Herr Otto Kilz and his wife, were in the employ of the East German Intelligence Service. At Fontanastrasse, Leben was instructed in secret writing using chemically treated stationary, microdots, and ciphers to be used in sending his reports to East Germany. Leben signed an agreement obligating himself to work actively against anti-Communist elements and US interests in Brazil. He was given a Praktika FX II camera to assist him in his work. For his past endeavors, Leben received 15,000 German Marks (approximately \$3,750), a holding account in East Berlin amounting to US \$75 per month, and was reimbursed for his operational expenses.

Upon the completion of his training subject was again dispatched to Sao Paulo where he obtained employment with a local firm composed mostly of Americans. He continued his espionage activity for the Communists until the time of his arrest.

Gary Lee Ledbetter

Gary Lee Ledbetter, Petty Officer Second Class, US Navy, was assigned as a ship fitter on the *Simon Lake* at the US submarine base, Holy Loch, Scotland. In April 1967 he was approached in a bar by two British civilians and asked to provide information. The 25-year-old Ledbetter subsequently passed a classified training booklet about the Polaris submarine piping systems to the two civilians. The British civilians involved with this case had been recruited by a former East German bartender named Peter Dorschel, who in turn, had been recruited by the Soviets. He was directed by the Soviets to settle near Holy Loch to spy on the base.

Ledbetter was court-martialed and on 26 August 1967 was sentenced to 6 months of imprisonment at hard labor, and was given a bad-conduct discharge. A British court sentenced Dorschel to 7 years in prison.

Lee Eugene Madsen

Lee Eugene Madsen was a 24-year-old Yeoman Third Class in the US Navy when assigned to the Strategic Warning Staff at the Pentagon in 1979. Madsen used his position at the Pentagon to obtain highly sensitive documents, including documents of the Drug Enforcement Agency (DEA) dealing with the worldwide movement of drugs and information on the location of DEA agents. He attempted to sell these documents to an individual who turned out to be an informer who told authorities of the offer to compromise classified defense documents.

An undercover agent of the FBI, along with the informer, set up a meeting with Madsen to receive the documents and pay Madsen \$700 for the information. Madsen attended the meeting with 22 highly classified documents. He also offered to sell monthly narcotics intelligence reports for \$10,000 a month. In addition to providing the documents to the undercover agent, Madsen brought the agent, under a false name, into the Pentagon and signed him into a restricted area.

On 14 August 1979, Madsen was arrested by the FBI when he turned over classified materials and accepted the \$700 payment from the undercover agent. On 26 October 1979 he was sentenced to eight years in prison.

Edwin G. Moore II

Edwin Moore , a retired CIA employee, was arrested by the FBI in 1976 and charged with espionage after attempting to sell Soviet officials classified documents. A day earlier, an employee at a residence for Soviet personnel in Washington, DC had discovered a package on the grounds and turned it over to police, fearing it was a bomb.

The package was found to contain classified CIA documents and a note requesting that \$3,000 be dropped at a specific location. The note offered more documents in exchange for \$197,000. Moore was arrested after picking up what he thought to be payment at a drop site near his home.

A search of his residence yielded ten boxes of classified CIA documents. Moore retired from the CIA in 1973, and although financial gain was a strong motivational factor leading to espionage, it is known that he was disgruntled with his former employer due to lack of promotion.

Moore pleaded not guilty by reason of insanity, but was convicted and sentenced to 15 years in prison. He was granted parole in 1979.

Walter T. Perkins

Air Force MSgt Walter T. Perkins was the top-ranking noncommissioned officer in the Intelligence Division, Defense Weapons Center, Tyndall Air Force Base, Florida in 1971. His 19 years of service, beginning with his enlistment in December 1952, were spent in intelligence. His overseas assignments included Vietnam, Turkey, and multiple assignments in Japan.



Walter T. Perkins

On 21 October 1971, Perkins was apprehended at the Civil Air Terminal in Pensacola, Florida by AFOSI agents as he started to board a flight for Mexico City for a rendezvous with Soviet agents. In his briefcase, he carried one Air Force and four Defense Intelligence Agency (DIA) classified documents totaling over 600 pages. Also in his possession were operational instructions for meeting his Soviet intelligence contact in Mexico City, Mexico.

After being alerted by US authorities, the Mexican Federal Security Service detained Oleg A. Shevenko, a GRU officer working undercover at the Soviet embassy in Mexico City, who was waiting for Perkins at a prearranged meet location. He was later expelled from the country by Mexican authorities.

Charged with improper possession and use of documents dealing with national security, Perkins entered a plea of not guilty to all charges by reason of temporary insanity caused by acute alcoholism.

On 11 August 1972, Sergeant Perkins was convicted and sentenced to three years in prison. He also received a dishonorable discharge, reduction in rank to airman-basic, and a fine of more than 50 percent of the monthly pay he would receive while in prison.

Leonard Jenkins Safford and Ulysses L. Harris

On 25 August 1967, the Department of Defense announced the arrest of two US Army sergeants on charges of conspiring to deliver to unauthorized individuals information pertaining to the national defense. Two Soviet diplomats were named as conspirators and were declared *persona non grata*. Sergeant First Class Ulysses L. Harris, 38 years old, and Staff Sergeant Leonard Jenkins Safford, 31 years old, received a rollover camera from the Soviets. On two occasions, Sergeant Safford delivered documents to the diplomats. The Soviets involved were identified as Nikolai F. Popov, First Secretary, Soviet Embassy, Washington, DC, and Anatoloy T. Koreyev, a counselor of the Soviet Mission to the United Nations.

Sergeant Safford was court-martialed on 5 December 1967 and sentenced to 25 years of hard labor after he pleaded guilty to charges of espionage and larceny. In addition to his conspiracy, Safford had stolen a \$24,076 government check. A veteran of 12 years of military

service, Safford became involved in espionage for monetary reasons. He admitted to receiving \$1,000 from Popov. Safford served as an administrative supervisor in the Army Strategic Communications Command, Suitland, Maryland, at the time of his espionage activity.

On 15 December 1967, Sergeant Harris, who had 15 years of military service, was sentenced to seven years hard labor. Testimony revealed that an “undercover agent” worked with Harris and Safford. Harris had been transferred to Korea only a short time before his arrest. Charges against Harris and Safford established February to August 1967 as the time during which the two were involved in a conspiracy to commit espionage.

Irvin C. Scarbeck

On 14 June 1961, the FBI arrested Irvin C. Scarbeck, a State Department foreign service officer, for passing classified information to Polish intelligence.

Scarbeck, 41 years old at the time of his arrest, had a good record when he arrived in Warsaw as a second secretary in December 1958. His German-born second wife and their three children accompanied him. He was in charge of travel arrangements, embassy property, and procuring and maintaining the living quarters for Americans assigned to the Embassy. He also had access to coded messages exchanged between the Embassy and the State Department.



Robert Glenn Thompson

In Warsaw, Scarbeck met a beautiful Polish girl, blonde and 22 years old. She told him that she had previously worked at the US Embassy and still had friends working there. They began to date although Scarbeck was married. They became intimate. Soon afterwards, Polish intelligence officers confronted Scarbeck with tape recordings and photographs. They threatened to expose his illicit relationship to the American embassy if he did not cooperate with them. He agreed rather than face exposure. US Government officials said he did not pass any military secrets to the Polish service, but acted more as a listening post for the Poles on policy matters.

Scarbeck joined the State Department in 1949 and became a foreign service officer in 1956. He received a meritorious service award in 1959 for his work on exchange student programs in San Francisco, California. Prior to his employment with State, he was in the US Army from 1942 to 1946 where he obtained the rank of staff sergeant. After leaving the military, he worked for a time for the West German Government.

In March 1961, Scarbeck was to transfer from Warsaw to Naples, Italy, but his replacement developed a problem. The Department informed Scarbeck that he would have to extend his tour in Warsaw until August. However, on 22 May he received orders from the Department to return to Washington. Less than a month later, the FBI arrested him.

