

WEDNESDAY, SEPTEMBER 24, 1975

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

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

Present: Senators Church, Tower, Mondale, Huddleston, Morgan, Hart (Colorado), Baker, Mathias, and Schweiker.

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

The CHAIRMAN. The hearing will please come to order.

Yesterday the committee commenced its inquiry into the Huston plan, our witness being Mr. Huston. And it developed in the testimony that several illegal proposals had been made to the President—in this case, Mr. Nixon—that he had approved those proposals, and later, had revoked his approval. But, the very activities for which authority was sought, had in fact been going on for a long period of time, prior to the submission of the proposals to the President.

The evidence also showed that once the President had revoked the proposals, about 5 days after he had first approved them, the activities, nevertheless, continued, and in some cases, were expanded.

Mr. Huston testified that Mr. Nixon was not aware of these activities, either before or after his approval and revocation of the Huston plan. One of the illegal activities was the opening of the mail by the CIA, and this committee will look into that mail-opening program extensively. It is a very serious matter, and we have hearings scheduled a few weeks from now, at the end of which we will inquire in detail about the mail-opening program.

We will want to know, for example, why the mail of such individuals and organizations in this country as the Ford Foundation, Harvard University, and the Rockefeller Foundation was regularly opened by the CIA, or why the mail coming to or from such individuals as Arthur Burns, Bella Abzug, Jay Rockefeller, Martin Luther King, Jr., Mrs. Martin Luther King, Jr., Richard Nixon himself, as well as such Senators as Hubert Humphrey, Edward Kennedy, even the Chairman of this committee, whose letter to my mother is in the file, should have been regularly opened and scrutinized by the CIA against the laws of the country.

And so today, our objective is not to look at this mail program in great detail, for we will do that later. But it is, rather, to examine the lack of accountability within the Agency and the failure to keep the President of the United States properly advised of such activities, a core issue if we are going to reform the intelligence agencies and law

enforcement agencies of the Federal Government and make them properly responsible and accountable for their actions to the elected representatives of the people, chief among whom, of course, is the President himself.

Now with that brief introduction to the general topic for the day, I would like to ask our witness, Mr. Angleton—who, I understand, is represented by counsel—to take the oath. Before I ask you to take the oath, Mr. Angleton, I wonder if your attorney would identify himself for the record.

Mr. BROWN. Yes, Mr. Chairman, my name is John T. Brown, counsel for Mr. Angleton in these proceedings.

The CHAIRMAN. Thank you, Mr. Brown. Mr. Angleton, would you please stand to take the oath? Do you solemnly swear that all the testimony you will give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ANGLETON. I do.

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

TESTIMONY OF JAMES ANGLETON, FORMER CENTRAL INTELLIGENCE AGENCY OFFICIAL, ACCOMPANIED BY JOHN T. BROWN, COUNSEL

Mr. SCHWARZ. Mr. Angleton, were you employed by the CIA in 1970?

Mr. ANGLETON. Yes; I was.

Mr. SCHWARZ. What was your job at that time?

Mr. ANGLETON. I was Chief of the Counterintelligence Staff.

Mr. SCHWARZ. And when did you start working for the CIA?

Mr. ANGLETON. I began in 1947, having come from OSS (Office of Strategic Services).

Mr. SCHWARZ. You knew, Mr. Angleton, did you not, that the CIA was opening mail in New York City in 1970, and had been doing so for approximately 15 or 20 years?

Mr. ANGLETON. I did.

Mr. BROWN. Mr. Schwarz, pardon me. If I may interrupt for just a moment. As I indicated to the counsel for the committee, Mr. Angleton had a very brief opening statement which he wished to make, and I would like, at this time, to ask for the opportunity to have him make that statement, if I may.

Mr. SCHWARZ. Yes; I'm sorry. You did say that to me, and I'm very sorry. Would you go ahead?

Mr. ANGLETON. Mr. Chairman and members of the committee, my name is James Angleton. I am appearing before the committee today, freely and without subpoena. I am mindful of the serious issues facing the committee, and I know of your concern that they be resolved prudently and expeditiously. I have served in the intelligence community of the United States for 31 years, beginning with the OSS during World War II. In 1954, I became Chief of the Counterintelligence Staff of the CIA, a position which I held until 1974. I am now retired.

My years of service have convinced me that the strength of the United States lies in its capacity to sustain perpetual yet peaceful

revolution. It is the ultimate function of the intelligence community, as part of our Government, to maintain and enhance the opportunity for peaceful change.

I believe most strongly that the efforts and motivations of the intelligence community have contributed to the sustaining of a Nation of diversity and strength.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Angleton.

Mr. SCHWARZ. Mr. Angleton, you just said, did you not, that you knew in 1970, and had known for a substantial period of time, that the CIA was opening mail in New York City?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. And Director Helms knew that, did he not?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. And J. Edgar Hoover, head of the FBI, knew that, did he not?

Mr. ANGLETON. I would assume so, sir.

Mr. SCHWARZ. Well, I will read to you what Mr. Helms said in his deposition of last week. "Mr. Hoover knew all about the mail operations." Now, you have no reason to doubt that, do you?

Mr. ANGLETON. I do not.

Mr. SCHWARZ. And Mr. Sullivan of the FBI knew all about the CIA's mail-opening program, did he not?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. Now Mr. Helms, Mr. Hoover, Mr. Sullivan, and yourself were all involved in the process which has come to be known as the Huston plan, is that correct?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. And Mr. Helms and Mr. Hoover signed the plan, did they not?

Mr. ANGLETON. They did.

Mr. SCHWARZ. And Mr. Sullivan was the primary drafter, but you and other working persons contributed to the drafting of the report, did you not?

Mr. ANGLETON. Correct.

Mr. SCHWARZ. All right. Would you turn, Mr. Angleton, to page 29 of the Special Report, Interagency Committee on Intelligence (Ad Hoc), June 1970 [exhibit 1¹].

Now that is talking about mail coverage, isn't it?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. And it distinguishes between routine coverage and covert coverage, saying routine coverage is legal and covert coverage is illegal, is that correct?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. And by covert coverage, they meant opening the mail, did they not?

Mr. ANGLETON. Exactly.

Mr. SCHWARZ. Would you read into the record the first sentence under the heading, "Nature of Restrictions," please?

Mr. ANGLETON. "Covert coverage has been discontinued while routine coverage has been reduced primarily as an outgrowth of publicity arising from disclosure of routine mail coverage during legal pro-

¹ See p. 141.

ceedings and publicity afforded this matter in congressional hearings involving accusations of governmental invasion of privacy."

Mr. SCHWARZ. Now the first five words say "covert coverage has been discontinued," and, as you just agreed a moment ago, that states that the opening of mail has been discontinued, isn't that right?

