

Senator SCHWEIKER. I just want to say I agree with your point that when somebody from an FBI agency or CIA agency comes in and tells you a project is secret, immediate assumptions are formed in your own mind, and I think this is what is wrong with the system. One assumes that if a project is secret, somebody up there knows it and somebody else approves it, and obviously this is not the case, but I can understand that assumption. I think this is what we have to deal with in the committee.

That is all I have, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator.

Mr. MONTAGUE. May I make just one comment, Senator?

The CHAIRMAN. Yes, Mr. Montague.

Mr. MONTAGUE. Along the line of the Long hearings that Senator Schweiker asked about, according to my recollection during that entire hearing there was not one direct question to me on CIA, FBI, or other intelligence agency mail coverage.

The CHAIRMAN. Time and time again in the course of this investigation, we have had agents in the CIA tell us—and I think honestly so—that what they did they did because they assumed it was approved. But as we trace the line of authority upward, we often find that the men at the top were not informed and had not authorized the activity.

That concludes the hearing this morning until 2 o'clock this afternoon.

[Whereupon, at 12:58 p.m., the select committee was recessed, to reconvene at 2 p.m. the same day.]

#### AFTERNOON SESSION

The CHAIRMAN. The hearing will please come back to order.

Our witness this afternoon is Ambassador Helms, formerly the Director of the CIA during much of the period under investigation.

Mr. Helms, would you please stand and take the oath?

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

Ambassador HELMS. I do, Mr. Chairman.

The CHAIRMAN. Mr. Schwarz, will you commence with the questioning, please?

#### TESTIMONY OF HON. RICHARD HELMS, AMBASSADOR TO IRAN AND FORMER DIRECTOR, CENTRAL INTELLIGENCE AGENCY

Mr. SCHWARZ. Mr. Helms, as I informed you during the luncheon recess, the line of questioning I am going to follow will trace what disclosures about the CIA mail-opening projects were or were not made, first to Postmasters General, second to Attorneys General, and third to Presidents. We are going to start with Postmasters General.

Have you before you the chart headed "Postmasters General"?

Ambassador HELMS. I have, Mr. Schwarz.

Mr. SCHWARZ. First, focusing on the not-informed individuals, is it correct to the best of your knowledge that Messrs. Gronouski, O'Brien, Watson, and Klassen were not informed of that project?

Ambassador HELMS. To the best of my knowledge, sir, that is correct.

Mr. SCHWARZ. With respect to Mr. Summerfield, who was the Postmaster General from 1953 until the end of the Eisenhower administration in January of 1961, is it correct that you and Mr. Dulles went to see him in 1954 to tell him something?

Ambassador HELMS. Yes, sir.

Mr. SCHWARZ. What did you tell him?

Ambassador HELMS. Mr. Schwarz, may I note, I think it would save time for both of us, I will assume the dates on your paper are accurate. I mean, I don't want to have to verify them each time. I would just as soon we got the dates straight, but I don't want you to hold me in jeopardy if one of them is wrong.

Mr. SCHWARZ. All right. We never tried to hold you in jeopardy, Mr. Helms.

You went to see Mr. Summerfield along with Mr. Dulles and told him something. What did you tell him?

Ambassador HELMS. Well, I wrote a memorandum after Mr. Dulles and I had been to that meeting, a memorandum for the record I guess you would call it; and I believe, as was the custom at the time, that I sent the memorandum to Mr. Dulles so that he would see what I had written about the meeting, and that was so long ago that I can only say that what is in that memorandum I would be glad to vouch for today.

Mr. SCHWARZ. All right. So, you agree then, that based upon the memorandum, what you told Mr. Summerfield was that the Agency wanted to photograph the backs and fronts of first-class mail to and from the Soviet and satellite areas?

Ambassador HELMS. I think it was in that general ball park, that kind of conversation; but the details of it, I am sorry, I cannot go any further than what the memorandum says.

Mr. SCHWARZ. And the memorandum indicates that you did not tell him that mail was going to be opened, is that right?

Ambassador HELMS. Yes, sir.

Mr. SCHWARZ. Did you say that I was correct when I said that?

Ambassador HELMS. What I'm trying to—the only thing I'm trying to correct is that most of the talking at that meeting was done by Mr. Dulles and not by me. I was very junior at that time and very young, and Mr. Dulles was a quite articulate individual, and he carried the burden, there is no doubt about that. So, when you say did I say this, that would not be a correct description. It was he that was doing the talking.

Mr. SCHWARZ. All right. But, just let us make the point clear. What was told by Mr. Dulles to Mr. Summerfield was that the Agency wanted to photograph the fronts and backs of envelopes and not that the Agency had photographed or wanted to photograph the insides, the letters themselves.

Ambassador HELMS. It is my opinion today from reading the records that he was not told the mail was being opened or would be opened.

Mr. SCHWARZ. All right. And, he was never told, as far as you recall, and as far as the CIA records show between 1954 and leaving office in 1961, is that right?

Ambassador HELMS. I just don't know, sir.

Mr. SCHWARZ. Or you don't recall.

Ambassador HELMS. I haven't seen any record.

Mr. SCHWARZ. And you don't recall doing it?

Ambassador HELMS. I don't recall doing it. But whether Mr. Dulles did or not, you see, is something. He used to see a lot more of Mr. Summerfield than I did.

Mr. SCHWARZ. And you don't recall Mr. Dulles telling you that he did any such thing?

Ambassador HELMS. No; I don't have any recollection.

Mr. SCHWARZ. All right.

Now, when Mr. Day took over at the start of the Kennedy administration, did you go see him?

Ambassador HELMS. Yes; we did. I believe there were three of us, the memorandum [exhibit 10<sup>1</sup>] shows, that we went to see him. Mr. Dulles was the Director and Mr. Roosevelt, Cornelius Roosevelt in this case, who was Chief of the Technical Services Staff, and myself.

Mr. SCHWARZ. All right.

Then you wrote a memorandum about that meeting indicating that you had briefed, or that the group of you had briefed Mr. Day and that you had withheld no relevant details. What did you mean by that?

Ambassador HELMS. Well, it is 14 years ago, and I have to be fair enough to say that this conversation is not all that clear to me anymore. If I wrote that memorandum the next day, which I believe I did, it would have been much more accurate, and I would like to stand on the memorandum. I think what I said was at our meeting any relevant details, we told him the truth about the project. I think Mr. Dulles did tell him the truth about the project.

Mr. SCHWARZ. And by telling the truth, you mean that in the case of Mr. Day you told him mail was being opened?

Ambassador HELMS. It is my impression today—that is the way I interpret it. But I can't go any further and I would not want to say that my memory is that infallible.

Mr. SCHWARZ. Let's skip the people who followed in the Kennedy and Johnson administrations that weren't told about the mail-opening project.

Approximately when did you meet with Mr. Blount? Was it June of 1971, as the records show?

Ambassador HELMS. Right.

Mr. SCHWARZ. That was about 3, 3½ years after he took office?

Ambassador HELMS. Yes.

Mr. SCHWARZ. Now, you heard his testimony this morning, did you?

Ambassador HELMS. Yes; I did.

Mr. SCHWARZ. Is your version of the facts the same as his?

Ambassador HELMS. I think basically yes.

Mr. SCHWARZ. Well, he denied that you told him that the mail was being opened.

Ambassador HELMS. Well, I'm just coming to that one point. He said a lot of things this morning and I wanted to try and be as factual as possible.

<sup>1</sup> See p. 210.

I no longer know exactly what documents I took along with me or what pieces of paper, to be more precise, that I took along with me when I went to brief Mr. Blount. But I thought I took along a couple of pieces of paper that would have indicated what we got out of this mail in the way of information and so forth.

Mr. SCHWARZ. You mean actual letters, not just photographs of envelopes?

Ambassador HELMS. Well; I think this was—I just don't recall anymore what the pieces of paper were. There may be somebody in the Agency who provided them to me, you know, at the time, who might have some recollection of what they were. But I thought I had some typewritten documents that would have indicated that we had seen, been reading correspondence between certain individuals in the United States and certain individuals in the Soviet Union.

Mr. SCHWARZ. You mean typewritten documents but not photocopies of the opened letter?

Ambassador HELMS. I think they were just copies of the contents, if I recall. Or it may just have been a memorandum in which there were a group of headings saying we got this, we got that, we got the other thing. And, since I don't remember, and since Mr. Blount's memory is different than mine, I don't want to get down to the degree of precision here that I can't support because he is a very honorable man, Mr. Blount, and I would just not want to be in the position of making assertions that I couldn't demonstrate that were contrary to his.

But I do recall taking something down there because I was interested in persuading him that this was an interesting and worthwhile operation, even though very sensitive.

Mr. SCHWARZ. Is it your testimony, or isn't it your testimony, that you told him that the CIA was opening letters?

Ambassador HELMS. Well, I thought so, but maybe I wasn't specific enough about it. I don't know—I thought that this was the general purport of it and that to get information out of the letters you would have to open them.

Mr. SCHWARZ. Now, turning to the Attorneys General, was Mr. Mitchell the first Attorney General, to the best of your knowledge, that was informed about the CIA's mail-opening project?

Ambassador HELMS. To the best of my knowledge. But I think it is only fair to say that I didn't know what Mr. Dulles, Mr. McCone, and Admiral Rayburn might have been vis-à-vis various Attorneys General and what they might have been talking about. So, it is only my recollection that he was the first one.

Mr. SCHWARZ. But you weren't told that anybody else—

Ambassador HELMS. Not that I recall.

Mr. SCHWARZ. All right. Now, what did you tell Mr. Mitchell?

Ambassador HELMS. Well, my recollection is that I went to see Mr. Mitchell, as I did on various occasions because, as you will have noticed in my deposition, when I went to see then President-elect Nixon in New York and was asked to stay on as Director of Central Intelligence, he had Mr. Mitchell sitting with him, and I had never met Mr. Mitchell before, and he told me on that occasion that anything that I could say to him, I could say to Mr. Mitchell, either in front of him or separately.

Then, when Mr. Mitchell came to Washington and became Attorney General, it was quite clear that he had a particular role for the President in sort of keeping an eye on intelligence matters and on covert action matters, and just a variety of things. He was sort of, I think, a watchdog for the President. So, I have consulted with Mr. Mitchell on a variety of the problems affecting the Agency over time that I would not have gone to the normal Attorney General about, nor would the normal Attorney General have been necessarily privy to these things.

So, on this occasion, as I remember the unrolling of the circumstances, Mr. Cotter and I had had a conversation about this operation, and one of the points that he made and I thought the principal point was, that pretty soon the Post Office Department was going to be changed to the U.S. Postal Service.