In November 1961 he received three concurrent 10-year prison terms for violation of the 1950 Internal Security Act for passing classified papers to Polish intelligence officials. On 1 April 1966 the Federal Board of Parole granted Scarbeck a parole from prison. The Board cleared him for freedom under a section of the Penal Code permitting parole of federal prisoners after they have served a third of their sentences.

Robert Glenn Thompson

Born in Detroit, Michigan, on 30 January 1935, Robert Glenn Thompson dropped out of high school to enlist in the US Air Force in December 1952. His initial assignment as a mechanic came to an early termination as a result of back injury caused by a fall. Following his first three years of service, Thompson, described as a capable airman of average intelligence, was reassigned to West Berlin, Federal Republic of Germany.

Thompson's espionage activity began in Berlin where he was in charge of the investigative files room of the Air Force's Office of Special Investigation. He had access to information classified as high as Secret concerning activities of counterintelligence agents.

Prior to his involvement in espionage, Thompson married a West German girl. As a result of a court-martial, Thompson was demoted from Airman First Class to Airman Second Class and was forced to send his wife back to the United States. After his wife left for the United States, he became involved with another West German girl and concurrently was "... very lonely, and disgusted and bitter." After being chastised by his commander for inappropriate attire and need of a shave while on duty, Thompson went over to East Berlin. When he was later contacted by the Soviets, they threatened to expose him concerning his East Berlin visit and also threatened the well-being of his wife's grandparents and other relatives who resided in East Germany. Thompson stated that he was disillusioned with the methods used to lure East and West Germans into counterintelligence operations and was frightened by the threats toward him and agreed to cooperate with the Soviets.

Thompson was provided relatively sophisticated intelligence training in a short period of times along with intelligence paraphernalia for operational use. From June 1957 to July 1963, he engaged in espionage for the Soviets. During the six months that remained of his Berlin tour following his recruitment and training, Thompson admitted to providing 50 to 100 documents



William Henry Whalen

every two weeks for about three months. In return for the documents, he was paid \$3,800. Thompson explained the paltry payments by stating, "Let's face it. I wasn't in this for the money. I was disgusted, and it was part of my plan to get revenge." One of his last actions for the Soviets prior to his departure from Berlin was to hide a radio transmitter in one wall of his office.

From Berlin, he was transferred to Malmstrom Air Force Base, Great Falls, Montana, from where he sent one letter using secret writing. At Malmstrom, Thompson volunteered for an assignment to Goose Bay, Labrador. In late 1958, he was discharged from the service. Upon his return home in Detroit, he found that someone had been to his home looking for him. He soon discovered that the Soviets were trying to recontact him. The Soviets eventually caught up with him and urged him to rejoin the Air Force or join the Army. At one point they asked him to get a job with the Federal Bureau of Investigation.

After moving to Long Island, New York, Thompson occasionally supplied information to his Soviet contact concerning water reservoirs on Long Island, gas lines between New York and Long Island, and power plants and gas storage tanks in those areas. He was also told to look up certain people and provide information on their whereabouts, their jobs, and their financial status. Thompson claims to have received approximately \$400 for the information provided during his civilian employment. He summed up his activities by saying, "If you need (a) motivation for what I did, just say I was alone, just a young guy, I was hurt by what I saw, I was disillusioned."

At his trial, Thompson's plea of not guilty was changed to guilty. On 13 May 1965, he was sentenced to 30 years in prison. Thompson was released from prison in late April 1978 as a part of a prisoner exchange, which included an Israeli pilot held in Mozambique.

William Henry Whalen

William Henry Whalen, a high school graduate, came to the attention of the Federal Bureau of Investigation (FBI) in early 1959 when he was observed meeting with two Soviet Embassy officials. Determining that there was no official reason for these meetings, the FBI decided to investigate further. Although not arrested until

12 July 1966, Whalen had actively engaged in espionage from December 1959 to March 1961 during which time he was on active duty in the US Army as a lieutenant colonel.

Colonel Whalen began his military career in 1940 and held several sensitive posts including assignments in Army intelligence. His terminal position, when he retired in 1961 with a physical disability, was with the Joint Chiefs of Staff. During this last assignment, Whalen met with two Russians, Colonel Sergei Edemski and Mikhail A. Shumaev, and provided them with information concerning retaliation plans of the US Strategic Air Command, and information pertaining to troop movements. He obtained this information as a consequence of his own position but also through questioning of fellow officers on topics of interest to Soviet intelligence. Colonel Whalen would meet Colonel Edemski in various shopping centers in northern Virginia for the purpose of passing on his information.

It is not known how much information of value Colonel Whalen passed to the Soviets subsequent to his retirement from the military, although some information, obtained through his continued contacts with fellow officers, was undoubtedly provided to the Soviets. His conspiracy with the Soviets allegedly terminated in 1963 at about the time Shumaev returned to the Soviet Union. Whalen allegedly was paid \$5,500 between December 1959 and March 1961 for the information he passed.

In December 1966, Whalen pleaded guilty to a charge of acting to promote the interests of a foreign government and removing classified information from its place of safekeeping. On 1 March 1967, the 51-year-old Whalen was sentenced to 15 years in prison.

Defectors

Michal Goleniewski

Michal Goleniewski was born on 16 August 1922 in Niewswierz, Poland. His father was a low-level Polish Government employee and/or wood cutter who was attracted to Communism. In 1938, Goleniewski's father left his family behind in western Poland and moved to Lvov in search of work. Michal, in the meantime, completed his high school studies just prior to the

German occupation of Poland. At age 17, he was drafted into a forced labor unit and worked there until the German defeat in World War II. While working as a forced laborer, he learned to speak fluent German.

In 1940 his father returned to the German occupied area of Poland as a Soviet military counterintelligence collaborator and recruited Michal for operations with the Polish underground. After the end of hostilities in 1945, Goleniewski joined the newly established Polish intelligence and security service (commonly referred to as the SB) as a guard. By 1948 he was an operations officer with the rank of lieutenant. From 1948 until 1953, he served as director of counterintelligence units in provincial SB offices.

In 1953, Goleniewski was transferred to SB headquarters in Warsaw where he advanced rapidly due to Soviet behind-the-scenes influences. Goleniewski had a liaison/informant relationship with the KGB. During the next three years, he served first as chief of a section responsible for deception operations and then as deputy director of the counterintelligence department. In December 1955, he was named deputy chief of the military counterintelligence service (GZI) but was removed from this position a year later when the service was reorganized.

Through the intervention of the Soviet advisors and old friends in the SB, Goleniewski was reinstated in the SB, which had also undergone a reorganization. Goleniewski became chief of the Science and Technology branch in the foreign intelligence department. This was his post in 1958 when he made contact with the West.

The most important element of Goleniewski's intelligence career was his liaison/informant relationship with the KGB. The Soviets patterned the postwar Polish intelligence services after their own organizations and placed Poles with Soviet connections at the head of various departments. From his first indoctrination in counterintelligence by the Soviets during World War II, Goleniewski's career advancement was supported by the Soviets. His relationship with the KGB was always close, whether he was an acknowledged liaison officer or reporting to a Soviet advisor at night as an informant.

Goleniewski was married to a Ukranian woman and had a daughter. His wife began suffering from mental illness, which led to their divorce and his family's total disappearance from his life.

In 1948 a letter was received at the residence of a US ambassador in a West European capital, the outer envelope of which was addressed to the ambassador and contained another envelope on which was printed "Private" Sir Edgar Hoover." The ambassador opened the envelope addressed to Hoover and found in it a letter written in German and signed "Heckenschutze." He scanned the letter and then turned it over to the CIA Chief of Station. Thus began CIA's relationship with Goleniewski.