Mr. ANGLETON. May I seek a little clarification, please?

I believe that if you read the contribution under preliminary discussion, we are faced with two problems. We are faced with the problem of domestic mail that goes from one point in the United States to another point in the United States.

The CIA activity was devoted to mail to the United States from Communist countries, and to Communist countries from the United States. So there are two degrees of opening.

In other words, the entire intent and motivation of the program, as conducted by CIA, involved the question of foreign entanglements, counterintelligence objectives.

The domestic mail program was a program that had been conducted at some time or another by the FBI.

Mr. SCHWARZ. Mr. Angleton, would you answer my question?

The words "covert coverage has been discontinued," covert there means opening mail, isn't that right?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. I will read to you from the prior paragraph, a reference which makes perfectly clear that the committee was talking about both foreign and domestic mail. The sentence which says the following: "Covert mail coverage, also known as 'sophisticated mail coverage,' or 'flaps and seals,' entails surreptitious screening and may include opening and examination of domestic or foreign mail." Now, the sentence which says "covert coverage has been discontinued," is a lie. That is false as far as your knowledge, Mr. Hoover's knowledge, Mr. Helms' knowledge, and Mr. Sullivan's knowledge; isn't that correct?

Mr. ANGLETON. Excuse me, I'm trying to read your preceding paragraph. It is still my impression, Mr. Schwarz, that this activity that is referred to as having been discontinued refers to the Bureau's activities in this field.

Mr. SCHWARZ. Well, the words don't say that, first of all. Second, how would a reader of these words have any idea that that distinction is being drawn, Mr. Angleton?

Mr. ANGLETON. Well, it is certainly my impression that this was the gap which the Bureau was seeking to cure. In other words, that they had had such——

Mr. SCHWARZ. Let's make perfectly clear what we're talking about. You knew, Mr. Helms knew, Mr. Hoover knew, and Mr. Sullivan knew that the CIA was, in fact, opening the mail, and the sentence says "covert coverage"—which means mail openings—"has been discontinued."

Mr. ANGLETON. But I still say that the FBI, in my view, are the ones who made the contribution of that statement. It was covering the problems that they had had in discontinuing their mail coverage.

Mr. SCHWARZ. Mr. Helms signed the report, didn't he?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. All right. I just want to have you read into the

record from two or more documents which relate to the U.S. Attorney General's being informed about mail opening, but being informed in June 1971, or in other words, a year after the Huston plan.

Would you first read into the record from exhibit 56¹, paragraph 4 of that document. And while you were looking for it, I will identify it for the record that that is a CIA memorandum, for the record, dated May 19, 1971, subject, "DCI's Meeting Concerning HT/LINGUAL," which was a code name for the mail-opening program. And it refers, Mr. Angleton, to a meeting in Mr. Helms' office which involved a number of CIA officials, including yourself.

Now, would you read into the record paragraph 4, please?

Mr. ANGLETON. Paragraph 4:

"The DCI," meaning the Director of Central Intelligence, "then asked, who in the Post Office Department knows the full extent of the operation—beyond cover surveillance. The Chief of Counterintelligence," meaning myself, "replied that only Mr. Cotter knows, for he has been witting while with CIA and the Office of Security. The previous Chief Postal Inspector, Mr. Montague, had never wanted to know the extent of examination actually done, and was thus able to deny on oath before a congressional committee that there was any tampering. Mr. Cotter would be unable to make such a denial under oath.

In an exchange between the Director for Central Intelligence and the Deputy Director for Plans, it was observed that while Mr. Cotter's loyalty to CIA could be assumed, his dilemma is that he owes loyalty now to the Postmaster General.

Mr. SCHWARZ. All right. In other words, for the first time, someone was in the Post Office Department, who, for sure, knew that the mail was being opened. Because of that dilemma, Mr. Helms went to see the Attorney General, did he not?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. All right. Now, would you read into the record the memorandum for the record, June 3, 1971, subject, "Meeting at the DCI's Office Concerning HT/LINGUAL" [exhibit 57²] the second paragraph which refers to Mr. Helms' statement that he had briefed the Attorney General concerning the mail opening program.

Mr. ANGLETON. Paragraph 2:

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

Mr. SCHWARZ. All right. Now, that document was dated June 3, 1971, and the mail opening program lasted until January or February 1973, when at the insistence of Mr. Colby, who said it was illegal, it was dropped. Is that correct?

Mr. ANGLETON. That is correct. It was actually—the Director was Mr. Schlesinger.

Mr. SCHWARZ. And was it not Mr. Colby who was the moving force saying it was illegal?

Mr. ANGLETON. Precisely.

Mr. SCHWARZ. All right, no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Angleton—well, first of all, Mr. Smothers, do you have any questions at this time?

¹ See p. 365.

² See p. 368.

Mr. SMOTHERS. Yes; I do, Mr. Chairman. Mr. Angleton, there are two matters I would like to inquire into briefly. First, the process regarding approval for such actions as mail opening; and second, the nature of this working group itself. The chief counsel has just raised the questions regarding the statement in the report of the interagency group, and you indicated in response to his question that that may have been put in by the FBI. Is that correct?

Mr. ANGLETON. Pardon?

Mr. SMOTHERS. With respect to the discontinuance of the covert operation, mail opening, as mentioned in that report, you theorized, in response to Mr. Schwarz's question, that that may have been a statement put in by the FBI. To the best of your knowledge, didn't the FBI do most of the drafting on this report?

Mr. ANGLETON. The FBI, as I recall it, collected the opinions after each meeting of the participating agencies and appeared at the next meeting with minutes and a draft of the previous session.

Mr. SMOTHERS. All right. With respect to the question then of mail opening, is it your experience that this kind of operation by the CIA would have been discussed in interagency working group meetings among persons who would otherwise have been uninformed of such operations?

Mr. ANGLETON. No; we would not raise such an operation.

Mr. SMOTHERS. In the normal course of things, would there have been an approval channel other than such interagency groups for securing Presidential advice and consent to such operations?

Mr. ANGLETON. I am not aware of any other channel.

Mr. SMOTHERS. Would such channels as the Special Group or the Intelligence Board have been a proper place for such matters to be raised?

Mr. ANGLETON. I do not believe that an operation of this sensitivity would have been raised in any body. It would have been—if there was going to be submission for Presidential approval, it would have been raised either by the Director of the FBI or the Director of Central Intelligence.

Mr. SMOTHERS. But in any event, it would not have been raised with this working group involved with the Huston plan?

Mr. ANGLETON. That is correct. That is correct.