Mr. SCHWARZ. He denies, incidentally, that that was his reason. But that is beside the point.

Ambassador HELMS. That's all right. I'm just telling my story as I recall this, and this occurred to me as being a perfectly sensible and desirable thing, to try and find out if under a new management and a quite new series of guidelines this operation was going to be viable.

So, I went to the—as I recall the thing, and I am supported by a memorandum that somebody wrote near that time that the Attorney General first, and I think maybe among several matters that I had to take with him on that occasion—I told him about this operation, what it was doing for us, that it had been producing some information on foreign connections, dissidents, and terrorists, a subject in which he was intensely interested, and that we might have a problem when the U.S. Postal Service was founded. And I asked if it wouldn't be a good idea that I go and see the Postmaster General, Mr. Blount, and talk with him about this and see how he felt about it and to get some advice from him. And, it was my recollection that Mr. Mitchell acquiesced in this and said, "Go ahead and talk to Mr. Blount."

Mr. SCHWARZ. No, Mr. Helms, in that answer you used a vague term. Let us try to clarify it. You say you told him about this operation. Now his recollection of the meeting is that you told him about a mail cover operation. Now, is it your testimony that you told him about a mail-opening operation?

Ambassador HELMS. Well, I can only say, Mr. Schwarz, to be fair to everybody concerned, that I am not sure that everybody in Washington is as nearly familiar about the distinction between these two things then as they are now. I mean, everybody in this room knows exactly what the two things are, but in those times, I am not sure that necessarily the Attorney General would have known the difference. I do not recall, therefore, being in a battle of terminology with him. I thought I had gone down to explain something that was going on and the usefulness of the information we had, and, in fact, we would like to preserve the operation, that we were going to have a problem.

Mr. SCHWARZ. That just is an unsatisfactory answer. Did you tell him you were opening the mail or not?

Ambassador HELMS. I'm sorry you find it unsatisfactory because I don't recall whether I said specifically we are opening X numbers of letters, but the burden of my discussion with him—I don't see how it

could have left any alternative in his mind because how do you find out what somebody is saying to another correspondent unless you have opened the letter?

Mr. SCHWARZ. All right, so, you did tell him.

Ambassador HELMS. That is my recollection.

Mr. SCHWARZ. Did you tell him information about what could only have come from the contents of the letters?

Ambassador HELMS. I thought so, sir. If his perception is different, then I'm sorry. Maybe legitimately so.

Mr. SCHWARZ. Other than Mr. Mitchell, no Attorneys General that you know of were briefed on the CIA's mail project?

Ambassador HELMS. That is correct.

Mr. SCHWARZ. On the subject of Presidents, did you speak to President Eisenhower?

Ambassador HELMS. No; it would have been most unlikely that I would.

Mr. SCHWARZ. Did Mr. Dulles ever tell you that he had done any such thing?

Ambassador HELMS. I don't recall any more. I must say that I have been under the impression for a long time that I would have thought Mr. Dulles would have told President Eisenhower or possibly his own brother, who was then Secretary of State, with whom he was in constant communication, but I do not recall ever seeing it in writing, nor do I recall Mr. Dulles taking me aside and saying, "I have cleared this with President Eisenhower now." But then that is a long time ago and it would not have loomed large in my life at that time, if he had said it one way or another.

Mr. SCHWARZ. Did you speak to President Kennedy?

Ambassador HELMS. I never recalled discussing it with President Kennedy.

Mr. SCHWARZ. Did either Mr. Dulles or his successor, Mr. McCone, tell you he had spoken to President Kennedy about the CIA's mail-opening project?

Ambassador HELMS. I have no recollection of being told any such thing.

Mr. SCHWARZ. Did you speak to President Johnson?

Ambassador HELMS. I have often thought, as I have mused over these things for the past month, that it was an item that I mentioned to President Johnson on one occasion when I was going over some sensitive thing the Agency was doing. But I have no written record of this. I have no piece of paper on which I jotted notes or anything else to support this belief of mine. So, I can only just tell you that it was a belief I had. And, one of the reasons that this lingers was that Postmasters General in President Johnson's administration, except for Mr. Gronouski, I knew quite well. I knew Marvin Watson well; I knew Larry O'Brien well, and if I felt there was some real need to talk to them about it, I wouldn't have hesitated.

Mr. SCHWARZ. All right.

Would you look at exhibit 7<sup>1</sup> please, which is a memorandum for the files dated April 23, 1965?

Ambassador HELMS. Yes.

Mr. SCHWARZ. You have had a chance to see these before. I particularly want to call your attention to paragraph 7, and ask whether that

<sup>1</sup> See p. 203.

paragraph of the document does not at least strongly suggest that if you had any such conversation with President Johnson as to which you have given your best evidence, it could not have been until after April 23, 1965?

Ambassador HELMS. Well, as a matter of fact, if I discussed it with President Johnson, it would have been in the context of a particular private meeting I had to discuss some sensitive things, and it would have been a good 2 years after.

Mr. SCHWARZ. A good 2 years after 1965?

Ambassador HELMS. After 1965.

Mr. SCHWARZ. So, if you discussed it with President Johnson, it was at the earliest 1967, which was 4 years after he took office?

Ambassador HELMS. I think it was in the spring of 1967.

Mr. SCHWARZ. All right.

Now, with respect to the last President in office during your activities at the CIA, did you disclose to President Nixon the CIA mail-opening projects?

Ambassador HELMS. I never recall discussing it with President Nixon and what President Nixon knew about it, I don't know to this day. He was Vice President for 8 years; he was involved in a lot of things in President's Eisenhower's administration and saw a good deal of Mr. Dulles, and what matters he was specifically briefed on by Mr. Dulles and which he was not, I don't know. I do know that he never got into these matters when he became President; at least, he never got into them with me. And, as far as I was concerned, when I got around to talking to the Attorney General, Mr. Mitchell, I felt that if he felt any need to go to the President, he would have told me so right then and there and would have taken care of it with the President, which he did on other matters.

You will recall, that when I was talking to him about the Huston plan, and he said, "well, I had never heard about this until this morning and so forth, now let us wait until I have a chance to talk to the President," it is quite clear that he had that option any time he wanted to, and it was my feeling, if not my understanding—I never got this regularized with him—when I went to him and talked about any matters affecting the Agency, that if he wanted me to halt, cease, or desist, he could do so and talk to Mr. Nixon.

Mr. SCHWARZ. So, in any event, you didn't yourself speak to President Nixon?

Ambassador HELMS. No.

Mr. SCHWARZ. Thank you, Mr. Chairman.

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

Mr. SMOTHERS. Is it your belief that Mr. McCone was aware of the mail-opening operation?

Ambassador HELMS. Well, Mr. Smothers, I have been told in the last several days—as a matter of fact, I don't think I have been told, I think I heard it asserted here yesterday, that it was Mr. Osborn who was testifying, or someone that Mr. McCone says that he was not informed about the mail-intercept operation. I can only say that I don't know from my own certain and specific knowledge whether he was or he wasn't. He was Director for 3 years, he was a first class executive. I think he had a reputation for that. He certainly had access to everything that was going on inside the organization, and I just find it difficult to think that he didn't know anything about it,

although there is always the plausible explanation that things he saw—he wasn't an expert in the intelligence business necessarily, he might not have known where these things came from. But that is merely a supposition on my part, which might give rise to these explanations because at this time, as I recall, there was a lot of going and coming in the Agency about the Kim Philby case, where it was a question of it's being ascertained beyond any doubt that a member of the British Intelligence for many, many years, a man who had also been liaison officer here in Washington with the CIA, was a Russian agent. And some of this showed up in this mail intercept business, and I'm sure that Mr. McCone would have been briefed by Mr. Angleton who saw him constantly on matters of one sort or another. But, he may just have forgotten this was where it came from. I don't know.

Mr. SMOTHERS. You are probably as close to an expert as any on both the question of how the Agency operated and indeed the nature of the way Mr. McCone operated. Would you consider it more probable than not that McCone knew about the mail-opening operation?

Ambassador HELMS. I think it is a little unfair to ask me that. Mr. McCone can speak for himself. One of the problems, I think, with this hearing is that so many people have died; but he certainly hasn't, and I would rather have him speak for himself.

Mr. SMOTHERS. We will try to do that.

Let us pass on to your meeting with Mr. Day and your memorandum of February 16, 1961 [exhibit 10<sup>1</sup>]. This memorandum was directed to Mr. Angleton, wasn't it?

Ambassador HELMS. This was to the Deputy-in-Chief CI. I would have thought at that time it was a man named James Hunt, but I am not all that good on dates, Mr. Smothers.

Mr. SMOTHERS. Sure.

Ambassador HELMS. I felt Mr. Angleton was Chief CI.

Mr. SMOTHERS. That is not critical to my inquiry.

Ambassador HELMS. OK.

Mr. SMOTHERS. What was the purpose of this memorandum? Why would you have written down the results of your meeting with Mr. Day?

Ambassador HELMS. Because the CIA staff was in charge of at least the planning and the carrying out of this operation, and this was to make official the fact that we had had this meeting and that they had permission to go with the operation, had permission from me to go on with the operation.

Mr. SMOTHERS. So you were trying to give your managers in the Agency as full an amount of information as they needed to go ahead and carry out this letter-opening function. Is that correct?

Ambassador HELMS. That's the idea.

Mr. SMOTHERS. In that connection, then, it would be highly implausible, would it not, that you would have communicated to them information that was in error or not true?

Ambassador HELMS. There would be no reason for me to do that, Mr. Smothers.

Mr. SMOTHERS. Then this memorandum [exhibit 10]—and I think you heard some of the testimony this morning—also indicates that

<sup>1</sup> See p. 210.



after you made your presentation to the Postmaster General, Mr. Day, that you were joined by the Chief Postal Inspector, Mr. Henry Montague. Quoting from that memorandum: "This gentleman"—referring to Mr. Montague—"confirmed what we had had to say about the project and assured the Postmaster General that the matter had been handled securely, quietly, and that there had been no 'reverberations.' "

Was it your impression when you wrote this memorandum that Mr. Montague was in on it, that he knew that letters were being opened?

Ambassador HELMS. Sir, I can only stand on that language. It was written 14 years ago. It was written, I guess, a day after we had the meeting.

Mr. SMOTHERS. Is that what the language says to you?

Ambassador HELMS. That's what it says to me.

Mr. SMOTHERS. I realize the difficulty in recollection. We discussed that meeting an awful lot this morning.

When you, the Director, and Mr. Roosevelt, went down to see Mr. Day, you were then the DDP. What was Mr. Roosevelt's job?