For almost three years, Goleniewski carried on an anonymous letterwriting contact with what he thought was the FBI. In all he sent 27 lengthy and detailed letters to the West. There were suspicions of a provocation or deception operation when the first letters arrived, but their gradual processing and exploitation convinced Western intelligence services of Goleniewski's bona fides.

Goleniewski defected with his mistress in January 1961 in West Berlin and continued to provide valuable information for another three years. He was able to make an unparalleled contribution to Western intelligence because of his almost total recall, his intimate association with SB and KGB officers, and his experience as an operational intelligence officer. While still in place in Warsaw, he provided 1,000 pages of classified documents and cached 750 Minox film frames of documents, which were retrieved after his defection. Goleniewski provided details on over 1,500 intelligence personalities — SB, KGB, and GRU officers and agents. Because of his relationship with the KGB, he was able to provide extensive information on and valuable leads to KGB operations. His leads exposed the KGB illegals network in London headed by Molody Lonsdale; George Blake, who was a KGB penetration of MI6; and KGB penetrations of the BND, Heinz Felfe and Hans Clemens. He identified Polish intelligence officers stationed in the United States to the FBI. He also made an important contribution in the field of US State Department security by providing information on SB and KGB recruitment methods against diplomatic personnel and penetration of Western diplomatic installations.

As early as 1962, it was evident that Goleniewski's mental health had begun to deteriorate. By 1963 he surfaced a list of grievances and criticism of the CIA. He also began to claim that he was the son of the last Russian Tsar and stated his claim to the Romanov fortune; all of which was publicized and exploited by television, books, and the press. Goleniewski's marriage to his German mistress immediately after their defection produced a daughter in 1964. His emotional and psychological problems were compounded by his wife's assimilation of his fantasies and irrational anxieties. The "Romanov" fantasy intensified to the point where it consumed his entire existence. By the end of August 1964 all substantive debriefing had ceased.

Frantisek August

Frantisek August (DPOB: 1928, Prague, Czechoslovakia) was a Czechoslovak foreign intelligence staff officer who defected to the West in Lebanon in 1969.

August's early service was in the counterintelligence element of the Czechoslovak security service. After a tour in Belgrade in the early 1960s, he was assigned to the Czechoslovak embassy in London under the cover of attaché in charge of the Consular Department. In the mid-1960's, while at headquarters in Prague, he was transferred to the unit, which directed operations in the Near and Middle East. Subsequently, he was posted to Beirut, Lebanon as a Commercial Attaché.

In the summer of 1969, August contacted US Intelligence officials in Beirut. After a short period of time "in place," he defected and was brought to the USA for debriefing and resettlement.

August provided useful information on Czechoslovak intelligence operations in the near and mid-East, especially against American targets. He also gave the British an insight into Czechoslovak intelligence and KGB operations against the British establishment, including Parliament. He supplied data on a Czechoslovak operation directed against William Owen, an elderly British Member of Parliament, whom the Czechs planned to develop into an intelligence asset and agent of influence. The British arrested Owen in 1970 on espionage charges. He confessed that he had accepted payments of some \$6,000 over a period of nine years from Czechoslovak intelligence officers. He

was acquitted by a jury, however, after denying that he had ever transmitted anything important to the Czechs.

During his career, August used aliases Frantisek Benda and “Adam.”

Ladislav Bittman

Ladislav Bittman (DPOB: 12 January 1931, Prague, Czechoslovakia) was a Czechoslovak foreign intelligence staff officer who defected to the West in Germany in 1968.

In 1954, Bittman joined the Czechoslovak foreign intelligence service where he specialized in covert action and deception operations. He served in East Germany from 1961 to 1963 under the cover of the Cultural Attaché at the Czechoslovak Embassy in East Berlin. As Deputy Chief of “Active Measures” (CA Operations) from 1964 to 1966, Bittman frequently visited Berlin and Vienna on operational missions. He also traveled throughout Eastern and Western Europe, but he never visited the USSR. On one occasion he made a courier run to Latin America. From 1966 to 1968, he was a case officer in Vienna, Austria, under the cover of Press Attaché at the Czechoslovak Embassy.

Bittman left his intelligence post in Vienna in early September 1968, after the Soviet invasion of Czechoslovakia and traveled to West Germany, where he defected. The West Germans debriefed him extensively for two months and then turned him over to US intelligence, which brought him to the United States for more debriefing and resettlement. Bittman taught international journalism at American University.

During this career, Bittman used the following aliases: “Brychta,” Vladimir Baumann, Lawrence Martin, and Lawrence Britt.

Joseph Frolik

Josef Frolik (AKA “Florian” DPOB: 22 September 1928, Libusin, Czechoslovakia) was an intelligence officer with the rank of major in the Czechoslovak Intelligence Service. He came over the West in 1969.

Frolik’s specialty was counterintelligence, but in the mid-1960s he became a case officer for Western European operations. He served one tour in the United

Kingdom under cover of Labor Attaché in the Czechoslovak Embassy, London, from 1965 to 1967.

In the summer of 1969, while on a vacation at a Ministry of Interior resort in Bulgaria, Frolik traveled to Belgrade and “walked in” to the US Embassy and defected. US Intelligence exfiltrated him to the United States for debriefing. The British also debriefed Frolik.

Frolik provided useful information on the CIS, including a list identifying approximately 200 staff officers. He also revealed much helpful background on CIS operations in the UK. He wrote a book, *The Frolik Defection*, (London, Leo Cooper, 1975), which provided a good insight into CIS and KGB operations in Western Europe and KGB domination of the CIS.

Vaclav Marous

Vaclav Marous (aka Mazourek), born 30 May 1929, Kelcanky, Czechoslovakia, was a Czechoslovak foreign intelligence staff officer who defected to the West in Switzerland in 1968.

From 1954 to 1963, Marous served first as a uniformed policeman and later worked on routine criminal matters. Subsequently, he was assigned to the counterintelligence department of Czechoslovak foreign intelligence as a senior referent for counterintelligence operations in North America. In this capacity he visited the USA and Mexico during the mid 1960s, under cover as a courier, to discuss operational matters.

While on leave in Bulgaria in August 1968, Marous learned of the Soviet invasion of Czechoslovakia and decided not to return to his homeland. From Bulgaria he traveled via Yugoslavia and Austria to Switzerland where he asked for asylum. In Switzerland, he applied for an American immigration visa. Shortly thereafter Marous was in contact with US Intelligence.

Marous, who was divorced, defected with his mistress Vlasta Semerakova and her fourteen-year-old son. He resettled in Australia.

Marous supplied much helpful information on MV CI operations in North America. He also revealed details on Operation VOLANT, an MV effort to identify US Intelligence personnel throughout North America.

Yuriy Vasilyevich Krotkov

Yuriy Vasilyevich Krotkov (DPOB: 11 November 1917, Kutaisi, Georgia, USSR) was a Soviet film script writer and coopted KGB agent who defected to the West while on a trip to England in the fall of 1963.

After a short period of service in the Soviet army during World War II, Krotkov became a *Tass* and Radio Moscow correspondent in Moscow. Krotkov's play, *John, Soldier of Peace*, based on the life of Paul Robeson, was first staged in 1949 and then ran for several years in Moscow and the provinces. In 1955, Krotkov became a script writer and entered the cultural and literary life of the Soviet capital.

In 1945, the Counterintelligence Directorate of the Soviet State Security Service recruited Krotkov to report on people in Moscow's drama circles. Soon thereafter, he was used in provocation operations against foreigners. From the late 1940s until the mid-1960s, he took part in many such operations in the USSR and East Germany. The most important of these was one directed against French Ambassador Maurice De Jean in 1956-58. Krotkov also traveled abroad as a tourist to Poland, Germany, and Czechoslovakia in 1959 and to India, Japan, and the Philippines in 1962.