Mr. SMOTHERS. Mr. Angleton, if we could turn for a moment to the process resulting in the Huston plan itself, I would like to take you back to your testimony before the staff of this committee on the 12th of September. At that time, you were asked about the involvement of Mr. Tom Charles Huston in the development of this plan. I would like to read to you from page 16 of your transcript and ask you if it accurately reflects your comments at that time.

Mr. Loch Johnson is doing the questioning, and his question to you is:

Do you think that Tom Charles Huston viewed himself as a potential arbiter for domestic intelligence disagreements within the community?

Your response:

I think he did because his short letter of instructions to the heads of the intelligence community said that his role was to be what Dr. Kissinger's was in foreign policy. It was a very clear-cut edict, so to speak, that he was the ultimate authority in the Executive for domestic security.

Mr. Angleton, is that statement still true? Does that accurately reflect your testimony on September 12?

Mr. ANGLETON. I think it does. I could expand on it, but I think that is quite accurate.

Mr. SMOTHERS. But that response then is still true? You still believe it to be true?

Mr. ANGLETON. I believe it very much so and that particularly after listening to Mr. Huston yesterday.

Mr. SMOTHERS. Let me then raise with you another question regarding Mr. Huston's role. If you would, counsel, turn to page 24 of the same transcript. Mr. Angleton, the question is raised as to whether Mr. Huston was in fact the White House authority, but in addition as to whether he was competent to manage such a group as the one that was involved in the preparation of the Huston plan.

If you would turn to the last Angleton statement on page 24, let me read into the record your comment at that time and ask if that still represents your view.

Talking about his experience in the intelligence area, he was very knowledgeable. He had obviously gone into this matter at some length prior to the meeting. He knew precisely what none of us really knew, that is the depths of the White House concern. In fact, the most dramatic moment, I think, was at the beginning of one meeting. At some stage in the meetings after preliminary draft had been put forward, he found it totally unacceptable, and his comments were to the effect that the subcommittee was not being responsive to the President's needs.

Does that accurately reflect your comments?

Mr. ANGLETON. It does indeed. I think it is almost a direct quotation as it relates to his insistence, after one of the sessions. He began the next session with the statement to the effect that the committee was not responding—the drafting committee was not responding to the President's requests and was not responsive to it.

Mr. SMOTHERS. During the course of the meetings of this interagency intelligence group, was there any doubt in your mind that your purpose was to respond to the White House's bidding and that the message regarding the desires of the White House was being brought by Tom Charles Huston?

Mr. ANGLETON. There was no question in my mind, nor in the minds of others, that he represented the Commander in Chief in terms of bringing together this plan, and he certainly never qualified what his authority was. He made it very clear, and he submitted in writing that he was to have this role for domestic intelligence comparable to Dr. Kissinger's role in foreign affairs.

Mr. SMOTHERS. Thank you, Mr. Angleton.

Mr. Chairman, I have nothing further.

The CHAIRMAN. Mr. Angleton, you heard Mr. Huston's testimony yesterday?

Mr. ANGLETON. I heard most of it, sir.

The CHAIRMAN. You will remember then that he represented to the committee that in response to the President's desire to extend intelligence coverage within this country, that he asked the various departments of the Government involved, the FBI, the CIA, the NSA, to come together with a plan and give the President some options, and that the purpose of the recommendations that were made to the

President in the so-called Huston plan, based upon the recommendations that had come from these departments, was to secure the President's authorization to eliminate restrictions that he felt were obstructing this gathering of intelligence.

Now, Mr. Huston told us that he was never informed by the CIA, the FBI, or any agency that the mail was being opened. He made a recommendation to the President. The President authorized mail openings, and he testified that to his knowledge the President did not know that the mail was being opened either.

Now, when we asked Mr. Helms, the Director of the CIA, if to his knowledge the President had been told of the mail openings, he said, I do not know whether he knew it or not.

So the state of the record is that to the best of our knowledge the President had not been told that the mail was being opened. He gets a recommendation in which it is represented that covert coverage, which is mail openings, has been discontinued, and he is asked to authorize the reopening of this program. Now, you have referred to the President as the Commander in Chief. What possible justification was there to misrepresent a matter of such importance to the Commander in Chief?

Mr. ANGLETON. I would say that your question is very well put, Mr. Chairman. I can only speculate—and I do not have any record of the discussions between ourselves and the FBI during the drafting stages, but I know we had several where matters tabled within the drafting committee, were matters that we never explained to the other members, and one of them, of course, was the mail intercept. Again, only by way of speculation, I believe if the President had approved, or even if there had been some access to the President—because, I think, this is probably the most difficult task of all, was to have the audience in which these things could be explained—I have no satisfactory answer to your question, except that I do not believe that a great deal of the mail problem centered on the Bureau's lack of coverage, not the Agency's.

The CHAIRMAN. But the CIA was the agency principally involved in the mail openings.

Mr. ANGLETON. That is correct for all foreign mail, not for domestic.

The CHAIRMAN. Yes; and we will explore the whole breadth of that program in due course. Did not the CIA have an affirmative duty to inform the President about such a program?

Mr. ANGLETON. I believe so, without any question.

The CHAIRMAN. But it apparently was not done. You did not inform the President. Director Helms did not inform the President, so—

Mr. ANGLETON. I would say, sir, not by way of any excuse, but those were very turbulent periods for the intelligence community and particularly for the FBI, and I think that all of us had enormous respect for Mr. Hoover and understood the problems which he had in sustaining the reputation of the FBI.

The CHAIRMAN. But the fact that the times were turbulent, the fact that illegal operations were being conducted by the very agencies we entrust to uphold and enforce the law makes it all the more incumbent that the President be informed of what is going on; does it not? It is really not an excuse.

Mr. ANGLETON. I do not think there was ever the forum in which these matters could be raised at that level. I think that has been one

of the troubles in domestic counterintelligence and foreign counterintelligence that the issues never do get beyond the parochial circle of those engaged in that activity.

The CHAIRMAN. But you have said that there was an affirmative duty on the CIA to inform the President?

Mr. ANGLETON. I don't dispute that.

The CHAIRMAN. And he was not informed, so that was a failure of duty to the Commander in Chief; is that correct?

Mr. ANGLETON. Mr. Chairman, I don't think anyone would have hesitated to inform the President if he had at any moment asked for a review of intelligence operations.

The CHAIRMAN. That is what he did do. That is the very thing he asked Huston to do. That is the very reason that these agencies got together to make recommendations to him, and when they made their recommendations, they misrepresented the facts.

Mr. ANGLETON. I was referring, sir, to a much more restricted forum.

The CHAIRMAN. I am referring to the mail, and what I have said is solidly based upon the evidence. The President wanted to be informed. He wanted recommendations. He wanted to decide what should be done, and he was misinformed.