Ambassador HELMS. My recollection is—well, I don't even have to recall it because it's written here. He was Chief of the Technical Service Division, and the Technical Service Division was that part of the DDP Office of the Clandestine Service or whatever you want to say, which would have carried out the actual physical opening of the letters, which after all, I might say, is a difficult thing to do properly so there are no complaints about it.

Mr. SMOTHERS. Did you take Mr. Roosevelt with you to insure that this matter of the mail opening would be clearly explained to the Postmaster General?

Ambassador HELMS. I don't recall why Mr. Roosevelt went on this particular occasion, Mr. Smothers, but I can only assume that since this was his role, that maybe we thought something might come up about it, and we wanted him there to answer any questions from the technical standpoint.

Mr. SMOTHERS. I know it is 14 years later, and I am asking you now to look both at your memorandum and the very high-powered cast of characters that went down to visit the Postmaster General. Is it at all likely, Mr. Helms, that all that took place at that meeting was merely to say, "we have something secret that we might want to tell you"? Then the Postmaster General replied, "I don't think I want to hear it." And after that, the cast of characters simply got up and left?

Ambassador HELMS. That wasn't quite my impression of the meeting, Mr. Smothers, no. We had gone to see Mr. Day because this was a new administration. President Kennedy had just been sworn in. It was also a new party. The Republicans had had the White House and the executive branch before, and now the Democratic Party had it, and I think Mr. Dulles felt under the circumstances that it was desirable to speak to the Postmaster General, because if it was to go forward, we needed some support for it. In other words, this was not a social visit in any sense. It was desired to see if the operation could be continued.

Mr. SMOTHERS. You did not go down trying to hide anything? You went down to try to convince the Postmaster General that he ought to go along with what you were doing; is that correct?

Ambassador HELMS. It was Mr. Dulles who did the talking on that occasion, as he did on every occasion that I went with him, and I

think—I know that was the purpose of our going down there, at least as best I recall it.

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

The CHAIRMAN. Mr. Helms, under which Presidents did you serve as Director of the CIA?

Ambassador HELMS. I was appointed, sir, by President Johnson and I served under him and under President Nixon until early February 1973.

The CHAIRMAN. And as Director of the CIA, you told neither of these Presidents about the mail-opening program?

Ambassador HELMS. I have explained what the situation was as far as President Johnson is concerned. As best I can pull this together I don't recall speaking to President Kennedy.

The CHAIRMAN. And when did you speak to Attorney General Mitchell about the mail-opening program? Was that at the time that the new administration came on, and you wanted to inform the new Attorney General of what was going on, or was that a good deal later?

Ambassador HELMS. It was a good 2 years later.

The CHAIRMAN. A good 2 years later. You were aware that the mail-opening program was illegal, were you not?

Ambassador HELMS. Mr. Chairman, I am not a lawyer, and I think it would be unfortunate to take your time and the time of the committee to get into a debate on matters that are a little bit—well, not only a little bit, but a great deal beyond my purview.

I only want to say that we were given a charge back in 19—the late forties and early fifties. It has not come up in the hearings, at least as far as I know, the ones I've been listening to, and I would like your forbearance for just a moment to explain something.

When the remnant parts of the OSS were picked up and placed as a sort of secret service under the CIA, the Central Intelligence Agency for cover purposes—after all, the Central Intelligence Agency was never designed by law to run espionage or anything of that kind—the National Security Council gave this organization, through the Director of CIA, some specific jobs to do, and in the intelligence field a more specific job was given in the area of counterespionage and counterintelligence, if you would like to call it that, the National Security Council intelligence directive gave the Agency the job of analyzing, collating, and evaluating the counterespionage information.

It also gave it the job of maintaining the basic files for the whole Government on counterespionage cases and in addition it put upon it the job of protecting the U.S. Government, the CIA and its installations, and so forth, from penetration and from any hostile intelligence services or even friendly intelligence services, as far as that is concerned.

Now, this charge was a difficult one, and there were very few methods available for carrying it out and carrying it out with any reasonable chance of success. One of those things is to penetrate another fellow's intelligence service and find out who his agents are, a most difficult job. A second is to find out about foreign agents from defectors from their service. Third are intercepts, signals, telephone calls, mail, anything that one can lay one's hands on, and then overseas there are a variety of surveillance techniques which may or may not work, but those things are always available.

Each one of them is very difficult and tricky in its own right, and I would like to point out that we have established beyond any doubt the number one target of the KGB and the GRU, the two Soviet intelligence services, is the Central Intelligence Agency. So every Director was very conscious of how seemingly unprotected he was against this penetration, but also to keep from having any agents get into this organization, because a great deal of Government information can be tapped by just having one person within the CIA.

The CHAIRMAN. Mr. Helms, given the difficulties that the Director faces in connection with counterintelligence responsibilities, do you believe that this is an Agency that need not obey the law?

Ambassador HELMS. No; and I don't think, Mr. Chairman, that you would find very many of those fine, patriotic people in the CIA that would feel that way. We are trying to get on with our job. We are trying to protect our form of government and our way of life.

The CHAIRMAN. We are not talking about motive. We are talking about a plan that went on for 20 years that everybody recognized was against the law. I am trying not to talk about motives, good purposes, and patriotism. I am trying to find out why a program like this went on for 20 years, was against the law of the country by every indication we have, statutes, the Constitution, the decisions of the Supreme Court, and all I am trying to find out from you is whether you believe that the CIA does not have to abide by these laws because of the problems that the CIA faces. Is that your position, or is it not your position? You can answer that question yes or no.

Ambassador HELMS. Well, I think my position—I don't think things are black or white in this life, and I just simply have to say that I am not a lawyer, and I get a bit confused when I read articles like the one that Alexander Bickel wrote in Commentary in January of 1974 about the various categories of laws in this country, that one supersedes another, and so forth, this all having to do with whether the antiwar movement was illegal or not. I am not a lawyer. I just have to say that I would rather let it go at that.

The CHAIRMAN. Mr. Helms, I cannot let it go quite at that because I think most anybody in the country whether he is a lawyer or not would have a very active suspicion that opening the mail was probably against the law. You do not have to be qualified to argue the case before the Supreme Court not to have that suspicion, and as the intelligent man you are, I can hardly believe that you would not have suspected that this was against the law.

Did you ask your General Counsel in the CIA for an opinion as to whether or not it was legal for the CIA to engage in this kind of activity?

Ambassador HELMS. No; I don't recall having done that, and there are plenty of memorandums, Mr. Chairman, in this record here from various people that claim that this was illegal, so it certainly came to my attention.

The CHAIRMAN. So then it did, and it must have come to your attention that this was very questionable. In fact, the Inspectors General of your own Agency who looked into the program said that in their estimation it produced very little worthwhile intelligence. They were concerned about its illegality, and at one point recommended that it be discontinued.

Ambassador HELMS. Well, sir, I heard the testimony yesterday about the lack of value of the operation, but I had—each time that this question came up about continuing it. I among other things asked for an opinion from the FBI, and I was told on each of these occasions that it was quite valuable to that organization, and I can only say that this is what motivated me to continue, because when I listen to what was said yesterday, if that had been my total appraisal, the operation would have been stopped a long time before.

The CHAIRMAN. So you were conscious of the serious questions of its legality?

Ambassador HELMS. I was, sir.

The CHAIRMAN. And nevertheless, you continued to pursue the program because the FBI indicated that it was interested in the information to which you were referring. Is that your position?

Ambassador HELMS. Yes, sir. You see, the FBI has a job of internal security.

The CHAIRMAN. Yes; I know that.

Ambassador HELMS. Of providing a protective screen for us all, and we have to collaborate with them.

The CHAIRMAN. Well, knowing or suspecting its illegality, why did you never raise this question with the President?

Ambassador HELMS. Well, that's a good question. I think that I was, through the years, affected by the fact that it was Mr. Dulles who started it, that he was a lawyer, and he had a brother who was a lawyer. I believe they were both partners in a distinguished law firm in New York, and I assumed that somehow he had made his legal peace with this, and I must say I just never went around asking for opinions about it later on.

The CHAIRMAN. Well, you were aware in June of 1970 that President Nixon was concerned about the quality of intelligence he was receiving, particularly with reference to antiwar protests in this country, and that he asked the intelligence agencies, including the CIA and the FBI, the Defense Intelligence Agency, and the National Security Agency, to prepare some recommendations as to how this intelligence effort could be improved.

A special report which bears your signature and that of J. Edgar Hoover, General Bennett, and Admiral Gayler, the heads of the four most important intelligence and law enforcement agencies, which is exhibit 11,<sup>1</sup> was prepared for this purpose and sent to the White House, where it later became the basis for what came to be known as the Huston plan.

Ambassador HELMS. Yes, sir.

The CHAIRMAN. Now, if you will turn to page 29, having to do with the question of mail coverage. I read this from the report which bears your signature. It first of all distinguishes between routine coverage which is legal, that being simply the photographing of the information on the face of the envelope, or the taking of that information by other means, and what was called "covert mail coverage," which had to do with opening the mail itself and surreptitiously screening it, and may include the opening and examination of domestic and foreign mail. It says there, "This technique is based on high-level cooperation of top echelon postal officials."

If you will look on the second page, the next page, No. 2: "This coverage, not having the sanction of law, runs the risk of any illicit

<sup>1</sup> See p. 211.

act magnified by the involvement of a Government agency." Then in a statement in which the illegality is acknowledged and sent to the President, the following statement also appears back on page 29: "Covert coverage"—which has been defined as this illegal type of mail opening—"Covert coverage has been discontinued." Do you read that?

Ambassador HELMS. Yes; I have the place.

The CHAIRMAN. That was the information supplied to the President on which he was requested to make some decisions for, among other things, authorizing the opening of the mail. That statement, "Covert coverage has been discontinued," was a lie, was it not?

Ambassador HELMS. Well, sir, you asked me this question in executive session some months ago, and I was really astounded that that should have occurred to you, and I have been thinking about this and inquiring about this passage ever since, and the only explanation I have for it was that this applied entirely to the FBI and had nothing to do with the CIA, that we never advertised to this committee or told this committee that this mail operation was going on, and there was no intention of attesting to a lie. This was broad mail coverage.

And if I signed this thing, then maybe I didn't read it carefully enough—if you want to say I should have had them change the character of the language. When this report was submitted to us, it came from a working group which had sat on these matters, and they were FBI activities that were being discussed, and I believe to this day that that is what was intended here. There was no intention to mislead or lie to the President.

The CHAIRMAN. If you had been the President of the United States and had asked for recommendations coming from a report that was signed by you, the Director of the CIA, by the Director of the FBI and the two intelligence agencies, and you read in the report that opening of mail was unlawful, and it had been discontinued, what would you believe?