In September 1963, while on a trip to England with a tour group, Krotkov defected to the British Security Service. He was debriefed by the British, Americans, and French. After his defection, Krotkov lived in England where he wrote *The Angry Exile*. He also visited Spain and worked for Radio Liberty. In 1969 he testified before the US Senate Internal Security Committee, under the name George Karlin, on KGB operations. In January 1970 he gained permanent resident status in the USA and worked as writer/consultant for the *Readers Digest*. In October 1974 he appeared as a witness against the Australian leftist writer, Wilfred Burchett, during his libel action against charges that he was a Communist agent.

Krotkov provided much information on KGB operations against western diplomats and visitors in the USSR and the Soviet Bloc. After his defection he took an active part in anti-Soviet activities through his writing and work as a consultant.

Krotkov is listed in the KGB *Alphabetical List of Agents of Foreign Intelligence Service, Defectors,*

Members of Anti-Soviet Organizations, Members of Punitive Units and Other Criminals Under Search Warrant published in 1969 as being a criminal under search warrant.

During his career, Krotkov used the aliases George Moore, George Karlin, and Suliko.

Aleksandr Nikolayevich Cherepanov

Aleksandr Nikolayevich Cherepanov, born circa 1919, Siberia, USSR, was a retired KGB officer who desired to defect to the West.

As a Soviet State Security officer, Cherepanov parachuted behind German lines on a special mission, which resulted in the capture of a German general during World War II. From circa 1948 to circa April 1956, he was assigned to the Soviet embassy in Belgrade as Second Secretary, First Secretary, and Charge d' Affaires, respectively. In Yugoslavia he developed many contacts among students and workers. During October 1953 the American Embassy in Belgrade was informed that Cherepanov wished to defect to the West and was willing to bring valuable information with him. Fearing a provocation, the embassy was extremely reluctant to contact Cherepanov. Finally, in February 1954, an American officer talked with Cherepanov, who indicated complete adherence to the Soviet cause and no desire for further contact. Although the officer left the door open, Cherepanov did not recontact US Intelligence prior to his return to the Soviet Union.

Cherepanov, a lieutenant colonel in the KGB, served in the Foreign Intelligence directorate until circa 1958 when he was assigned to the first Department (American), Second chief directorate (Internal Counterintelligence) as a senior case officer to run operations against American Embassy personnel in Moscow. In August 1961, Cherepanov was retired from the KGB due to his incompetency.

After retiring from the KGB, Cherepanov began to work for Mezhdunarodnaya Kniga, the international book store, in Moscow. In November 1963, while employed at the store, he passed a package to an American business contact, asking him to deliver the package to the US Embassy. The American did so. The embassy, fearing a provocation, returned the package the following day to the Soviet Ministry of

Foreign Affairs (MFA) after first reproducing its contents. The MFA gave the documents to the KGB, which identified Cherepanov as the person who provided them to the Americans. In December 1963, Cherepanov was arrested in Baku, where he was attempting to flee across the Soviet border. After his arrest, he was detained and later executed.

The parcel that Cherepanov presented to the American consisted of documents, which have become known as "The Cherepanov Papers." All appear to have come from the files of the KGB First Department, Second Chief Directorate for the period 1958 to 1960. A number are handwritten drafts, probably made by Cherepanov. The reports contained information about operational plans against US Embassy personnel (expulsion actions, personality profiles, and surveillance records), as well as a list of Soviets who wrote to the US Embassy and a report, dated April 1959, on operational conditions in the USA.

Rupert Sigl

Rupert Sigl, born 12 April 1925, Rossatz, Bezirk Melk, Austria, was a KGB illegal who defected in West Berlin in 1969.

Sigl served in the German army during World War II. In 1947, the Soviet Security Service recruited him to inform on local personalities in Lower Austria where he was living at the time. After a period of inactivity, the KGB recontacted him in the early 1950s and asked him to report on the Volkspartei, the Austrian conservative Catholic political Party, and to assess persons of interest to the KGB.

After an abortive effort to steal some registered mail for the KGB from a local postmistress, Sigl went to Moscow in December 1952, where he received basic espionage training. In October 1953 he traveled to East Berlin and then to Leipzig, where he worked as a carpenter from early November 1953 to early 1955. From Leipzig Sigl handled a series of low-level KGB missions in West Berlin and West Germany. During this time he also studied English.

In early 1955 Sigl moved to East Berlin on KGB orders. During the next four years he carried out a variety of intelligence missions for the Soviets and continued his language studies. In 1958 he began preparations to

go to Turkey under cover as a German businessman, but this effort was aborted in the winter of 1959–60 when a Munich periodical published a series of articles on espionage, one of which described Sigl's efforts to steal registered post office mail and intimated that he worked for the Soviets. Following this disclosure, Sigl worked exclusively for the KGB in the DDR until his defection in 1969.

Sigl defected to US intelligence authorities in West Berlin on 11 April 1969. Three months later he entered the United States for resettlement. After 1960, Sigl had concentrated on assessing and recruiting Germans and persons of other nationalities of interest to the KGB within the DDR. As a result, he was able to provide useful information on KGB facilities and modus operandi in the DDR. He also brought out documented lists of agents who worked for the KGB in the West.

During Sigl's career, he used the following aliases: Gerhard Reichl, Gerhard Reichelt, Heinz Bernd/Berndt, Peter Klein, Kurt Hager, and Gerhard Blum.

Yuriy Ivanovich Nosenko

Yuriy Vanovich Nosenko, born 30 October 1927, Nikolayev, Ukraine, USSR, was a KGB Second Chief Directorate (SCD) counterintelligence officer who defected in Switzerland on 4 February 1964.

As a child, Nosenko lived in Nikolayev in the Ukraine and Leningrad where his father, Ivan Isidorovich Nosenko, was a prominent Soviet shipbuilding engineer. At the time of his death in 1956, his father, Ivan Nosenko, was the Soviet Minister of Shipbuilding in Moscow.

As a teenager during World War II, Nosenko attended various naval training schools. At the end of the war he entered the Institute of International Relations in Moscow where he specialized in International Law and English. While attending this institute in 1947 he married the daughter of a Soviet lieutenant general. This marriage was subsequently dissolved when his father-in-law was arrested in connection with Stalin's purge of Marshal Georgiy Zhukov's associates. Upon completion of his studies at this Institute in 1950 Nosenko joined Naval Intelligence (GRU) and served in the Far East and in the Baltic area for about two years.

In early 1953, Nosenko arranged a transfer to the KGB SCD where he was assigned as a counterintelligence officer to the American Embassy Section of the American Department. As a member of the Embassy Section, he was targeted against American correspondents and US Army personnel residing in Moscow.

In June 1953, Nosenko married the daughter of the first deputy chief of the State Committee for Coordination of Scientific Research Work in the Soviet Union. His wife and children by this marriage were left in the Soviet Union when he defected in Switzerland in 1964.

In June 1955, Nosenko transferred to the Tourist Section of the Seventh Department of the SCD. While in this section he was primarily involved in operations designed to recruit American and British Commonwealth tourists in the Soviet Union. In 1957 he joined the Communist Party. In 1957 and again in 1958 he used the alias Yuriy Ivanovich Nikolayev to visit London as a security escort for a Soviet sports delegation. In 1958 he joined the newly created American-British Commonwealth Section of the Seventh Department, which was responsible for identifying and recruiting foreign intelligence agents visiting the Soviet Union as tourists. As deputy chief of this section, he engaged in many counterintelligence operations involving sexual entrapment of foreign tourists.

In January 1960, Nosenko transferred to the American Embassy Section of the American Department. Nosenko stated that this section was responsible for monitoring contact between US Embassy personnel and Soviet citizens and for the collection of information on American embassy personnel to facilitate their recruitment.