Not only was he misinformed, but when he reconsidered authorizing the opening of the mail 5 days later and revoked it, the CIA did not pay the slightest bit of attention to him, the Commander in Chief, as you say. Is that so?

Mr. ANGLETON. I have no satisfactory answer for that.

The CHAIRMAN. You have no satisfactory answer?

Mr. ANGLETON. No; I do not.

The CHAIRMAN. I do not think there is a satisfactory answer, because having revoked the authority, the CIA went ahead with the program. So that the Commander in Chief is not the Commander in Chief at all. He is just a problem. You do not want to inform him in the first place, because he might say no. That is the truth of it. And when he did say no you disregard it and then you call him the Commander in Chief.

I have no further questions. Senator Tower?

Senator TOWER. Mr. Angleton, the role of certain leaders within the intelligence community, such as that of Mr. Helms, has been of concern to this committee. Referring back to your transcript of September 12, at page 17, you were asked about the role of the Director of your Agency, the role of Mr. Helms. You began by discussing the first meeting of the interagency committee. You were asked who attended it and your response was as follows, and I read directly from the transcripts:

Mr. Helms, but he attended only for a few moments. Huston made the opening remarks as I recall. And since it was being held in our building, Helms made a brief appearance so to speak, the host, and he took off and I do not think from that moment he attended any other meetings.

Now Mr. Angleton, the question is this: is this still an accurate characterization of Mr. Helms' participation in the decisions and recommendations leading up to a so-called Huston plan?

Mr. ANGLETON. I did not mean my statement to indicate that there is any neglect of duty. It was simply that the working group was

qualified to adhere to certain guidelines. Mr. Helms' appearance, first appearance, was to lend weight to the President's request and to support Mr. Huston.

Senator TOWER. Are you saying then that Mr. Helms made no substantial contribution to the substance of the report?

Mr. ANGLETON. No; I am speaking about the—that his original talk was only to outline what the President required from the working group and naturally I saw him from time to time in terms of—I would telephone him to indicate where we stood on the report.

Senator TOWER. Now, Mr. Angleton, in these working group sessions, who represented the FBI?

Mr. ANGLETON. Mr. Sullivan, sir, who was also the chairman of the working group.

Senator TOWER. In your opinion, did Mr. Sullivan's views accurately represent those of Mr. Hoover?

Mr. ANGLETON. No; I do not think so.

Senator TOWER. Could you elaborate on that?

Mr. ANGLETON. Mr. Sullivan, as the chief of internal security, Assistant Director for Internal Security, found himself handicapped by lack of personnel and funding and in addition many of the aggressive operations conducted by the Bureau in the past have been systematically cut out by Mr. Hoover.

Senator TOWER. What does that mean? What is the significance?

Mr. ANGLETON. The significance being that the production of Internal Security fell down considerably.

Senator TOWER. Now, Mr. Angleton, did you come to gain some insight into the relationship between Mr. Sullivan and Mr. Tom Charles Huston?

Mr. ANGLETON. Well, it was my understanding, sir, that they had known one another for over a year prior to the meetings. And I would suggest that Mr. Huston was much better educated when he embarked on these matters than his testimony suggests. I find him extremely knowledgeable. He was certainly aware of the gaps.

Senator TOWER. Would you say that Mr. Huston reflected the views of Mr. Sullivan?

Mr. ANGLETON. Very much so, sir.

Senator TOWER [presiding]. I have no further questions. Mr. Mondale?

Senator MONDALE. Thank you, Senator Tower.

Mr. Angleton, you were in charge of the covert mail cover program from the beginning; am I correct?

Mr. ANGLETON. Not from the beginning, sir, from 1955.

Senator MONDALE. All right.

Mr. ANGLETON. I took it on as an ongoing operation which had been lodged also in the Agency.

Senator MONDALE. What is your understanding as to who authorized the program?

Mr. ANGLETON. I would say that the operation that was first initiated in 1952, at some stage the authorization was from the Chief of Operations of the Clandestine Services.

Senator MONDALE. As you conducted this program, under whose authority was it your understanding that you were operating?

Mr. ANGLETON. Within the Agency?

Senator MONDALE. Yes.

Mr. ANGLETON. Under the Chief of the Clandestine Operations.

Senator MONDALE. The Deputy Director for Plans, would that be?

Mr. ANGLETON. Correct.

Senator MONDALE. For your purposes, was that considered adequate authority or was this such that you felt authority had to flow from either the President or the National Security Council?

Mr. ANGLETON. I believe that I regarded that, plus the authority from the Director who was knowledgeable of the program, as internal authority.

Senator MONDALE. At your level of operations, that would be the only authority with which you would concern yourself?

Mr. ANGLETON. That is correct.

Senator MONDALE. All right. What was your understanding of the legality of the covert mail operation?

Mr. ANGLETON. That it was illegal.

Senator MONDALE. It was illegal. Now, you are an attorney?

Mr. ANGLETON. No, I am not, sir.

Senator MONDALE. Well, that might be an asset.

Mr. ANGLETON. That is my cover, Senator.

Senator MONDALE. How do you rationalize conducting a program which you believe to be illegal?

Mr. ANGLETON. To begin with, I was taking it over as an ongoing operation and there was probability that the program, through lack of personnel and funding, would have been scrubbed at some stage. From the counterintelligence point of view, we believe that it was extremely important to know everything possible regarding contacts of American citizens with Communist countries.

And second, that we believed that the security of the operation was such that the Soviets were unaware of such a program and therefore that many of the interests that the Soviets would have in the United States, subversive and otherwise, would be through the open mails, when their own adjudication was that the mails could not be violated.

Senator MONDALE. So that a judgment was made, with which you concurred, that although covert mail opening was illegal, the good that flowed from it, in terms of the anticipating threats to this country through the use of this counterintelligence technique, made it worthwhile nevertheless.

Mr. ANGLETON. That is correct.

Senator MONDALE. How do you recommend that this committee deal with this profound crisis between political and legal responsibility in government, a nation that believes in the laws, and what you regard to be the counterintelligence imperative of illegal activity? What do we do about it?

Mr. ANGLETON. My own belief has always been that high authority, whether it be on the Hill, the Congress, or in the Executive, needs to examine very closely the counterintelligence content available to this Government regarding its adversaries, and regarding the Soviet and the Soviet Bloc.

To my knowledge, there has never been such an examination. I believe very much in a statement made by Director of the FBI, Mr. Kelley, that it is his firm view, which he expressed in Canada

at a bar association convention, that certain individual rights have to be sacrificed for the national security.

Senator MONDALE. Do you believe that national security cannot be protected except through the sacrifice of these rights?