Ambassador HELMS. Well, Mr. Chairman, I have to concede that on the record here, without the discussion that went on at the time, it certainly looks that way, and I'm sorry if I made a mistake at that time. If I had it to do over again, I think I would have had this language very substantially changed.

And may I say, Mr. Chairman, let us not be—well, let me draw back, but I just simply want to say that mail coverage here is a very broad term, and what we were doing was mail coverage in a very specific area, and it is not so fantastic that it might not have occurred to me that this was going to lead to these questions today. Just let me put it that way.

The CHAIRMAN. But the President was being asked to give his authority to do certain things that were acknowledged to be illegal in what has come to be known as the Huston plan, and one of the things he was asked to give his authority for was to open the mail. Yet the mail was already being opened before he was ever asked for his authority, and when he rescinded his authority 5 days later, nobody paid any attention. The mail continued to be opened.

How does a President exercise any control over the CIA or any of these agencies when he gets a memorandum of this kind and first agrees to authorizing mail openings and then rescinds the authority, and it does not matter? Either way, it continued.

Ambassador HELMS. Well, sir, you can make me look bad—

The CHAIRMAN. I am not trying to. This record makes you and everyone connected with this report look bad.

Ambassador HELMS. I just want to ask one question. Do you know that Mr. Nixon didn't know about the CIA mail-intercept operation?

The CHAIRMAN. If he did, I do not know why he went through the exercise of asking for a recommendation and then approving it and then rescinding it, and if he did, there is no one, including you, that has been able to tell us that he did.

We had Mr. Huston here. Mr. Huston said that nobody told the President that there was a mail-opening plan already going on despite the meeting at which the CIA participated. He was the President's representative charged with the responsibility of advising the Chief Executive himself.

Ambassador HELMS. On domestic intelligence. We thought we were in the foreign intelligence field.

The CHAIRMAN. However you draw these lines, it comes out bottom line that the President was given a document that did not tell him the truth.

Ambassador HELMS. Can't you ask President Nixon whether he knew or not? Or I will be guilty as charged.

The CHAIRMAN. We are trying very hard to bring Mr. Nixon to this committee to get his testimony; and if there is any way to do it, we will.

Senator Mondale?

Senator MONDALE. Mr. Helms, we have two memorandums which purport to be reports dated almost contemporaneously with conversations between the CIA and the Postmaster General, both of which state that the Postmaster General was told of mail being opened. Both have been referred to earlier today. The first is a memorandum prepared by you the 16th of February, [exhibit 10<sup>1</sup>], reporting that you—and I gather, Mr. Dulles—had advised the then Postmaster General, Mr. Day, that you had briefed him and “withheld no relevant details.” As you know, this morning we heard from Mr. Day, and he remembers nothing of that kind. How believable is this memo? What would be the circumstance that would cause you to write it? Would there be any reason to falsify in this memo? Would it be fair to say that this would be your way of trying to establish for the CIA what had happened for future purposes, and so on?

Ambassador HELMS. Yes, sir. It would have been written to tell the people that were working on this matter that we had this session, and that they were permitted to go ahead. They were aware that we were going down to consult the Postmaster General, and it seemed to me quite normal to let them know the outcome of the meeting and, since it was written, I believe, the day after the meeting, I would have thought that I would have stated quite honestly what had occurred. I can think of no conceivable motive that I could have had for changing, or trimming, or adjusting the language.

Senator MONDALE. We often hear witnesses claim that this is 14, 15 years later, that they can't remember clearly. This memo was written the day after the meeting.

Ambassador HELMS. I have to stand on what the language says.

<sup>1</sup> See p. 210.

Senator MONDALE. Would you not agree that this is probably a highly persuasive piece of evidence, bearing on what was discussed with the Attorney General the previous day?

Ambassador HELMS. I thought it was. It was designed to be so.

Senator MONDALE. And you still think it is?

Ambassador HELMS. As far as I know.

Senator MONDALE. Now, let's turn to the memorandum [exhibit 4<sup>1</sup>], dated June 3, 1971. I don't know who prepared it; it is unsigned, but it does say that Mr. Helms reported on a meeting to report on the recent actions on the HTLINGUAL operation in New York. At that time, on June 2, 1971, which is the day previous to this memo, he has seen Postmaster General Blount. Blount was entirely positive regarding the operation. He had no hangups.

He was entirely positive regarding the operation. He opined that nothing needed to be done. He rejected a momentarily held thought that we should check the legality. Would you similarly agree that this memorandum, made the day following the briefing of Mr. Blount, is likely to be a very accurate description of what took place?

Ambassador HELMS. Sir, I don't know who drafted this memorandum. I want to say that at the outset. I don't know who did it. It was obviously based on a meeting that the individual attended, in which I debriefed myself about the conversation with the Postmaster General. I think I would say that the language looks to me a little bit more enthusiastic than I would have written myself, but then that is what often happens in memorandums of this kind, taken from meetings. But I would have hoped that the basic information in it was accurate.

Senator MONDALE. Once again, you would have no reason to doubt the validity of this document or to see any reason why it would be falsified?

Ambassador HELMS. Well, I can't figure out why—who would want to.

Senator MONDALE. Because both documents were not intended for public dissemination?

Ambassador HELMS. They certainly were not.

Senator MONDALE. They were private memorandums designed to place in the record a clear understanding of what had happened.

Also, wouldn't there be a reason to bring along some examples of what this mail cover and opening program had disclosed? Doesn't that make sense? If you wanted to brief a new Postmaster General, and you wanted to show him that things of value were being obtained, wouldn't it make sense for someone new to show him something tangible?

Ambassador HELMS. Yes, sir. It's like a salesman, showing you samples.

Senator MONDALE. That's right. That too would lead one to believe this description of what happened.

You mentioned earlier the mood in the forties and early fifties that led to some of these directives by the CIA designed to deal with what was then called the counterintelligence needs of the Government as perceived by its leaders. There was a sense of urgency and pressure placed upon you and the other agencies to achieve this objective. Would you not say, looking back now over these last 25 years that, in effect, you developed a new strategy, a new concept for American life

<sup>1</sup> See p. 197.

called counterintelligence, which tended to spill across normally restricted areas, legal channels, and departmental lines. This strategy had a tendency to develop in secret, often with very closely controlled groups being familiar with what was happening, and with many believing, as we have heard time and time again before this committee, that national security, or some other higher purpose, justified whatever was thought to be necessary in the judgment of whoever was involved—opening mail, tapping lines, breaking into doctors' files, whatever. This counterintelligence strategy sort of grew by stealth, perhaps under direct orders of the President or people under the President, but it was something that grew over the years largely unrecognized by the law, and unknown outside of these agencies. It was the sort of thing that was very difficult to try to get approval for, so it just operated and grew in this strange, extralegal way into what has now been spread out on the record before this committee over the last several weeks. Would that be an accurate summary?

Ambassador HELMS. I think that is a rather good description, sir. Could I add a couple of points to it, with your permission?

One, the concept of a secret service was brand-new to this country in World War II—and may I say, alien to it, in many respects. This country doesn't like secrecy, by and large. And when you consider that a new concept was taken and put into the Government, it is sort of almost like a foreign body. Then it had to find its way, at its own level, and its method of operating, and all of the rest of it, and having brought with it a wartime concept of how you do these things. During the war, it was to kill Germans and to do as much damage to the Germans as possible.

And it wasn't very long after President Truman got in that we discovered there was no way of getting along with the Russians, so the next thing was how do you not only settle this organization which has been taken from the OSS into the Government, but there's another interesting problem, and that is, there are a lot of Communists and Russian sympathizers in the OSS as soon as we started working against the Russians, and that had to be taken care of, and if you have some experience in this yourself, you know that's a rather delicate and difficult thing to do. And it was in those days that Mr. Hoover was very disapproving of some of the people in the CIA, and we had that problem to contend with.

Senator MONDALE. So there were many difficulties in trying to bring before the appropriate authorities, including the Congress, approval and guidelines and standards that you could be governed by in your activities. Would you say as a result of this shadowy, murky, and sometimes dirty business that was undertaken, that you were substantially handicapped by the failure to have such standards? Would you say that perhaps the important thing this committee can do, before we are done, is to put this genie back in the bottle, to define the law precisely and clearly, and to get away from any future suggestions that people can, in any level of government, act beyond the law for any reason whatsoever? Does that make sense to you?

Ambassador HELMS. I think it is a most praiseworthy aim, and exactly how you put this all together, I think, is going to be a lot more difficult than it seems on the surface.



Senator MONDALE. But now that we know, can there be any turning back? Must we not absolutely pin this down so we know exactly what is going on?

Ambassador HELMS. I don't think there is any turning back. I agree with you.

Senator MONDALE. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Mondale.

Senator Goldwater.

Senator GOLDWATER. First, I just want to make a point that the documents we have been talking about, I think, are highly reliable, because they were prepared contemporaneously with the meetings before time had had the opportunity to fog memories. There was no reason not to be candid in memoranda, no indication that the mail program would be an object of congressional or other investigation.

Now, Mr. Helms, I am sorry that you didn't get to finish your dissertation about the beginnings of the CIA, because I think in that statement, you would have cleared up a lot of the doubt that seems to exist on this committee and throughout the country. Your explanation of its youth, of our having practically no intelligence prior to World War II—the fact that the CIA grew out of the ashes of the OSS, and grew very rapidly, I think, explains why a lot of the things were done in the manner in which they were done.

Had I been the President of the United States—which I tried to be, but by a very small margin I was denied that pleasure—I would have been very critical of a CIA that didn't come up with ideas of how to find the enemy, if there were an enemy in our midst. And I see no reason to suspect that the antiwar groups, anti-America groups, anti-anything groups in this country are not motivated by outside activities or by activities that are formed by our concept of government. So, while others may disagree with me, and while I will recognize the legality and illegality of certain methods of scanning mail or unopened mail, I think there comes a time when the protection of this country probably takes a very equal importance.

Now, you testified, I believe, that you talked with Attorney General Mitchell about the mail.

Ambassador HELMS. Yes, sir.

Senator GOLDWATER. I have been scanning the testimony before me that involves Mr. Mitchell, and I can't find any place in it where he recounts your discussion of mail with him. Did he tell you—is it your recollection—that he felt this was legal or illegal?

Ambassador HELMS. No, sir. And I regret he does not remember the conversation, but I understand he was a busy man. I suppose I took up some other things with him on that day, but the fact remains that I went to see him for a purpose, and I felt that I had accomplished my purpose when I left his office. And my purpose was to get his advice as to whether it was desirable to see Mr. Blount, the Postmaster General, on this mail operation.

Senator GOLDWATER. I have just been informed by Mr. Schwarz that Mr. Mitchell will be called, and I think it is most important that he be called, because a lot hinges on his memory and what he tells us, I think, can be of great value in this particular area.