In March 1962, Nosenko accompanied the Soviet delegation to the Disarmament Conference in Geneva, Switzerland, as a security escort. He remained in Switzerland until 15 June 1962 at which time he returned to the Soviet Union and resumed his duties in the American-British Commonwealth Section. In January 1964 he again traveled to Switzerland as a security escort for the Soviet delegation to the Disarmament Conference in Geneva. He defected in Geneva on

4 February 1964 and was subsequently brought to the United States.

Olga Aleksandrovna Farmakovskaya

Olga Aleksandrovna Farmakovskaya, nee Mogulevskaya, born July 1921, Leningrad, USSR, was a Soviet English-language interpreter who defected to the West in Beirut in October 1966.

Olga, according to her own account, was a native of Leningrad and the daughter of Alexander Edward Henry, who was born in Italy of British parentage. Educated in Leningrad, she received a diploma qualifying her as a teacher and translator of English.

In 1946, Olga temporarily worked at the fur auction in Leningrad, escorting foreign fur buyers and reporting on them to the Soviet State Security Service. On the completion of that assignment, she applied for Security Service employment in Moscow, but she was not accepted. She believed that the reason she was not hired was because she had not joined the Komsomol.

As of 1950, Olga was employed at the Naval Engineering and Technical School in Leningrad, preparing English-language and testing materials. There she met and married Vadim Vadimovich Farmakovskiy, a student in the Naval School. She and her husband continued to live in Leningrad until 1956, during which period she worked first as an English teacher for a naval school in Pushkin, and, later from 1952 to 1956, for Inturist in Leningrad.

In 1956, Farmakovskiy was assigned to the Military Diplomatic Academy (MDA), the GRU strategic Intelligence School in Moscow, where he studied until 1959. During his last year at the Academy, Farmakovskiy obtained a job as a GRU officer assigned to the Committee for Coordination of Scientific Work (GKKNR), where Oleg Vadimirovich Penkovskiy was also employed. Farmakovskiy remained in this job until 1962, taking occasional business trips abroad during this period. In 1961, for example, Penkovskiy identified Farmakovskiy as one of the five GRU officers including himself assigned to the GKKNR in November 1960.

In September 1962, Farmakovskiy, accompanied by Olga, was posted to the Soviet Trade Delegation in

Stockholm, Sweden. Initially his task was to establish himself in his Trade Delegation cover job, but he did pick up two contacts. Farmakovskiy, who did not discuss his operational work with his wife, found this clandestine activity distasteful. In December 1962, however, Farmakovskiy was recalled to Moscow because of his associations with Penkovskiy, who was arrested according to the Soviet press on 22 October 1962.

Farmakovskiy and Olga agreed in late 1962 that she would take the first opportunity to defect to the West. In the spring of 1963, Farmakovskiy was discharged from the GRU because of his apparent unwillingness to engage in espionage. Subsequently, he worked as a civil engineer.

In 1963, Olga was again employed briefly at the Leningrad fur auction and again served as a KGB informant. Although she had reported nothing of value during this assignment, her Leningrad KGB case officer valued her refusal to engage in black marketeering or other disapproved behavior, and he referred her to a contact in the KGB Center in Moscow.

In January 1964, Olga was hired by UPDK (the department of the Foreign Ministry concerned with providing services for foreign diplomats in Moscow). UPDK placed her as a translator at the Nepalese embassy in Moscow. In this position, Olga was required to report to the KGB on all embassy personnel, especially the ambassador. She was also required to draw a detailed diagram of the embassy interior.

Because she disliked working with the Nepalese, Olga requested a transfer to another position. In March 1965, she was assigned to work as a translator for Peter Worthington, a Canadian journalist in Moscow. In this assignment she was also required to report to KGB on Worthington. Olga told Worthington early in 1966 of her desire to defect, and she continued to work for him.

In the fall of 1966 Olga took a Mediterranean cruise aboard the Soviet tourist ship *SS Litva*. On 16 October 1966, she left the ship, approached the US embassy in Beirut, and requested political asylum. US intelligence and Lebanese security officers debriefed her in Beirut where the local officials eventually fined her for illegal entry. In the meantime, on 7 November 1966, *Pravda*

published an account of her defection. Eight days later, Olga traveled to Brussels through the efforts of Russian refugee channels. In the Belgian capital, US intelligence and Belgian Surete officials again debriefed her. US intelligence terminated interviews with Olga on 8 December 1966 in Brussels.

In mid-December 1966, Vidam Farmakovskiy lunched with Worthington in Moscow. The Soviet told the Canadian that he knew that the Canadian journalist was aware of Olga's defection plans and that he believed Worthington had encouraged her to defect and also added that he knew Worthington and Olga had an affair in Moscow. Farmakovskiy told Worthington that he planned to use this information to ruin him unless he agreed to go to Brussels and persuade Olga to return to the USSR where all would be forgiven. If Worthington would not agree to these terms, then Farmakovskiy would send letters with details on this affair to Worthington's family, his employers, and the Canadian Embassy in Moscow.

On 29 December 1966, Worthington left Moscow, passed through London, and went to Brussels where he rejoined Olga. On 26 December, Worthington flew to Canada and returned shortly to Brussels. On 6 January 1967, the US Consul in Brussels advised Olga and Worthington that her application for entry to the USA was denied. Olga eventually went to Canada and in the late 1960s was working for the University of Toronto. Worthington continued his career as a journalist with Canadian newspapers in Canada.

During the time that US intelligence had access to Olga in Beirut and Brussels, there was some question about her bona fides. The case is an interesting one, however, because Olga, her husband and Worthington all had contacts with or were involved with the KGB and GRU. As noted above, Olga's husband, worked at the GKKNR with Penkovskiy who was executed for spying on behalf of the United States. Olga herself proffered information from a variety of unspecified sources on Cherepanov, who was allegedly a classmate of her husband's and had been executed for supplying information to the US Embassy. She claimed that Cherepanov was not posted abroad after his graduation from the MDA in 1959 and became bitter and resentful. In revenge, he passed documents to the US Embassy which returned them to the Soviet Foreign Ministry.

Although her information differs in some respects from data developed by US intelligence (Cherepanov was reportedly KGB rather than GRU and had served in Belgrade), it is possible that she presented the information as she knew it. She also stated that she had heard about but did not know the defector Nosenko. Her information, especially about the KGB's Second Chief Directorate, tended to support in part his bona fides. Whether she was a dispatched KGB agent or a genuine, but troublesome, defector, she did provide some insight into developments in the Penkovskiy, Cherepanov and Nosenko cases. Most of the information was allegedly hearsay, and it is difficult to ascertain if that information was a deception. She did, however, give an accurate insight into the continuing operations of the KGB's Second Chief Directorate against foreigners in the USSR.

According to the *KGB Alphabetical List of Agents of Foreign Intelligence Services, Defectors, Members of Anti-Soviet Organizations, Members of {punitive units and Other Criminals Under Search Warrant* dated in 1969, the deputy Procurator general authorized Olga's arrest.

Oleg Vladimirovich Penkovskiy

Oleg Vladimirovich Penkovskiy was a Soviet military intelligence (GRU) officer who worked in place for the CIA and British intelligence from 1960 to 1962.



Oleg Vladimirovich Penkovskiy

A professional Red Army officer who had risen through the ranks, Penkovskiy served with distinction as a Soviet artillery officer throughout World War II. After the war, he attended the Frunze Academy for two years. He then joined the GRU and attended the Military-Diplomatic Academy for four years.

Following his training, he served as a GRU desk officer and subsequently as assistant military attaché in Turkey in 1955 and 1956. Subsequently, he was reassigned to the Near Eastern and Far Eastern desks in Moscow and attended the missile refresher course at the Dzerzhinskiy Artillery Academy. In 1960 he was assigned by the GRU in the State Scientific Technical Committee (GNTK) to perform intelligence collection functions. By the fall of 1962 he had risen to the position of Deputy Chief of the Foreign Liaison Department of the External Relations Directorate of the State Committee for Coordination of Scientific Research Work (GKKNR, predecessor organization to the GKNT).