Mr. ANGLETON. I believe that all matters dealing with counter-espionage require very sophisticated handling and require considerable latitude.

Senator MONDALE. Who do you think should be empowered to determine which rights should be set aside?

Mr. ANGLETON. I think that, sir, not being an expert in these matters, that it should be a combination of the Executive and the Congress.

Senator MONDALE. How would the Congress express itself? Traditionally, it is through the adoption of laws.

Mr. ANGLETON. I am afraid I do not—

Senator MONDALE. As I understand the progression of this discussion, it is your opinion that this Nation cannot protect itself without setting aside certain personal liberties. Then I asked you, who would determine what liberties were to be set aside? And you have said it should be a combination of the Executive and the Congress. Of course, the Congress acts through laws. Are you saying that we should take another look at our laws to see whether they fully meet the needs of national security?

Mr. ANGLETON. That is correct.

Senator MONDALE. Would it not have been better then, when these laws were violated in the past, to do just that? Come to the Congress and say, "in our opinion we cannot defend you under the present laws and, therefore, we make these recommendations for change." That was not what was done. Surreptitiously and privately and covertly, legal rights of the American people were violated; in this case, mail was opened, without any such approval in the law. Is that correct?

Mr. ANGLETON. That is correct.

Senator MONDALE. Do you think that was a correct way to proceed?

Mr. ANGLETON. I think in an ideal world dealing with intelligence, and I have never seen one yet, that these matters should have been brought up vigorously. All through the life span of the CIA, I do not think there was the proper forum here for the airing securely of these matters.

Senator MONDALE. I disagree with you on the question of national security. I think our Constitution provides plenty of power to protect this country. In any event, I see no authority for anyone in the executive or in the Congress or anywhere else for determining, on his own, that the law is not good enough and therefore taking it into his own hands. I see no way of conducting a civilized, democratic society with those kinds of rules.

Now in your system for covert openings, there was prepared a watch list which set forth certain names of organizations and purposes and those names were the trigger for opening mail to or from them which was sent internationally.

Mr. ANGLETON. To the Soviet Union.

Senator MONDALE. To the Soviet Union. The list included Linus Pauling, John Steinbeck, the author, and Victor Reuther of the Auto Workers. What counterintelligence objective was it you thought you

were achieving in opening the mail of what most of us would assume to be very patriotic, thoughtful, decent Americans?

Mr. ANGLETON. Sir, I would prefer, if possible, to respond to that question in executive session.

Senator MONDALE. Well, I would like the answer. The chairman is not here so I think we ought to pass that request up until the chairman is back.

I have several other questions along that line with other names. But, in any event, let us wait until the chairman returns.

Senator TOWER. What was the request of the witness? That it not be answered except in executive session?

Senator MONDALE. Yes; I asked about three names that were on the watch list and he asked to answer that in executive session. I think we should await the chairman.

Mr. ANGLETON. Sir, may I please modify that?

Mr. BROWN. Would the Senator please just indulge us for just a moment so I can confer with Mr. Angleton?

Senator TOWER. Let us have order, please.

Mr. Angleton, should you answer this question in open session, would you be disclosing classified information that has not been previously cleared for disclosure?

Mr. ANGLETON. I would also need to have the opportunity to review files in the agency before making any response.

Senator TOWER. In other words, you do not know whether it would be disclosing classified information that has not been cleared?

Mr. ANGLETON. I would not depend on my memory, sir, at this time, because these are cases or matters which apparently were some time back.

Senator TOWER. The Chair will rule that for the time being, you will not be required to answer the question in open session; but that the matter can be reopened, should the committee decide that they should be disclosed in public session.

Mr. ANGLETON. Thank you.

Senator MONDALE. I have got some other names I would like to submit to Mr. Angleton which I wish he would use in his review in preparation for that answer, whether in public or in private.

Senator TOWER. Thank you, Senator Mondale. Senator Baker?

Senator BAKER. Mr. Chairman, thank you very much.

I believe most of the information relevant to the Huston plan document have been covered by other members of the committee and by counsel. But there are two or three things of a more general nature that I would like to direct Mr. Angleton's attention to, and ask his reaction or comments on.

Before I do, however, what was your job at the time of your retirement from the CIA?

Mr. ANGLETON. I was the head of counterintelligence.

Senator BAKER. Counterintelligence, in layman's terms, implies something other than intelligence. I take it that it implies something to do with keeping up with what the other fellow's intelligence would be.

Mr. ANGLETON. That is correct.

Senator BAKER. Was a major part of your operation concerned with intelligence operations against the United States by, say, the Soviet Union or other countries?

Mr. ANGLETON. It was a question of all hostile intelligence services where we have a situation, for example, that in the Soviet bloc alone, there are over 27 intelligence services who would conduct activity in the United States and in the territories of allies.

Senator BAKER. Well, to put it in lay terms again, counterintelligence was to protect our intelligence resources?

Mr. ANGLETON. It was to penetrate and frustrate the espionage and subversion from outside.

Senator BAKER. How, then, was counterintelligence, your area of concern and expertise, important to that area to be involved with mail openings?

Mr. ANGLETON. Well, since the mail openings were to the Communist countries, it meant that there was a contact, regular contact, with Americans and third country nationals who were here. For example, there are many third country nationals that were here studying, who, in turn, had relatives who were studying in Soviet institutions.

Senator BAKER. I can follow that. But what prompted the question was, why on earth would you have, for instance, Frank Church or Richard Nixon on that list?

Mr. ANGLETON. I would say it was very much an error.

Senator BAKER. It was an error to have them on the list?

Mr. ANGLETON. That is precisely correct.

Senator BAKER. Are there other members of this committee that were on that list?

Mr. ANGLETON. I'm not aware of it, sir. I've not gone through the listings.

Senator BAKER. You began this operation in 1954 or thereabouts, I understand.

Mr. ANGLETON. It was started in another part of the agency in 1952, and it was taken over by us—counterintelligence—in 1955.

Senator BAKER. I understand from your testimony to Senator Mondale that you think that it is of sufficient value so that it ought to be continued.

Mr. ANGLETON. It is certainly my opinion, and the opinion of my former associates.

Senator BAKER. It should be continued even if it required the change of the statute law—and I am not sure that would even do it. Let us just assume for the moment that you have a congressional debate on the necessity for doing it, and thus change the nature of the postal system; that is, people no longer would assume that their mail was inviolate, that people probably were going to inspect it. That gets us terribly close to Big Brotherism; the idea that when you mail a letter, you have got to assume that somebody may read it, at least a letter outside the country. Even if you assume that that would be the range and scale of the debate in Congress, you would favor the passage of such a bill?