The CHAIRMAN. I think it is essential, Senator, that we have Mr. Mitchell.

Senator GOLDWATER. Fine. Now, I just have a short statement to make.

I believe that Ambassador Helms has appeared at least seven times before this committee and other committees of the Congress that have and are requesting his testimony. The ambassadorship to Iran, at this time, has to rank with one of the most important diplomatic assignments an American can hold. Iran occupies an important position in the solely troubled Middle East. And I hope some way can be found to cut down on the demands for appearances by Ambassador Helms.

I think part of the problem lies in overlapping jurisdiction among the committees of the House and among the committees of the Senate, and some of the problem is just plain encroachment of jurisdiction. It seems clear that it is time for the Congress to realign its committees, so that we don't take the same testimony in many, many different ways. Officials with important responsibilities spend too much time rushing up to the Hill.

And personally, Mr. Ambassador, you have had a long record of distinguished service to this country, and I hope the Congress will let you get on with your very important work in Iran, and I hope this is the last time we see you in Washington.

Ambassador HELMS. Well, I hope I come back someday, Senator Goldwater.

Thank you, sir.

The CHAIRMAN. Senator Huddleston.

Senator HUDDLESTON. Well, I'm not ready to banish Mr. Helms to the far corners of the world.

Mr. Helms, did you know William Cotter during the period of time you served in the CIA?

Ambassador HELMS. Yes, sir. As a matter of fact, though, to be precise about this, if I knew Mr. Cotter, I had not had very many dealings with him at the time that he was recommended to go to the Post Office Department. What I did at the time was ask some recommendations from the Director of Security, and Mr. Cotter was one of the individuals whom he recommended. Prior to that time, I had not known him well.

Senator HUDDLESTON. And you merely forwarded that recommendation to Mr. Blount, who at that time was Postmaster General?

Ambassador HELMS. Yes, sir.

Senator HUDDLESTON. To fill the position of Chief Inspector of the Postal Department?

Ambassador HELMS. That is correct, sir. Mr. Blount had asked me for recommendations, and I sent them to him.

Senator HUDDLESTON. Were you aware that Mr. Cotter had some knowledge about the mail-opening project?

Ambassador HELMS. At the time I forwarded his name, I did not have that knowledge. As a matter of fact, when all of this testimony came up, I was surprised to learn this.

Senator HUDDLESTON. During the performance of Mr. Cotter's new duties as Chief Inspector, was he in touch with you personally about the mail-opening project?

Ambassador HELMS. Yes, sir. I remember one conversation with him personally, and I believe—I am not sure, but I somehow have in my memory that I got a couple of messages from him via other mem-

bers of the Agency that knew him well, that had seen him somewhere, and he passed me some kind of word or other. What this was, I don't recall clearly, but I just want to be responsive to your question.

Senator HUDDLESTON. You don't recall his expressing specific concerns to you about the propriety or the legality of this particular operation and the Post Office Department's vulnerability in relation to it?

Ambassador HELMS. No, sir. My impression of the—well, early on, I don't recall—well, early on his stewardship I don't recall what his point of view was. It was my impression that later on, he did become concerned about this transfer from the Post Office Department to the Postal Service. I am informed this afternoon—he testified this morning that he does not recall seeing me. I'm sorry; it's just my recollection.

Senator HUDDLESTON. You don't recall being curious that he brought these concerns to you, rather than taking them to the Postmaster General, who at that time was his superior?

Ambassador HELMS. No, sir, I could sympathize with his desire to have me carry that detail.

Senator HUDDLESTON. Do you find at this time, in retrospect, and also at the time this operation was ongoing, any highly desirable or necessary reason for the CIA or the FBI to enter this kind of an operation and not make the head of the Department, which you were using to accomplish your purposes, aware of what you were doing?

Ambassador HELMS. I think it is quite proper that he should know about it, Senator Huddleston. I think this is one of the problems that one has in the work that you are going to be doing in the future here, is how you outline these things and what elements of control you build into them.

Senator HUDDLESTON. We have a memorandum [exhibit 2<sup>1</sup>] that was written early in this particular project which states that not only was the mail cover going on, but for some time the Agency had also been opening the mail and copying the contents. This memorandum stated that postal officials, of course—and this is a direct quote from the memorandum—are not aware of this, as if it were a perfunctory thing, that this type of thing would be done without advising the postal authorities and for a purpose, and I am just wondering whether or not this is part of the plan to deliberately withhold information from the Postmaster General.

Ambassador HELMS. I don't know. You remember Mr. Dulles was the Director of the Agency then. I would have interpreted the meaning, of course, slightly different than you would. I think it would have been in reference to Mr. Dulles saying, "you know this, I am just reminding you of it." Now, why it went on that way, I don't remember any more.

Senator HUDDLESTON. I would have thought maybe you would have reviewed the previous correspondence and memorandums relating to this project, because there is ample evidence that many of them had thoughts at times about the legality and propriety of it, and certainly you were aware of the flap potential, as it is sometimes called, relating to this problem. So, it would seem to me you would have been well aware that, at least until you became in charge, the

<sup>1</sup> See p. 187.

Postal Department had been denied the knowledge of precisely what was going on.

Ambassador HELMS. That's what the memorandum says, sir. I don't recall the precise facts myself any more, and I don't want to go against the memorandum. I'm just saying I can't be more helpful than what it says.

Senator HUDDLESTON. So, your judgment now is that it would not be proper?

Ambassador HELMS. What did Mr. Angleton have to say on the subject when he appeared before you? Didn't he draft the memorandum, or was he involved in this at the time, or was that before he got involved?

Senator HUDDLESTON. The one I was quoting was written by Mr. Angleton, on the 4th day of May 1955—1956 I believe it is—or very shortly after the program started. It seems clear to me that everybody just accepted the fact—everybody in the CIA, or at least the person to whom this memorandum was directed, accepted the fact that the Post Office Department was being denied the information on the precise nature of the operation.

Ambassador HELMS. That certainly is the way it reads.

Senator HUDDLESTON. We also have a memorandum of approximately the same time, describing some of the information that had been gathered by this opening process. An analysis of some 20 letters was prepared in which it was pointed out that of those 20 letters coming from the Soviet Union, 8 of them made some religious reference. Is this the kind of intelligence that seems to you to be desirable or valuable enough to justify a program of this nature?

Ambassador HELMS. No, sir. Senator Huddleston, this program was just getting going, and back in those days we knew practically nothing about the Soviet Union. I heard the conversation yesterday that wouldn't there be easier ways of getting such information and so forth, and all I can say is there weren't any easier ways. I don't mean to disagree with my colleague. Their memories seem to be very short because back in that time the amount of information in this Government about the Soviet Union was so small that three successive investigative commissions that were sent to examine the CIA, one under General Doolittle, one under Mr. Dulles, Mr. Allen Dulles, just before he became Deputy Director, one under Gen. Mark Clark, who were all preoccupied with pushing us harder and asking us why we weren't doing better on this, that we didn't know anything about the Soviet Union.

Now, this wouldn't justify these particular letters, justify this operation in and of themselves, but it was just beginning at that time. Frankly, all through this thing I personally was much more interested in the human aspects of it because it was in the hope that we would find some penetration or some agent or something of this kind that we were concerned more than later on getting information about crops or religion or cultural things or whatever the case may be.

Senator HUDDLESTON. I believe Mr. Osborn testified that he thought the FBI gained a great deal more helpful information out of this operation than did the CIA. Do you agree with that?

Ambassador HELMS. I heard Mr. Osborn say this. I don't know what he was basing his judgment on.

Senator HUDDLESTON. Do you have any knowledge of the kind of material that they developed?

Ambassador HELMS. I think the FBI did get useful information out of it, and I thought from time to time the Agency got useful information out of it.

Senator HUDDLESTON. I think that's all, Mr. Chairman.

The CHAIRMAN. We have a vote on the floor at the moment so I am going to declare a 10-minute recess in order that members of the committee may go over and vote.

[A brief recess was taken.]

The CHAIRMAN. The hearing will please come back to order.

Our next member in line to question is Senator Schweiker of Pennsylvania. Senator Schweiker.

Senator SCHWEIKER. Thank you, Mr. Chairman.

Ambassador HELMS. Good afternoon, sir.

Senator SCHWEIKER. Mr. Helms, do you recall being presented in 1969 with the results of the IG's report on the counterintelligence staff in 1969, which criticized the mail-opening program?

Ambassador HELMS. Well, I can't say that today I remember the report, Senator Schweiker. I heard the statements that were made yesterday, so at least I am familiar with the content of it now, even if I don't recollect independently what else was in the report.

Senator SCHWEIKER. Have you seen the IG's report on this recently?

Ambassador HELMS. Yes, sir. There was a section of the IG's report that was shown to me.

Senator SCHWEIKER. Relating to the mail openings?

Ambassador HELMS. Yes; I think so.

Senator SCHWEIKER. Given the criticism of the Inspector General's report in this regard, why did you at that time decide to, in essence, override the recommendation of the Inspector General?

Ambassador HELMS. Sir, as best I recall it, we not only took into consideration the Inspector General's report, but I also asked to have the FBI contacted to find out their feeling about the value of this operation. I was told that they thought it was valuable and would hate to see it terminated. If that language is not there exactly, the language is a paraphrase of the fact that they would like to see it continued.

Therefore, in weighing various considerations, including, I must say, importantly, my own responsibility as Director to prevent the penetration of the Agency, that I felt that any lead we might get from this operation might be very important in that field.

So, putting these two things together, it seemed to me we had good reason to continue in terms of the quality of the operation and despite the fact that two or three of the officers who were recipients of the information in the Agency apparently did not think all that much of it.

Senator SCHWEIKER. When the program was initially set up, a number of years went by when the FBI was not even told that the operation was going on. They received no benefits from the "take," and actually had to stumble into it themselves. Is that not correct?

Ambassador HELMS. I thought they were recipients of the material from 1958 on.

Senator SCHWEIKER. When did the operation begin?

Ambassador HELMS. 1953, I think, something like that.

Senator SCHWEIKER. So, some 4 or 5 years went by when they weren't even told about it, and if they hadn't decided to do something on their own, we might either have had two separate operations to this day, or no operation.

Ambassador HELMS. Well, Senator Schweiker, has anybody brought to your attention the fact that back in those days in the fifties, there was some bad blood between Mr. Hoover and the Chief of the Postal Inspection Service and that, therefore, there was some psychological reasons, if you want to put them that way, for not bringing the FBI into it at that juncture?