After several unsuccessful attempts to make contact with the CIA via American tourists and a Canadian diplomat, Penkovskiy was finally able to make contact with MI6. After this contact, MI6 and CIA handled Penkovskiy jointly. Because he was a trusted senior GRU officer, Penkovskiy had unique access to Soviet military information need by the West. He often jeopardized his personal security by providing huge amounts of material to CIA and MI6 officers, particularly during three visits he made to the West; two in London and one in Paris, France.

In Moscow, he was handled by MI6. He frequently had short meetings with the wife of a British Embassy official. The intelligence Penkovskiy passed to the West was highly valuable. The Cuban missile crisis in October 1962, demonstrated the unique value of Penkovskiy's contribution. He provided manuals and other detailed technical information on Soviet missiles that helped identify the devices Premier Khrushchev had secretly installed in Cuba. It was his intelligence that allowed President Kennedy to expertly handle the missile showdown with the Soviet Union.

Penkovskiy was arrested by the KGB. He was given a show trial after which he was executed.

Defection of Bernon F. Mitchell and William H. Martin

Bernon F. Mitchell was born on March 11, 1929, at San Francisco, California. He was interviewed by a National Security Agency recruiter on February 25, 1957, while a university student. He had gained field experience in cryptology during the course of Navy service from 1951 to 1954 (during which time he and William Martin became friends) and had acquired familiarization and experience with computers. Based on Mitchell's academic record, the recruiter's recommendation, the personal knowledge of an NSA supervisor as to Mitchell's work performance while in the Navy, and the fact that he had been previously cleared by the Navy for access to cryptologic information, he was offered, and accepted, employment as a mathematician, GS-7, reporting for duty on July 8, 1957.

On July 17, 1957, the Office of Security Services requested the Civil Service Commission to conduct a national security check on Mitchell. On July 23, 1957, Mitchell was given a polygraph interview. At that time he refused to answer any questions about sexual perversion or blackmail. Eleven days later, Mitchell submitted to another polygraph interview and admitted that, between the ages of 13 and 19, he had participated in sexual experimentation with dogs and chickens.

The Office of Security Services evaluator who reviewed the data on Mitchell—including the results of the polygraph interviews, a national agency check, and a background investigation conducted by the Navy in 1951—did not refer the case to another evaluator for a supporting or dissenting judgment before approving Mitchell for an interim security clearance, which was granted on August 7, 1957, five days after his second polygraph session. On September 4, 1957, Mitchell executed a Security Indoctrination Oath. On the same day he was issued a badge permitting access to information through Top Secret on a "need-to-know" basis. It was not until September 9, 1957—two months after he had been placed on the payroll—that NSA requested a full field investigation into his background. The Air Force agency, which conducted this investigation was not given the benefit of any of the information revealed during his polygraph interviews.

On January 3, 1958, the Air Force Office of Special Investigations submitted its report on Mitchell's background investigation to NSA. On January 23, 1958, he was given final clearance.

NSA's director of the Office of Security Services told the Committee on Un-American Activities at an executive session that the agency did not turn over information obtained from polygraph interviews to other investigative organizations because NSA employees had been promised by NSA that polygraph interviews would be kept confidential. The only exception to this policy, the committee was told, would be in cases where interviews turned up information about undetected crimes and subversive activities.

William H. Martin was born on May 27, 1931, at Columbus, Georgia. He was interviewed by an NSA recruiter on March 8, 1957, while a university student. He had become experienced as a cryptologist during a tour of duty in the Navy from 1951 to 1955 and continued the same type of work as a civilian for the Army in Japan for nearly a year after receiving his discharge from the Navy. As in the case of Mitchell, the recruiter detected no reason why Martin would have any difficulty in obtaining security clearance to work at NSA. Based on the recruiter's recommendation, Martin's academic record, and the recommendation of an NSA supervisor who had known both Martin and Mitchell in Japan, he was hired as a mathematician, GS-7, and reported for duty on July 8, 1957, with Mitchell.

The National Agency check on Martin and his polygraph interview disclosed no information that the NSA evaluator considered to be a bar to interim security clearance. During the background investigation on Martin, which included the results of the 1951 Navy investigation, it was revealed that acquaintances described him as (1) an insufferable egotist; (2) a little effeminate; (3) not wholly normal; (4) rather irresponsible; and (5) one who might be swayed by flattery. Former supervisors, both Navy and Army, were almost unanimous in expressing the opinion they would not want to have him work for them again. Nevertheless, with only one exception, persons interviewed recommended him as one who could have access to classified information.

The NSA security evaluator concerned saw nothing sufficiently derogatory about the above characterizations of Martin to recommend that he be denied a security clearance. The findings of the field investigation, of course, in accordance with the practice at that time were not turned over to NSA's personnel office or any other office having to do with Martin's employment. Martin was granted an interim clearance on August 14, 1957.

On August 28, 1957, more than a month and a half after he had been hired, NSA requested the Department of the Navy to conduct a full field investigation on Martin. On September 4, 1957, he executed a Security Indoctrination Oath, and on the same day he was issued a badge permitting access to information, classified Top Secret on a "need-to-know" basis. NSA received the Navy's report of investigation on April 22, 1958. On May 12, 1958, Martin was granted a final clearance.

The Martin-Mitchell case became a matter of immediate interest to the committee on August 1, 1960, when the Department of Defense made a public announcement that these two NSA employees had failed to return from a supposed vacation trip, which they had taken together. The committee had already begun a preliminary investigation when, on August 5, 1960, the Defense Department made a follow-up statement concluding that, as a result of its own investigation into why Mitchell and Martin had not returned from leave, "there is a likelihood that they have gone behind the Iron Curtain."

On September 6, 1960, at a press conference in Moscow, the Soviet Union presented Mitchell and Martin to the world in the role of traitors, willing to accuse the United States of acts about which they possessed no knowledge. Mitchell and Martin did possess much knowledge, however, about the organization and operation of NSA, and it was reasonable to presume that their disclosure to the USSR of information about the NSA adversely affected the security of the United States.

On September 7, 1960, the Committee on Un-American Activities authorized a formal investigation and hearings on the National Security Agency for the following legislative purposes:

1. Strengthening of security laws and regulations by amending those parts of H.R. 2232 referred to this Committee on January 12, 1959 relating to unauthorized disclosure of certain information affecting national defense and Section 349 of the Immigration and Nationality Act providing for loss of nationality in certain cases;
2. Consideration of legislation to amend the Act of August 26, 1950, relating to the suspension of employment of civilian personnel of the United States in the interest of national security in line with H.R. 1989, introduced by the Chairman on January 9, 1959;
3. Proposed legislation affixing procedures for investigative clearance of individuals prior to government employment with a view to eliminating employment of subversives and security risks;
4. Performance of the duties of legislative oversight.

CI in the Turbulent 1960s and 1970s Bibliography

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IMPORTANT DATES AND COUNTERINTELLIGENCE EVENTS

CI IN THE TURBULENT 60s AND 70s
1960-1979

1960	3 January	United States breaks relations with Cuba.
	1 May	Gary Francis Powers, a CIA U-2 pilot, shot down over the Soviet Union.
	16 May	Khrushchev breaks up summit meeting over U-2 incident; Eisenhower promises not to resume overflights of USSR.
	1 June	Sino-Soviet dispute surfaces.
	20 August	GRU Officer Oleg Penskovskiy becomes agent-in-place for CIA and British intelligence.
	10 November	President Kennedy announces retention of Dulles at CIA and Hoover at FBI.
	10 November	David Greenglass released after serving only 9½ years for conspiracy to commit espionage.
1961	3 March	Harold N. Borger arrested by West German authorities. He was the first American tried in West Germany on espionage charges. Although it was not firmly established he passed information to East Germany, he received 2 years and 6 months in prison with time spent in pretrial confinement subtracted from his sentence.
	17 April	Bay of Pigs landing and associated battles.
	4 May	President's Board reactivated as President's Foreign Intelligence Advisory Board (PFIAB); Maxwell Taylor named Chairman.
	13 June	Irvin C. Scarbeck, US diplomat, arrested for passing classified documents to Polish intelligence.
	7 August	Dr. Robert A. Soblen was sentenced to ten years for conspiracy to steal national secrets and life imprisonment for transmitting the secrets to the Soviet Union.
	13 August	Construction of the Berlin Wall begins.
	10 September	Morris and Lona Cohen arrested by British Intelligence and sentenced to 20 years in prison. The couple was exchanged in 1969 for British teacher Gerald Brooke, who had been arrested in Moscow by the KGB for distributing anti-Communist propaganda.