Mr. ANGLETON. I didn't quite say that, sir. I believe I would prefer, if possible, to stick to what I believe to be the approach to the problems within the intelligence community; and that is that both the executive, at a high level, and the Congress examine in depth the nature of the threat to our national security.

Senator BAKER. If I may interrupt you for a minute, I think I ought to explain why I am proceeding in this way. I know, from reading your briefing papers, and from a general impression of your service to your country and to the CIA, that you have been an extraordinarily important figure in the intelligence and counterintelligence scheme of things for many, many years. I believe, based on your testimony, that you have a grave concern for the nature and the scope of the foreign threat, and the importance of the methods and techniques that are employed or may be employed by the CIA, by the DIA, and by other intelligence agencies.

That is my general impression. But your impression of us should be that, while we recognize the importance of that, it gets right sticky when it would appear, in some cases clearly, that those methods and techniques violate either the statute law or the Constitution of the United States. What I am putting to you is whether or not this country should engage in a debate in the congressional forum—which is where laws are made and changed—about a matter such as the changing of the fundamental nature of the postal system—that is to say, to create a situation where people must assume that their mail is being read.

Now, are the techniques for intelligence gathering—is the nature of the foreign threat such that we should go ahead with that debate, or even pass such a statute?

Mr. ANGLETON. I think in the present atmosphere, it would be impossible.

Senator BAKER. That is sort of our job, too; to guess what is possible and impossible in the Congress, and I am often fooled about what is possible and impossible. From your standpoint, what I am trying to drive at is whether or not you believe the scope and the extent of the threat to this country from abroad is sufficient to launch this Congress into a debate on whether there should be such a change in the postal laws or not.

Mr. ANGLETON. Well, I must accept, sir, the fact that again, that I do not believe that the atmosphere would even tolerate this subject being the subject of debate. I think these perceptions of dangers and threats have changed very greatly in the last 2 years. I think the policies of détente and, prior to that, peaceful coexistence—

Senator BAKER. What do you think of the policies of détente?

Mr. ANGLETON. Well, I would only speak to the question of détente, peaceful coexistence, strictly from counterintelligence observation.

Senator BAKER. That is why I asked you. You were the head man in that field. What do you think of it?

Mr. ANGLETON. My view is that there is complete illusion to believe that, on the operative, clandestine side—which is, in a sense, a secret war that has continued since World War II—that the Soviets or the Soviet bloc have changed their objectives. And I base this on counterintelligence cases.

Senator BAKER. I do not mean to embarrass you, Mr. Angleton, but I want to ask you this question. In that respect, is your disagreement with détente as a national policy part of the reason why you retired from the CIA at the time you did?

Mr. ANGLETON. I really cannot say. Every day that passes, I discover, much to my amazement, certain points of view and activity in which I

might say, neither myself nor my colleagues were in great favor. I cannot be specific. I do not have the facts.

Senator BAKER. Mr. Angleton, there are many questions I could ask. Your experience covers a turbulent time in history, and the temptation to ask you specific details about it is almost irresistible. But for the moment, in view of the time restraints, I will postpone that.

I would ask only a single thing, and that is whether or not you think there should be a significant national debate in a congressional forum, as well, on the question as to whether or not we should legalize some of the activities that now appear to be illegal in the intelligence-collecting field. Now, it is my own personal view that if you are going to do some of these things, the country will not accept them, and should not. They are intrinsically an intrusion, beyond the scope of the permissible.

But if you are going to do some of the others, that are more closely held, you ought not to do them without asking. You ought to send them up to Congress and find out what the likelihood of the law being changed may be. Would you generally agree, in retrospect, that that ought to be the way this matter is approached?

Mr. ANGLETON. There is no question in my mind.

Senator BAKER. Thank you, sir. Thank you, Mr. Chairman.

Senator TOWER. Senator Huddleston?

Senator HUDDLESTON. Thank you, Mr. Chairman.

Mr. Angleton, first I wonder if we might bring some of the intelligence terminology down to lay language, so that the people will have a complete understanding of what we are talking about here. I think we have pretty well covered mail coverage, but just to clarify it maybe somewhat further, we are discussing the actual opening of mail of certain citizens who appear on a predetermined list. Does some individual actually read this mail, or is it photographed, or just how is this handled?

Mr. ANGLETON. Well, sir, the process was to collect mail at an international terminal before it went abroad, and mail coming from abroad from Communist countries, and having the opportunity to surreptitiously open the envelopes, photograph the contents, and to dispatch the mail to the addressee. The photographs of the mail were brought through another part of our organization to us in Counterintelligence, where we had a group of some six people very fluent in languages, and also in holograph and flaps, and they were very sophisticated technicians and analysts. They would make abstracts of the mail where it was important, together with internal findings and dossiers, and direct it to certain selected customers.

Senator HUDDLESTON. Customers being specific agencies of the Government, either CIA—

Mr. ANGLETON. For all intents and purposes it was only to the FBI, although there was some mail that did—there were some special items that went to military intelligence.

Senator HUDDLESTON. Now, electronic surveillance—what all does this involve?

Mr. ANGLETON. Pardon, sir?

Senator HUDDLESTON. Electronic surveillance—what does this involve specifically?

Mr. ANGLETON. We were not involved in electronic surveillance.

Senator HUDDLESTON. You know what it is, do you not?

Mr. ANGLETON. Yes, sir. It is all forms of eavesdropping.

Senator HUDDLESTON. Is this tapping telephones?

Mr. ANGLETON. Telephones.

Senator HUDDLESTON. That is, a wiretap.

Mr. ANGLETON. Bugs.

Senator HUDDLESTON. Bugs in rooms, or in places where people might assemble?

Mr. ANGLETON. Precisely.

Senator HUDDLESTON. Without their knowledge?

Mr. ANGLETON. Hopefully.

Senator HUDDLESTON. Surreptitious entry—what is this describing?

Mr. ANGLETON. That is the ability to penetrate into either a building or mail—

Senator HUDDLESTON. Break it down into a simple context that we hear in every police court in the country on Monday morning. It is breaking and entering to a great degree, is it not? It might be—

Mr. ANGLETON. As long as there is no—I say I agree, sir.

Senator HUDDLESTON. It would be breaking into someone's home or into his office or his apartment, and, in effect, taking what you consider to be important to the objective.

Mr. ANGLETON. It is not so much taking as it is photographing.

Senator HUDDLESTON. Or photographing.

Mr. ANGLETON. There is not really much breakage.

Senator HUDDLESTON. What do you mean by development of campus sources?

Mr. ANGLETON. Is that in the context, sir, of the Huston plan?

Senator HUDDLESTON. Yes, that was part of the Huston objective.