Senator SCHWEIKER. I understand. But this question was in response to your saying that even though the CIA said it was low quality material—it was a testimony we have heard a number of times—one of the reasons for doing it was that the FBI thought it was great, not pointing out that for 4 or 5 years they didn't even know it was going on. So, there is a little bit of tangential argument here as to just what happened for those 4 or 5 years.

What role, Mr. Helms, do you think the Inspector General should play in situations like this? You have an Inspector General and he makes a recommendation, and he is the watchdog of the Agency. You overrule the Inspector General. What is the sense of having an Inspector General?

Ambassador HELMS. Well, sir, it is my belief that an agency of this kind or any kind needs an Inspector General. He goes out and examines what is going on, not only in the headquarters unit, but in the field, and brings back information and makes suggestions and recommendations as to what he thinks might be done to improve the service. But unless a Director wants to abrogate his authority to the Inspector General and make him Director of the Agency, I think since he is ultimately responsible, he has got to either accept or reject these recommendations. On the day that one decides that the Inspector General is more powerful than the Director, then I think it is going to be extraordinarily difficult to find any American who is going to take the job of Director.

Senator SCHWEIKER. Do you agree with some of the recommendations that are being talked about now to strengthen the Inspector General's office and to give him a larger responsibility in these very areas of possible illegal actions?

Ambassador HELMS. I think it would be desirable to strengthen the Inspector General's staff. I was surprised at figures yesterday that had been reduced in the year 1973; if I understood the testimony accurately, I think one needs a strong Inspector General. But I have seen somewhere a suggestion that the Inspector General be outside the control of the Director. I think that would be a rather unfortunate arrangement.

Would you, Senator Schweiker, take the job if there was somebody looking over your shoulder, over whom you had no control, inside your own organization?

Senator SCHWEIKER. Well, I have 12 million people outside of my own organization looking over my job.

Ambassador HELMS. That's all right. That's all right. That's different.

Senator SCHWEIKER. We have a vote on it every few years. I am not sure that is the case when you come to secret agencies. So, it seems to me you need some kind of an internal policeman. I gather from that, then, that if we did have a different IG setup, you would not favor passing—or would you favor passing—IG reports to the White House and to the oversight committees of the Congress on all occasions when such reports are made. Would you favor it?

Ambassador HELMS. Well, frankly, sir, I haven't thought that problem through, and I think any answer I gave to that would be ill-digested, and I would rather not do it, if you would excuse me.

Senator SCHWEIKER. Of course, one of our committee's responsibilities is to make suggestions like this and act on them. There has been some criticism that our committee is hurting the agencies involved. Yet, if we don't get responsible comments from members of the agencies who have been critical of actions of this committee, what dilemma does that put us in?

Ambassador HELMS. Sir, I said my answer would be ill digested. I won't decline to answer it if you insist on it.

Senator SCHWEIKER. What do you think the role of the CIA should be in terms of following the U.S. statutes of operations here in the United States? Is it your personal belief that the Agency should comply with the statutes for domestic operations and domestic work here in the United States?

Ambassador HELMS. Sir, I think that as a result of these hearings and the various inquiries that have been made by this committee and by its staff, that this dilemma should never be before a Director of the Agency in the future. I think the whole thing has got to be cleared up to the satisfaction of the Congress and the satisfaction of the White House and the satisfaction of the Director of the Agency.

I think it would be unconscionable to have future Directors feeling that they were not supported in what they were doing, that they were not operating according to well-understood guidelines. And, I can only say that from this time forth I would hope the Congress made it clear as to the kind of parameters in which a Director was going to have to function. This would be one of the guidelines that would have to be given to him, and I would like to say—and I don't want this remark to sound gratuitous—but it would be a big help to a Director to have these guidelines because nobody likes to feel—certainly I don't like to feel—that thousands of people who work with me over the years have been tarnished by the fact that they are accused of not abiding by the laws of this country; because I know a lot of these people very well, they are very loyal to this country and as patriotic as any other Americans.

Senator SCHWEIKER. It just seems to me that if the IG had a stronger role and had been given a stronger role over the last 10 or 20 years, I am not sure we would be conducting these hearings today. The intelligence community has criticized this committee for destroying this and destroying that. But I think the truth of the matter is that if we had a strong IG and if they had gotten written opinions from their General Counsel and followed those opinions, this hearing may not have been necessary. So, I think the record ought to show that some of the reasons we are having this hearing here today, and why the Congress is going through this rather unfavorable climate, is frankly because

of the lack of IG authority. So, I really think it very relevant to what we do in the future.

One of the questions I have goes back to 1954, when I believe you and Mr. Dulles briefed Postmaster General Summerfield. I am referring now to a memo [exhibit 27<sup>1</sup>] around that period of time which was May 17, 1954. According to the memo, Mr. Summerfield was advised that a mail cover operation was underway and a mail cover operation would amount to the photographing of envelopes, backs and fronts of first-class mail. Do you recall such a memo?

Ambassador HELMS. Yes; I have it in front of me now, Senator Schweiker.

Senator SCHWEIKER. Well, this was sold to Mr. Summerfield on the basis that it was mail covers only, and it is very clearly specified here, with no doubt or indecision of the wording, that a mail cover involves photographing the fronts and the backs of the first-class mail, and not the insides. That is what you conveyed to Mr. Summerfield and allegedly a meeting of the minds took place to establish these guidelines.

Now, some time later, by 1955 at the latest, within a matter of months or at most a year, this operation completely changed its course, and went to actually opening mail and photographing the contents of mail. Did either you or Mr. Dulles ever go back and advise Mr. Summerfield that the operation he had approved and set up as a photographic operation of mail covers—backs and fronts of envelopes only—actually turned into a mail-opening photographic operation?

Ambassador HELMS. Sir, I did not go back to Mr. Summerfield. I don't know whether Mr. Dulles ever did or not.

Sir, I wanted to ask you a question about this memorandum. Is identity 46 the Solicitor of the Post Office Department?

Senator SCHWEIKER. What?

Ambassador HELMS. Identity 46—was the Solicitor of the Post Office Department present that day?

Senator SCHWEIKER. We don't have it readily available. We are trying to comply with the Agency's requirements to compartmentalize a few things and to keep our sources and methods in line, Mr. Helms.

Do you think, in terms of the future, that an exception should be added to the United States Code to allow for mail opening without a warrant for intelligence agencies under certain circumstances?

Ambassador HELMS. Well, I think if the determination is made that this is a valuable source of information, that that is the only way you can take care of this matter any longer, because certainly nobody is ever going to do it again without some sort of authority.

Senator SCHWEIKER. Do you see any practical way of implementing such a suggestion so that it does exactly what it is supposed to do without violating other people's rights? Do you see any clear demarcation?

Ambassador HELMS. I think it would be difficult to do. But, on the other hand, and I don't want to irritate anybody with this comment, but during the 20 years as operation went on, nobody ever came to me with any complaint from anybody about the condition of the letter when they received it. So, the technical job of opening it and so forth must have been a pretty good one. In addition to that, I don't recall any complaints at any time that anybody was disadvantaged by having

<sup>1</sup> See p. 257.



their mail opened. In other words, this was carefully controlled. The information was carefully handled. I think it was carefully evaluated, and there was a real effort made that the innocent should not be unfairly harmed.

Senator SCHWEIKER. You did have a situation arise where a Mr. Osborn came into your office, according to testimony he gave yesterday, and said he was very upset because he had seen a letter from an elected official come through the system. He went in and blew his stack or something like that. Do you remember that occasion?

Ambassador HELMS. I don't, frankly.

Senator SCHWEIKER. You don't recall that occasion?

Ambassador HELMS. That is not to say it isn't exactly as he advertised it. I don't remember his blowing his stack. But I know very well what my own policy about these matters was, and I would have been concerned about it, and wanted to change the system if this is what was coming out of it.

Senator SCHWEIKER. There is another memorandum here, and I wonder if you recall that at some point in time, I believe around 1971, special procedures were set up for VIP's, elected officials or Government officials, to insure that their mail wouldn't be put through the normal mail opening channels. They would be given some kind of special consideration, and, while they wouldn't be put on our watch list, in essence they would take their chances along with everybody else on a random basis. But, once a letter of an elected official was opened, it would be given to the Deputy Chief of Counterintelligence, and he would decide whether to dispose of it in a certain way or to disseminate it. Does this strike you? Does this have a familiar ring to you or not?

Ambassador HELMS. Well, I have familiarized myself with the papers in the last few days, sir, so it does now, when you read it to me, certainly.

Senator SCHWEIKER. Do you think it is proper for the CIA or any intelligence agency, really, to read these kinds of papers of elected public officials?

Ambassador HELMS. As a matter of fact, I don't know how this happened. I have been wondering about it myself because this would not have been a policy I subscribed to. The only thing I can figure out is maybe somebody on the watch list in the Soviet Union was getting mail from somebody, and this was just done, opened in the process. But I have not talked to any of the people who actually did the opening, and I don't know how this mistake was made, because I would regard it as a mistake.

Senator SCHWEIKER. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Hart.

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

Mr. Ambassador, I would like to draw your attention to exhibit 7<sup>1</sup>. This was a memorandum for discussion between the Assistant Deputy Director for Plans and an unnamed CIA officer. I would like for you to turn your particular attention to paragraph 3, which is page 1, and I quote:

Mr. Karamessines felt that the dangers inherent in Long's subcommittee activities to the security of the Project's operations in New York should be thoroughly studied in order that a determination could be made as to whether these

<sup>1</sup> See p. 203.

operations should be partially or fully suspended until the subcommittee's investigations are completed.

Mr. Helms, how would you interpret that paragraph?

Ambassador HELMS. Interpret it, sir?

Senator HART of Colorado. Yes. Does that sound to you as if a congressional committee or subcommittee looking into activities of this sort might happen upon CIA mail-opening projects, and therefore it might be prudent to suspend them for the duration of the subcommittee's hearings so that anyone testifying could deny that they were going on, and then start them up again?

Ambassador HELMS. Sir, I don't know who wrote the memorandum. That is what the language says. But I don't recall who the officer was in the Agency. There is no name down here. I don't know what his standing was and I don't know what led him to make this suggestion.

Senator HART of Colorado. But you have no interpretation you could offer the committee as to how that sounds to you as former Director of the Agency?

Ambassador HELMS. I just say, I think I understand the way it sounds and what he has said there. I simply say that I don't necessarily subscribe to that as a method of approach.

Senator HART of Colorado. Do you happen to know of any other instance where the Agency adopted such a technique where the Congress or congressional committees were concerned, suspending certain operations pending possible testimony and then starting them again?

Ambassador HELMS. No, sir. I have vivid recollection of suspending a lot of operations when the Presidents and Secretaries of State were traveling.