IMPORTANT DATES AND COUNTERINTELLIGENCE EVENTS

CI IN THE TURBULENT 60s AND 70s
1960-1979

1961	1 October	The Defense Intelligence Agency is established by Department of Defense Directive 5105.21.
	15 December	Anatoliy Golitsyn defects to CIA.
	18 December	Joseph Patrick Kauffman, U.S. Army Air Corps, was arrested for passing information to the East Germans.
1962	10 February	Soviet illegal Rudolph Abel exchanged for CIA U-2 pilot Gary Francis Powers.
	16 April	Office of the DCI reorganized and expanded; Executive Committee established.
	9 June	President Kennedy transfers Interdepartmental Intelligence Conference from National Security Council to the Attorney General.
	October	The Army Intelligence and Security Branch created in the Regular Army. (It was redesignated the Military Intelligence Branch in 1967).
	October	Oleg Penkovskiy, a GRU officer working for CIA and British intelligence, arrested by Soviets.
1963	16 May	Oleg Penskovskiy executed by Soviets for espionage.
	30 August	Washington/Moscow “hot line” activated.
	October	The Department of Defense issues a comprehensive directive establishing intelligence career programs to create a broad professional base of trained and experienced intelligence officers.
	29 October	John W. Butenko and Ivan Ivanov are arrested on charges of espionage for the USSR and failure to register as agents of a foreign power. Butenko received 30 years and Ivanov received 20 years of imprisonment.
	November	Robert D. Haguewood, who worked at the National Security Agency, defects to the Soviet Union.
	22 November	President John Kennedy assassinated.
1964	4 February	Yuri Nosenko, KGB Second Chief Directorate officer, defects to CIA.
	April	Soviet audio-surveillance of US Embassy in Moscow disclosed.

IMPORTANT DATES AND COUNTERINTELLIGENCE EVENTS

CI IN THE TURBULENT 60s AND 70s
1960-1979

1964	6 April	Yuri Nosenko confined by CIA; hostile interrogation begins.
	2 September	FBI begins COINTELPRO operations against the Ku Klux Klan.
1965	7 January	Robert Gordon Thompson was tried on charges of espionage for the USSR and failure to register as an agent of a foreign power. He was sentenced to 30 years in prison.
	1 April	Program of public exposure of Soviet intelligence officers abroad begins.
	6 April	Robert Lee Johnson was arrested and later tried in June for unauthorized transmission of classified information to the Soviet Union. He was sentenced to 25 years in prison.
	May	James Allen Mintkenbaugh, arrested with Johnson, was accused of unlawful possession of documents in aid of a foreign agent. He was also tried in June and sentenced to 25 years in prison.
	June	Fourteen thousand National Guardsmen are called out during a riot at Watts, a black ghetto in South Los Angeles; 34 die, 4,000 are arrested, and the area is in ashes after five days.
	November	The U.S. Army Intelligence Command (INSCOM) is established to handle counterintelligence functions in the U.S. (It was discontinued in 1974 and replaced with the U.S. Army Intelligence Agency)
1966	31 January	Students demonstrate nationwide against the Vietnam war.
	4 February	Naval Investigative Service established. Name is later changed to Naval Criminal Investigative Service.
	12 July	William Henry Whalen, US Army, arrested for espionage.
	14 July	Senate rejects proposal to permit Foreign Relations Committee members to participate in Senate oversight of US intelligence operations.
	24 October	Air Force Sergeant Herbert Boeckenhaupt is arrested and later charged with conspiracy to commit espionage on behalf of the Soviet Union. On 7 Jun 1967 he was sentenced to 30 years in prison.

IMPORTANT DATES AND COUNTERINTELLIGENCE EVENTS

CI IN THE TURBULENT 60s AND 70s
1960-1979

1967	May	Gary Lee Ledbetter, U.S. Navy, arrested and court-martialed for passing information to two British civilians recruited by East Germany.
	June	Detroit black riots end after 8 days, 43 dead.
	July	Newark Black riots end after six days with 26 dead.
	4 July	Freedom of Information Act goes into effect.
	15 August	CIA develops Operation Chaos in response to President Johnson's persistent interest in the extent of foreign influence on domestic unrest.
	25 August	Leonard Jenkins Safford and Ulysses L. Harris, US Army, are arrested for espionage.
	25 August	FBI begins COINTELPRO operation Black nationalists.
	21 October	Antiwar protesters make night march on Pentagon.
1968	2 January	President Johnson signs measure to bring "new life" into the idle Subversive Activities Control Board.
	23 January	U.S. Navy intelligence gathering ship <i>Pueblo</i> captured by North Korea. Crew released on 22 Dec.
	April	Black militancy increases on campuses; the president of San Francisco University resigns as black instructors urge black students to bring guns on campus.
	26 April	Secretary of Defense Clark Clifford announces establishment of Riot Control Center at the Pentagon.
	9 May	FBI begins COINTELPRO operations against the New Left.
	26 August	Yuppies lead major riots at Democratic Convention in Chicago.
1969	18 February	House Committee on Un-American Activities changed to House Committee on Internal Security.
	11 April	Joseph B. Attardi, Army Staff Sergeant, arrested and sentenced on 27 August 1969 to 3 years in prison on charges of providing NATO defense plans to a fellow soldier.

IMPORTANT DATES AND COUNTERINTELLIGENCE EVENTS

CI IN THE TURBULENT 60s AND 70s
1960-1979

1969	20 April	A group of black students armed with machine guns take over a building on Cornell University; they leave after negotiations with the administration.
	22 July	Attorney General Mitchell establishes the Civil Disturbance Group to coordinate intelligence policy and actions within Justice concerning domestic civil disturbance.
	15 October	National Moratorium antiwar march.
	15 November	Second and larger National Moratorium antiwar march.
1970	20 January	Army domestic surveillance program is revealed.
	6 March	A Greenwich Village townhouse in New York is destroyed by an explosion in what is believed to be a “bomb factory” of a radical group known as the Weathermen; three bodies are found.
	19 March	Executive Protection Service established placing a heavier guard around embassies.
	9 May	Nearly 100,000 students demonstrate in Washington, D.C.; Nixon unable to sleep, goes to the Lincoln Memorial to address them.
	5 June	President Nixon holds meeting in White House to create Interagency Committee on Intelligence (ICI). FBI Director Hoover named chairman.
	8 June	Hoover convenes meeting of Intelligence principals to plan writing of a Special Report for the President; names William Sullivan work group chairman.
	9 June	First meeting of ICI work group at Langley. Each agency assigned task of preparing a list of restraints hampering intelligence collection.
	23 June	Hoover terminates all FBI formal liaison with NSA, DIA, Secret Service and the military services.
	25 June	Principals meet in Hoover’s office to sign the Special Report.
	9 July	In a memo, Huston proclaims himself the “exclusive” contact point in the White House on matters of domestic intelligence or internal security.