Mr. ANGLETON. It simply meant the eventual recruitment of sources on the campus.

Senator HUDDLESTON. Would that be students?

Mr. ANGLETON. I believe it referred specifically to students and perhaps some instructors.

Senator HUDDLESTON. Who would perform as informants or as—

Mr. ANGLETON. They would be spotters in terms of possible recruitment of people, or informants.

Senator HUDDLESTON. I think it is important that the people understand what we are talking about when we talk in intelligence terms, Mr. Angleton, and those descriptions I think will be helpful.

Now, prior to the development of the Huston plan, would you say that one of the reasons that this development occurred was that conflicts had grown specifically between the CIA and the FBI?

Mr. ANGLETON. Unfortunately, yes.

Senator HUDDLESTON. Would you describe what some of those conflicts were, some of the things that were troubling Mr. Hoover?

Mr. ANGLETON. Well, to begin with, in all fairness to Mr. Hoover, after World War II, he was not happy with his activities in certain parts of the world which he conducted during wartime, being transferred to another agency. I do not believe that this was jealousy, as has often been stated. I think that he only had to look at the fact that during World War II, the OSS had many people who were loyal to General Donovan, but also had loyalties to the opposition—and I do not want to characterize it as many. I think it is in many records.

And therefore, there was a very grave problem of the security standards of the Agency coming from World War II.

Senator HUDDLESTON. Did this result in the concern that he had that there were informants within the FBI that were telling the CIA things that Mr. Hoover did not think they should be telling?

Mr. ANGLETON. Sir, I think you are referring directly to the one straw that broke the camel's back.

Senator HUDDLESTON. Was this a single incident?

Mr. ANGLETON. A single incident in which an officer of the CIA received information to which he was entitled regarding a foreign national who disappeared and he received this information from an unnamed FBI officer. Mr. Hoover demanded the identity of the FBI officer. The CIA official as a matter of personal integrity refused to divulge the name of his source and he also offered to the Director, Mr. Helms, his resignation.

Senator HUDDLESTON. You indicate this was a one-time incident. Are you suggesting that the CIA did not have other sources of information from within the FBI that may not have been known by the Director, Mr. Hoover?

Mr. ANGLETON. I would never call them sources. The CIA had many contacts with the FBI at various levels.

Senator HUDDLESTON. Were there also instances where the CIA requested of the FBI and of Mr. Hoover to undertake certain wiretaps for domestic surveillance that Mr. Hoover declined to do?

Mr. ANGLETON. That is correct.

Senator HUDDLESTON. Did this also create friction between the agencies?

Mr. ANGLETON. I do not think that that in itself necessarily created the friction. I think the friction came from the case I described earlier.

Senator HUDDLESTON. Just that one case? Was that enough to cause Mr. Hoover to eliminate the liaison totally and formally between the two agencies?

Mr. ANGLETON. That is correct.

Senator HUDDLESTON. And he did that, in fact?

Mr. ANGLETON. He did, indeed.

Senator HUDDLESTON. During the early sessions of the group that was setting up the Huston plan, was this friction evident to you as a participant of those meetings, that the CIA and the FBI were not getting along at the top levels as they might?

Mr. ANGLETON. Well, I do not think that the relationship at the top levels was ever satisfactory. I believe—and this may be somewhat of an exaggeration—but I believe that over a period of some 25 years I do not think there were probably more than three or four or five meetings between the Director of FBI and the Director of CIA except those that might have been casual, where they bumped into one another in a national security conference.

Senator HUDDLESTON. Did this adversely affect the efficiency of our intelligence community?

Mr. ANGLETON. It did.

Senator HUDDLESTON. Do you think Mr. Hoover's concern in the FBI's dealings with the CIA was principally due to the questionable legality of some of the things that the CIA was asking him to do? Or was it a concern for the public relations aspect of his agency?

Mr. ANGLETON. Well, I think that Mr. Hoover was conscious of all aspects of situations where the Bureau's interests were affected, whether it be professional, whether it be public relations, he was without question the number one law enforcement officer in the United States and probably the most respected individual outside the United States among all foreign intelligence and security services. And I believe that Mr. Hoover's real concern was that during the Johnson administration, where the Congress was delving into matters pertaining to FBI activities, Mr. Hoover looked to the President to give him support in terms of conducting those operations. And when that support was lacking, Mr. Hoover had no recourse but to gradually eliminate activities which were unfavorable to the Bureau and which in turn risked public confidence in the number one law enforcement agency.

And I think his reasoning was impeccable.

Senator HUDDLESTON. Well, did the CIA, on occasion, ask Mr. Hoover and his agency to enter into "black bag" jobs?

Mr. ANGLETON. That is correct.

Senator HUDDLESTON. And that is surreptitious entry or in layman's terms, breaking and entering.

Mr. ANGLETON. It deals basically with handling couriers, the man who carries the bag.

Senator HUDDLESTON. During the initial stages of the interagency committee developing the Huston plan, did it occur to you to inquire whether or not—since you were aware that you were suggesting or talking about doing things that were illegal—did it occur to you to inquire whether or not the Attorney General of the United States had been advised or questioned about this plan?

Mr. ANGLETON. Well, I did not have, as a rule, relations with many Attorneys General except on very special cases.

Senator HUDDLESTON. I am not suggesting you would have inquired yourself, but that his approval would have been given or at least he would have been consulted.

Mr. ANGLETON. My approach, sir, on that—

Senator HUDDLESTON. Did it even bother you to wonder about it?

Mr. ANGLETON. No. I think I can reconstruct my attitude over many years on that matter, that I felt it most essential that the Attorney General be aware of the program in order to read the mail and to read the production. In other words, I think that an Attorney General who does not know the minutiae of the threat is a very poor Attorney General.

Senator HUDDLESTON. Were you surprised then to learn that he had not been consulted about the Huston plan?

Mr. ANGLETON. I was absolutely shocked. I mean it was unbelievable, because one believed that he had everything relating to Justice Department.

Senator HUDDLESTON. Is that the reason that you testified you were not surprised when the President rescinded his approval after Mr. Hoover went to the Attorney General?

Mr. ANGLETON. I must repeat that I could well understand how without even going into any inquiries, that the Huston plan was dead.

Senator HUDDLESTON. You expected that to happen?

Mr. ANGLETON. Absolutely.

The CHAIRMAN [presiding]. Thank you very much. I want to thank Senator Tower for taking over and presiding for me. I had to be at a meeting of the Senate Foreign Relations Committee that is considering the Sinai agreements and for that reason I had to absent myself.

Let us see, we are now at Senator Schweiker, please.

Senator SCHWEIKER. Thank you, Mr. Chairman.