Senator HART of Colorado. Yes; we got into that also. In this connection, if there were a standing congressional oversight committee of some kind, how could we, in your judgment, best protect ourselves against that kind of technique or tactic?

Ambassador HELMS. I think, Senator Hart, that over the years those Senators and Congressmen who have been on the oversight committees have found the Directors of the agencies have been not only forthcoming with them, but candid and honest with them. I have never heard any Senator or Congressman allege anything to the contrary.

The fact that there hasn't been more communication between the Agency and the oversight committees is a matter of history. I think it is inappropriate to get into maybe some of the reasons and so forth. They have been alluded to by various members here. But I do know that under Mr. Dulles, Mr. McCone, certainly, and certainly under me, I never lied to a congressional committee in my life as far as I am aware.

I just want to make one other comment, not anticipating the next question, but I just want to say also this is not one of those questions where if I had the opportunity I would like to be forthcoming. It has been very lonely, if I might say, at various times.

Senator HART of Colorado. In that connection, parenthetically, I think many of us feel that where abuses have occurred, Congress also shares some of the responsibility for not carrying out its functions.

But the point is that regardless of the past, if we try to correct it, how do we prevent a situation from arising where someone, such as

yourself, wants to tell the truth, does not want to deceive the Congress, and therefore a project that might draw the ire of the Congress is merely suspended pending discussions with the oversight committee?

Ambassador HELMS. Sir, I regard this as an unfortunate sentence. As I say, I don't know who wrote it, and I don't believe that any senior officer of the Agency would have gone along with this kind of a delusion.

Senator HART of Colorado. As a tactic, you deplore it.

Ambassador HELMS. I do deplore it.

I would like to say something further, that I think that since you have raised this question, that when you do get down to the point of oversight of matters of this kind, I think that it ought to, in the climate, ought to be put to a test. I think Senators and Congressmen ought to see whether they are getting the kind of information they need from the Agency before they legislate it, because I think it would be a lot easier to get it handed over to you, than to say you've got to talk about this and this and this, and then something brand-new comes up that isn't covered by this and this and this, and then they say, "well, you know, we've got no responsibility for doing that." So I think it would be far better to give it a chance and see what happens.

Senator HART of Colorado. Mr. Ambassador, if you would turn to exhibit 12<sup>1</sup>, which is a letter from you to the FBI Director Hoover, dated March 20, 1970, I would like to call your attention to page 5, paragraph 3, most of which is blacked out, but the extant paragraph—

Ambassador HELMS. Is it the thing headed "mail coverage?"

Senator HART of Colorado. Yes; that paragraph. In that discussion between yourself and Mr. Hoover, you were discussing the New Left and racial matters.

Ambassador HELMS. Yes; I've got that, sir.

Senator HART of Colorado. In that discussion, you stated: "The increasingly close connection between these forces in the United States and hostile elements abroad has been well established by both of our agencies."

This is a claim that we have discussed since your last appearance with representatives of the various agencies, and it has become fairly crucial to our findings and conclusions to determine just what that link was. What information can you offer us to substantiate that—I think what you call "well established link between the New Left and racial groups in this country and elements abroad, hostile elements abroad?"

Ambassador HELMS. Well, I remember a couple of examples. I'm sure the Agency must be able to produce others, but I remember the Algerians were training guerrillas in Algeria that were U.S. citizens. I also recall that a group of Mexican terrorists were sent all the way to North Korea for training and then returned to Mexico to work not only there, but in the United States. There was evidence of this kind to which I was alluding.

Senator HART of Colorado. There was a link between those agents from Mexico and elements or groups in this country?

Ambassador HELMS. Yes; that is my recollection anyway, sir, but I do think that—can't either the Agency or the FBI come up with more specifics?

<sup>1</sup> See p. 219.

Senator HART of Colorado. No. There are a lot of vague allegations, but not too many specifics.

Ambassador HELMS. I see.

Senator HART of Colorado. One further reference to a memorandum [exhibit 13<sup>1</sup>] dated February 1, 1962, from the Deputy Director of Counterintelligence to the Director of Security. That memorandum in paragraph 3 states in part that everyone realized from the outset of the mail project that: "a 'flap' would put us"—that is to say the project—"out of business immediately and may give rise to grave charges of criminal misuse of the mails by Government agencies."

The memo goes on to say that it had been decided that "the effort was worth the risk." And then the memorandum says, "It should be relatively easy to hush up the entire affair" or "to find a scapegoat to blame for unauthorized tampering with the mails."

This memo shows the thought process that we have been dealing with here today. Would you agree with the general assessments and conclusion of that portion of this memorandum?

Ambassador HELMS. I have read the memorandum, Senator Hart, and I don't feel that this is a—well, it is a good piece of thinking at all, as a matter of fact. I don't recall ever having seen the memorandum at the time that I was in office, but I certainly have read it since, and I don't understand even what he is referring to in the last part of the memorandum. All this business about hushing it up. I don't quite understand what he had in mind.

Senator HART of Colorado. Well, presumably, if somebody stepped forward and said, "my mail did not reach me in time," and it was part of a project that was recently uncovered, the Agency could blame it on somebody at the Post Office or someone else. It looked as if they were trying to lay contingency plans.

Ambassador HELMS. In any event I think it is a poor piece of thinking. I don't think it would have been satisfactory under any circumstances.

Senator HART of Colorado. Had you seen it as Director, you would have—

Ambassador HELMS. I certainly wouldn't have agreed with it.

Senator HART of Colorado. Mr. Chairman, one other question, if I may.

At exhibit 1,<sup>2</sup> which is a 1960 IG report, on page 4, a continuation of paragraph 6, we find the following:

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.

How does one develop the sixth sense or intuition to pick letters out of the mailbag and open them?

Ambassador HELMS. That's a good question, I don't know.

Senator HART of Colorado. There is no particular training for that?

Ambassador HELMS. I wouldn't have thought so. I realize what sixth sense means, but I don't think I would put that in an IG report, if I had been writing it.

Senator HART of Colorado. More importantly, would you have adopted it as a policy?

<sup>1</sup> See p. 222.

<sup>2</sup> See p. 175.

Ambassador HELMS. They might have learned by experience how to do their job better. They might have developed an ability to do it a little more rapidly, but that they would know by looking at it, extra-sensory perception, if you might, that they knew what was in the envelopes. I don't believe it.

Senator HART of Colorado. If you take two-thirds of the total number of envelopes opened, that is a pretty big dragnet. It does not take a whole lot of sixth sense.

Ambassador HELMS. I can't subscribe to that, Senator.

Senator HART of Colorado. Thank you.

The CHAIRMAN. Thank you, Senator Hart.

I am told that Senator Mathias was inducted into an Oklahoma Indian tribe today, which has accounted for his late arrival, but I am happy to say he has arrived, and Senator, if you have any questions you would like to ask at this time, please do so.

Senator MATHIAS. Mr. Chairman, I might just say that for the record my new name is Istomingo among the Chickasaws.

The CHAIRMAN. Senator Istomingo.

Ambassador HELMS. Was there a blood rite, Senator Mathias?

Senator MATHIAS. No, but we went far enough. You will be glad to know that I did not have to wear the war bonnet because of the new act of Congress which forbids the slaughter of the American bald eagle, which makes it very difficult to obtain war bonnets any more, so I could not pose, as Calvin Coolidge did, in the full regalia of my office.

Ambassador HELMS, we are delighted to have you back again, and I suspect that this committee combined with your distant post in Teheran is probably the greatest act of assistance to the airlines since we began shipping the mail.

Ambassador HELMS. Did you notice that Pan Am has been doing much better in the last quarter?

[General laughter.]

Senator MATHIAS. I can understand that. I think since we developed a mail contract, this is probably the best thing that has happened for them.

A little earlier today, you mentioned the fact that all of this began at the time when Allen Dulles was Director and that you had an understanding that he had made his peace with the law, I think is the phrase you used. I wonder if you could expand on that?

Ambassador HELMS. I really don't think I can expand on that very much.

Senator MATHIAS. Well, first of all, I think it may be important for us to know, did you think he had made his peace with the law?

Ambassador HELMS. Yes; I thought he had.

Senator MATHIAS. And not as a personal matter, but on behalf of the Agency?

Ambassador HELMS. Yes, sir; because he was a much respected figure, and he was certainly much respected by me, and he had wide experience after World War I, between the wars, and during World War II, and it just would not have occurred to me to fault him on a matter of law.

I was a lot younger, I suppose, but in any event when I made that comment earlier today, that was my way of saying I thought that he

had made his peace with this, and he had checked it out with whatever people were necessary to check it out with.

Senator MATHIAS. And there was no machinery within the Agency for a review of a question of that kind, once it had been settled, or once a determination had been made?

Ambassador HELMS. If I understand your question, I think the answer is no. The Agency Directors over the years have, you know, been in a sense the last port of authority, and when they made a decision, that was that, and so it was seldom that anybody would have called into existence a formal review to review the Director's decision.

Senator MATHIAS. And you had been in the Agency a number of years, and you had seen a number of Directors come and go. Was there any regular review, at the time of the changing of the guard, of questions of this sort?

Ambassador HELMS. Well, there probably should have been, but new Directors would get themselves——

Senator MATHIAS. The answer is no?

Ambassador HELMS. Yes; all right.

Senator MATHIAS. All right.

Well now, you mentioned in the time frame of 1954 and 1955 three commissions that looked into the CIA?

Ambassador HELMS. Sir, I am sorry. May I say that if I put them in a specific time frame, I didn't mean to. I don't remember when those commissions were actually functioning, but they certainly were functioning after the CIA had been set up.

Senator MATHIAS. Well, would you say some time in the decade of the fifties?

Ambassador HELMS. Yes; between 1947 and 1957.

Senator MATHIAS. All right, and this would have covered the period in which the mail program began?

Ambassador HELMS. I think so.

Senator MATHIAS. And if I understand your previous testimony, it was that the burden of their report was to increase the pressure on CIA to increase its product from the Soviet Union.

Ambassador HELMS. Sir, the intention of these commissions was, "why isn't this organization getting on with the job faster and better than it has been?" and the entire thrust of their recommendations and so forth was to try and get the job done better, and I don't recall any particular preoccupation with the obstruction inhibition, nor do I recall any particular concern with the legality or lack of legality of a certain kind of operation.

Senator MATHIAS. Let me ask counsel if we have the membership of those commissions in our record.

Mr. SCHWARZ. We do with respect to one commission. The Doolittle Commission was General Doolittle, Mr. Hadley from New York, and another lawyer from New York. I am sure we do.

Senator MATHIAS. Mr. Chairman, I would like to request that the membership of those commissions be inserted in the record at this point, without taking the committee's time, because I think it is important.