IMPORTANT DATES AND COUNTERINTELLIGENCE EVENTS

CI IN THE TURBULENT 60s AND 70s
1960-1979

1970	23 July	Huston Plan for expanding domestic intelligence gathering approved; canceled 28 Jul.
	10 August	John Dean takes over Huston's intelligence responsibilities in the White House.
	10 September	Huston urges White House expansion of Subversive Activities Control Board via an Executive Order.
	17 September	Attorney General Mitchell tells Dean he approves of an Interagency Evaluation Committee (IEC) to improve intelligence coordination.
	3 December	IEC holds first meeting in Dean's office.
1971	3 February	Hoover refuses to provide FBI staff for IEC
	27 April	FBI's COINTELPRO operations terminated in response to disclosures about the program in the press.
	13 June	The New York Times publishes the first installment of "The Pentagon Papers," a secret (classified) history of American involvement in Vietnam since World War II.
	2 July	Ehrlichman forms "Plumbers" Group at President Nixon's request.
	21 October	Walter T. Perkins, US Air Force, arrested for improper possession of and use of documents dealing with national security.
	15 November	Soviet illegal Rudolph Abel dies.
1972	2 May	FBI Director J. Edgar Hoover dies.
	19 May	CIA gets court injunction against Victor Marchetti's publication of classified information.
	19 May	Bomb explodes in the Pentagon Building.
	3 June	Berlin agreement recognized the existence of separate East and West German sectors.
	17 June	Watergate break-in; five men arrested had past CIA ties.
	12 August	Last U.S. combat troops leave South Vietnam. Heavy air raids conducted over North Vietnam.

IMPORTANT DATES AND COUNTERINTELLIGENCE EVENTS

CI IN THE TURBULENT 60s AND 70s
1960-1979

1973	June	IEC abolished
	July	CIA's mail opening program stopped.
	21 July	James D. Wood, US Air Force, arrested for espionage on behalf of the Soviet Union.
1974	3 March	Airman First Class Oliver Everett Grunden, US Air Force, is convicted of espionage. He is dishonorably discharged from the Air Force and receives a five-year prison sentence.
	19 March	CIA's Operation Chaos program terminated.
	4 September	U.S. and East Germany establish formal diplomatic relations.
	4 October	Philip Agee publishes list of American officials working overseas whom he claims work for CIA.
	14 October	U.S. Army Specialist Fifth Class Leslie J. Payne and his East-German born wife, Krista, were arrested by West German police for espionage on behalf of East Germany.
	22 December	New York Times publishes article on CIA's domestic activities.
	24 December	Dismissal of CIA's CI chief James J. Angleton announced.
	31 December	George T. Kalaris is appointed to replace James J. Angleton, the CIA's embattled Chief of Counterintelligence.
1975	4 January	President Ford signs Executive Order establishing a Presidential Commission to examine CIA operations within the US. It is chaired by Vice President Nelson Rockefeller and becomes known as the Rockefeller Commission.
	15 January	DCI William Colby testifies before Congress that provocative CIA domestic operations were discontinued after February 1973.
	27 January	The Senate passes Senate Resolution 21 (94th Congress), which establishes a Senate Select Committee to Study Government Operations with Respect to Intelligence Activities. It is chaired by Senator Frank Church and becomes known as the Church Committee.

CI IN THE TURBULENT 60s AND 70s
1960-1979

1975	19 February	The House of Representatives passes Resolution 139 (94th Congress), which establishes the House Select Committee on Intelligence. It is chaired by Representative Lucien Nedzi.
	5 Apr 1976:	Attorney General Edward Levi's guidelines for domestic security and intelligence investigations became the FBI's standard operating procedures.
	June	Sarkis Paskalian admits to FBI that he was a Soviet spy and names Sahag Dedyan as his accomplice.
	10 June	The Rockefeller Commission Report, which had been submitted to President Ford on 6 June is released. The report states that almost all of the CIA's domestic activities were lawful, but that some were clearly unlawful.
	27 June	Sahag K. Dedayan, John Hopkins Applied Physics Laboratory, is arrested for spying for the USSR.
	17 July	House Resolution 591 (94th Congress) is passed. It re-staffed the House Select Committee on Intelligence. Representative Otis Pike is named to chair the committee, and it becomes known as the Pike Committee.
	2 November	General shakeup of President Ford's national security officials. William Colby dismissed as Director of Central Intelligence.
	21 November	The Senate's Church Committee publishes report on assassinations.
	23 December	Richard Welch, CIA's Chief of Station in Athens, assassinated.
1976	29 January	The Pike Committee report is submitted to the House of Representatives. The House votes not to release the results of the report until President Ford states that its release will not damage US intelligence activities.
	30 January	George Bush becomes Director of Central Intelligence.
	16 February	A portion of the Pike Committee report, which was given to the <i>Village Voice</i> by CBS correspondent Daniel Schorr, appears in the <i>Village Voice</i> . Additional portions appear on 23 February 1976.

IMPORTANT DATES AND COUNTERINTELLIGENCE EVENTS

CI IN THE TURBULENT 60s AND 70s
1960-1979

1976	19 February	The House passes House Resolution 1042 (94th Congress). It authorizes the House Committee on Standards of Official Conduct to look into the publication of the classified Pike Committee report.
	1 March	The Senate Committee on Government Operations reports on Senate Resolution 400 (94th Congress). The resolution creates a standing Senate Committee on Intelligence.
	28 April	The Church Committee releases its Final Report, Intelligence Activities and the Rights of Americans. It maintains that poor oversight of intelligence activities had permitted violations of constitutional rights.
	8 May	FBI chief Clarence Kelly apologizes publicly for bureau excesses, such as the Martin Luther King and Black Panther surveillance.
	16 May	Senate Resolution 400 creates permanent Senate Select Committee on Intelligence (SSCI),
	18 May	New National Security Council Intelligence Directives (NSCIDs) and Director of Central Intelligence Directives (DCIDs) issued in conjunction with Executive Order 11905.
	19 May	Senate votes to establish a permanent Select Committee on Intelligence to monitor the activities of the CIA and other federal intelligence agencies.
	11 August	Clarence Kelley transferred domestic intelligence investigations to the General Investigative Division of the FBI.
	22 December	Edwin G. Moore, retired CIA, is arrested for attempting to spy for the USSR.
1977	1 January	The US Army Intelligence and Security Command is created.
	6 January	Andrew Dalton Lee is arrested in Mexico City. Police find microfilm containing highly secret American documents. He is returned to the United States.
	7 January	Ivan N. Rogalsky arrested on charges of conspiring to commit espionage.
	16 January	Christopher J. Boyce, TRW, arrested for spying for the USSR.

IMPORTANT DATES AND COUNTERINTELLIGENCE EVENTS

CI IN THE TURBULENT 60s AND 70s
1960-1979

1977	17 January	Andrew Dalton Lee was arrested by the FBI for spying for the USSR.
	18 May	The SSCI's first annual report is issued. It says that the intelligence agencies are now accounting properly to Congress and that Executive Oversight appears to be working.
	14 July	The House passes Resolution 658 (95th Congress), which creates a House Intelligence Committee. Representative Edward Boland is named as chairman.
	4 August	President Jimmy Carter announces reorganization of the Intelligence Community, creating a high-level committee chaired by the DCI to set priorities for collecting and producing intelligence, and giving the DCI full control of budget and operational tasking of intelligence collection.
1978	24 January	President Carter signs Executive Order 12036, which reshapes the intelligence structure and provides explicit guidance on all facets of intelligence activities.
	31 January	Ronald L. Humphrey, US Information Agency, arrested for spying for Vietnam.
	6 April	Arkadiy N. Schevchenko, Soviet official at the United Nations, defects to the United States.
	July	Ion Mihai Pacepa, Deputy Director of Romania's Department of Foreign Intelligence, defects to the U.S.
1979	15 November	British government publicly identifies Sir Anthony Blunt as the "fourth man" of a Soviet spy ring that included Guy Burgess, Donald Maclean, and Kim Philby.