The CHAIRMAN. Without objection, that will be done.

The following members of the Doolittle Committee were appointed by President Eisenhower in July 1954 to evaluate the administration and functioning of the Central Intelligence Agency :

General James Doolittle  
 William B. Franke  
 Morris Hadley  
 William Pawley

As a sub-unit of the Hoover Commission's evaluation of United States government agencies' operations, in 1954 the Clark Task Force reviewed the functioning of the intelligence community, including the CIA. It had the following members:

General Mark W. Clark  
 Admiral Richard L. Conolly  
 Donald L. Russell  
 Captain Edward V. Rickenbacker  
 C. F. Hollins  
 Henry Kearns

Senator MATHIAS. Were you in the Agency at this time?

Ambassador HELMS. Yes, sir. I joined the Central Intelligence Agency in 1947 when it opened for the first time.

Senator MATHIAS. Did you receive the report of the Commission?

Ambassador HELMS. Yes, sir, at the time.

Senator MATHIAS. Of these commissions, I should say.

Ambassador HELMS. Yes. I don't recall the differentiations between them, or among them rather, to use proper English, but I did see them.

Senator MATHIAS. Was the question of legality raised by any of these commissions?

Ambassador HELMS. Not to my recollection.

Senator MATHIAS. Do you think you would have remembered if it had?

Ambassador HELMS. I think if somebody had said, "that is wrong, don't do it," I think I would have remembered it.

Senator MATHIAS. I asked the chairman to have these lists included in the record because I think we have to see this in the framework in which the people saw it at that moment.

Ambassador HELMS. Yes, sir.

Senator MATHIAS. And they may have seen it incorrectly, and it may be our job to try to set it at a different framework, but nonetheless, we cannot change the framework which then existed.

Ambassador HELMS. No, sir.

Senator MATHIAS. Now, is it true that the FBI and its Director, Mr. Hoover, gave to the CIA certain names and certain categories for examination of mail?

Ambassador HELMS. Yes, sir. As a matter of fact, I just have seen in the papers that the last memorandum of that kind from Mr. Hoover to the Agency was sent in March, 2 months before he died actually, and that we had had these memorandums over a period of years with names and categories of information that they wanted.

I believe that Mr. Papich, who I am sure has testified before this committee, was very familiar with this because he was liaison officer of the FBI for the Agency for such a long time. I believe the name of the man who had most to do with the use of it and evaluation in the FBI was a man named Donald Stewart. I don't know whether he's still there or not.

Senator MATHIAS. But you say the last one was dated a few months before Mr. Hoover's death, so that is considerably after their 1966 renunciation of this kind of practice?

Ambassador HELMS. Yes, sir. I think he died in 1972, didn't he?

Senator MATHIAS. So that although they had renounced the practice in 1966, they were asking you, in effect, to do the dirty work for another 5 or 6 years thereafter?

Ambassador HELMS. That is correct, sir.

Senator MATHIAS. Now the FBI is a branch of the Department of Justice. At the time these requests were made, was there ever any discussion of the legality or illegality of what they were asking for?

Ambassador HELMS. Not that I recall, Senator Mathias. I was as close to Mr. Hoover as the telephone and not any closer.

Senator MATHIAS. Although he had protested some aspects of the Huston plan, did he raise any question about illegality of mail cover during the discussion that you had collectively with the group of those who were involved?

Ambassador HELMS. Isn't there some language in the Huston report about this? I believe the chairman was calling this to my attention earlier in the hearing, and this was written down, in other words in the report.

In answer to your question, I don't recall any conversation with Mr. Hoover about it.

Senator MATHIAS. That was really what I was asking. Yes; we have the notes which are available. I was just wondering if you had any independent recollection to supplement that. What is the date of that memorandum [exhibit 11<sup>1</sup>]?

Mr. SCHWARZ. June of 1970.

Senator MATHIAS. June 1970, but yet you were still getting requests from Mr. Hoover until 1972 notwithstanding the renunciation of the program in 1966 by the FBI and Mr. Hoover's personal rejection of it as part of the Huston plan?

Ambassador HELMS. That is correct, sir.

Senator MATHIAS. This seems to me a very interesting kind of sequence of events.

One final question: Did you ever solicit these chores from the FBI or were they self-starting?

Ambassador HELMS. Oh, I think they were both ways, but you will recall, Senator Mathias, that the FBI had a liaison section, and they had officers assigned to the various agencies with whom they did business, and this man was going back and forth several times a day, every day, so it is terribly hard to say which was the chicken and which was the egg. I think it went both ways.

Senator MATHIAS. Sometimes, the existence of the facility invites the use of it, sir.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator—what was your name again?

Senator MATHIAS. Istomingo.

The CHAIRMAN. Our chief counsel, Mr. Schwarz, has one or two completing questions, and I have a final question, and that should finish it for the day.

Mr. Schwarz, go ahead please.

Mr. SCHWARZ. Could you turn to exhibit 7<sup>2</sup>? I have a question, to straighten out something that is unresolved.

Ambassador HELMS. I have it, sir.

<sup>1</sup> See p. 211.

<sup>2</sup> See p. 203.



Mr. SCHWARZ. In paragraph 7, a suggestion was made that if the Agency was not going to talk to Mr. Gronouski, it might be that the information about their programs should be passed through Mr. McGeorge Bundy to the President after the subcommittee had completed its investigation. Was information about the mail-opening plan given to Mr. McGeorge Bundy?

Ambassador HELMS. I don't recall ever having done so. No, sir.

Mr. SCHWARZ. The second of three final questions: As a historical note on what Senator Mathias said, am I correct in the impression I have gathered from the documents that you and Mr. Hoover always referred to each other as Mr. Helms and Mr. Hoover, but never got beyond the "mister" in all the time you worked together?

Ambassador HELMS. That is correct, sir. And if I may make one further sentence, there weren't very many people in town that called him Edgar.

Mr. SCHWARZ. Finally, we have provided you with a document exhibit 14<sup>1</sup> dated July 28, 1970, referring to a meeting you had with Mr. Mitchell the day before. It was given to you, a one-page document. Have you got it?

Ambassador HELMS. Yes.

Mr. SCHWARZ. That document reflects a meeting you had with Mr. Mitchell about the Huston plan after the President's approval thereof came to the Agency. Is that right?

Ambassador HELMS. Yes.

Mr. SCHWARZ. Now, in that meeting, what were you told by Mr. Mitchell about the Huston plan? Did he tell you he knew about it or he didn't know about it?

Ambassador HELMS. Well, my recollection and what the memorandum says, which is what I would really prefer to stick to, is that I apparently mentioned this to him and he said that he had not heard anything about it, and that he wanted to look into it.

Mr. SCHWARZ. All right.

Ambassador HELMS. The thing that surprised me, and this I do recall, was that he hadn't been present at the original meeting with the President, but I felt that somebody had obviously been in touch with him about the contents of that meeting, so I was surprised he knew nothing about the project.

Mr. SCHWARZ. In this memorandum, you give a characterization of what kind of effort the CIA had put into the document which was produced in June, which advocated all of those illegal actions, admittedly illegal actions. And I will read into the record what you said you told the Attorney General and then will ask you if that is a fair characterization of the effort the CIA made to support the document which called for many kinds of illegal actions in connection with domestic activities.

You said, "I told the Attorney General that we had put our backs into this exercise." And then you go on to say, "because we thought he knew all about it and was behind it." But is it fair? Is it accurate? Did you tell the truth in that memo when you said the CIA had put its backs into the exercise?

Ambassador HELMS. The point I was trying to make to him was that Mr. Angleton, Mr. Ober, and some others had practically

<sup>1</sup> See p. 224.

dropped everything they were doing to cooperate with this task force to write the report.

That is what I meant in putting our back into it. I didn't mean that intellectually we had contributed a whole lot of illegal ideas, or anything of that kind.

Mr. SCHWARZ. You did put your backs into the writing of something. But you didn't advocate a whole lot of illegal actions?

Ambassador HELMS. We put our backs into meetings which led to the report.

Mr. SCHWARZ. You put your backs into the exercise which led to the writing of the report which advocated all kinds of illegal activity?

Ambassador HELMS. Yes, sir, we put our back into an exercise that had been ordered by the President of the United States.

Mr. SCHWARZ. And what you recommend is the institution or reinstitution of all kinds of illegal activity? Is that not right?

Ambassador HELMS. That is your characterization.

Mr. SCHWARZ. Well, all right. The document speaks for itself, and we all know what it says.

The CHAIRMAN. Mr. Helms, during the period that you were Director of the Agency, did you ever tell the congressional oversight committees about the mail-opening program?

Ambassador HELMS. I don't recall ever having discussed this with the congressional oversight committee; no, Mr. Chairman. In fact, I don't really remember the subject ever coming up in any hearings.

The CHAIRMAN. It is not likely that the subject would ever come up if they had no reason to believe that such a thing was going on. I remember one time in the Foreign Relations Committee questioning Secretary MacNamara, and we wondered why he hadn't told us something that we thought was rather vital, and his response was, "well, because you never asked." And since we had no knowledge of it, we had no reason to ask.

What I am trying to say is this: if this committee, at the end of its proceedings, were to decide that a joint congressional committee of some kind should be established with proper powers and proper jurisdiction, and given the duty to exercise a meaningful surveillance of intelligence operations, wouldn't it be necessary to impose an affirmative meaning on the agencies as a matter of law to keep such a committee fully apprised of all significant covert operations?

Ambassador HELMS. Mr. Chairman, I say yes. And I add one further thing and that is that there are two sides to every coin and it takes two hands to clap, and the committee has got to make itself available for enough time to get all of these things set.

The CHAIRMAN. Yes; with that, I agree. And I think that if Congress is to play its role in the future to make certain that our intelligence operations are not only lawful but that they are given as much strength and public confidence as possible, then a committee needs to be established that will devote sufficient time to the work. And it can't be simply an adjunct of some other committee that has a very large responsibility in some other field, as the Armed Services Committee, 95 percent of which is devoted to the armed services and not to the special problems connected with intelligence.

Ambassador HELMS. I certainly agree, Mr. Chairman, wholeheartedly.

And I do think that every Director does need guidance from the Congress. And it needs more than they have had in the past.

The CHAIRMAN. Thank you very much for your testimony, Mr. Helms.

Ambassador HELMS. Thank you, Mr. Chairman.

The CHAIRMAN. That will conclude this hearing.

The committee will reconvene at 10 o'clock on Friday morning in this room when the FBI's part in this mail opening will be examined and when, hopefully, we will hear from former Attorney General John Mitchell.

[Whereupon, at 4:33 p.m., the committee was recessed to reconvene at 10 a.m., Friday, October 24, 1975.]