Mr. Angleton, did you support the Huston plan in principle? At the time that this became a function of your decisionmaking process, your administrative responsibility, did you support the Huston plan?

Mr. ANGLETON. I did.

Senator SCHWEIKER. After the Huston plan was shot down, I guess by a combination of John Mitchell and J. Edgar Hoover, there were some other actions taken. First of all, John Dean was moved in and somewhat replaced Mr. Huston in his duties and then he wrote a memo on September 18, 1970 [exhibit 24¹], within 2 months of the decision to abandon the Huston plan. And he set up a new committee and I quote now from his memo, "a key to the entire operation will be the creation of a interagency intelligence unit for both operational and evaluation purposes." You were a part of that new unit; was that correct?

Mr. ANGLETON. I was present.

Senator SCHWEIKER. And as I understand it, the very first meeting of that unit was held in John Dean's office in the White House. Is that correct?

Mr. ANGLETON. That is correct.

Senator SCHWEIKER. So in essence, by this move, did you not really begin to accomplish many of the objectives that Mr. Huston set out, but you did it in a way that Mr. Mitchell and Mr. Hoover did not strenuously interpose their objection. Is that correct?

Mr. ANGLETON. I do not have any evidence of that.

Senator SCHWEIKER. Well, on April 12, do you recall there was a meeting among Mr. Helms, Mr. Hoover, and Admiral Gayler to discuss loosening up or broadening, whatever way you want to call it, the information gathering techniques to the point where some of the elements of the Huston plan were being reconsidered. Do you recall such a meeting?

Mr. ANGLETON. I know that that was something that was of concern to the intelligence community prior to and after the Huston plan. The Huston plan itself had no impact or did not impact on the meeting, the question of espionage assistance to the National Security Agency.

Senator SCHWEIKER. Of the seven or eight individual elements of the Huston plan concerning new ways of getting intelligence more easily, weren't some of these similar to the proposals that were discussed at the April 12 meeting as well as at the interagency meeting? Certainly you did discuss them, and did they not come up for consideration in different forms?

Mr. ANGLETON. Excuse me, sir.

Senator, I am trying to be responsive to your hypothesis. The Huston plan, in effect, as far as we were concerned, was dead in 5 days and therefore all of the other matters of enlarging procurement within the intelligence community were the same concerns that existed prior

¹ See p. 255.

to the Huston plan, and subsequent to the Huston plan. The Huston plan had no impact whatsoever on the priorities within the intelligence community.

Senator SCHWEIKER. I understand that, Mr. Angleton. But at that meeting where Mr. Helms and Admiral Gayler and the others met, was there not a discussion to do some of the very same things that had been referenced in the Huston plan?

Mr. ANGLETON. That part is correct, sir.

Senator SCHWEIKER. That is all I am trying to establish.

Mr. ANGLETON. But it had a life of its own prior to the Huston plan.

Senator SCHWEIKER. And then did not the Plumber's unit at a later time perform some of the same illegalities, such as breaking and entering, that the Huston plan has proposed?

Mr. ANGLETON. Pardon?

Senator SCHWEIKER. I realize you are not directly connected with the Plumbers, but did the Plumber's unit not do some of the same things, breaking and entry, illegal burglary, that the Huston plan proposed? Is that not a fact?

Mr. ANGLETON. Yes.

Senator SCHWEIKER. So in essence, they went around the back door instead of the front door. Even though the Huston plan was dead I believe it had nine lives. Now, Mr. Angleton, you were head of the Counterintelligence Unit of the CIA and under you was a group called the Special Operations Group, headed by Mr. Richard Ober, who we will be hearing from tomorrow. But inasmuch as you were involved as his immediate supervisor, it is correct to say that Operation CHAOS was under your supervision, although not immediately?

Mr. ANGLETON. It was technically under my supervision for "rations and quarters."

Senator SCHWEIKER. And you supported and went along with Operation CHAOS as an executive of CIA, is that not correct?

Mr. ANGLETON. I was not familiar with all of the operations of CHAOS.

Senator SCHWEIKER. Did you object to it? Did you oppose it? Did you fight it in any way?

Mr. ANGLETON. Those operations I knew about I approved, I mean, I was approving of.

Senator SCHWEIKER. Were you aware that some of the Operation CHAOS agents were operating in the United States?

Mr. ANGLETON. I was not. I would qualify that to say, as I have said before, before the Rockefeller Commission, that there was a period in all operations of that nature where the agent had to build cover in the United States. But I suggested, and I still believe, that those operations should be examined in terms of what was Mr. Ober's motive. And I think that one will find, as far as I know, that his motive was to send these people abroad for intelligence collection.

Senator SCHWEIKER. Well, were you aware of the memos [exhibit 65¹] that CIA sent to Walt Rostow, and then Henry Kissinger, which said the following, and I quote "you will, of course, be aware of the peculiar sensitivity which attaches to the fact that CIA has prepared

¹ See p. 402.

a report on student activities, both here and abroad." Were you aware of either memo, number one, or number two, that you were following student activities here?

Mr. ANGLETON. Do we have this memorandum?

Senator SCHWEIKER. I will ask the counsel whether you have it. This was received from the Rockefeller Commission. You might not have it immediately before you.

Mr. ANGLETON. I do not recall it.

Senator SCHWEIKER. Let me ask you this way. Were you aware of any activities under you, or under people under your direction, that had to do with preparing a report on the domestic activities of students here in the United States of America?

Mr. ANGLETON. There were reports that I cannot identify unless I see them.

Senator SCHWEIKER. That is not my question. My question is were you aware of any counterintelligence activities directed against the students of the United States of America here at home? You were in charge of supervising this whole counterintelligence unit.

Mr. ANGLETON. I tried to explain, sir, that I was not in charge.

Senator SCHWEIKER. What does being Chief of Counterintelligence mean? You were Chief of the Counterintelligence Staff, were you not?

Mr. ANGLETON. Yes.

Senator SCHWEIKER. And that did not come under your purview?

Mr. ANGLETON. I said that Mr. Ober's unit was in the Counterintelligence staff for rations and quarters. I did not have access to many of his disseminations. We were not even on the carbon copies for dissemination. I did not know the identity of his agents. I did not have any knowledge or appurtenances of a case officer over these activities.

Senator SCHWEIKER. Let me ask you something that you did testify to that we will not have a problem of communication on. On page 109 of your September 12 testimony, in a deposition before this committee, you were specifically asked about how the CIA might either ignore, or not follow, or contradict an order relating to the destruction of shellfish toxins and poisons, about which we held hearings last week. Now you are quoted in your deposition, "It is inconceivable that a secret intelligence arm of the government has to comply with all the overt orders of the government." Is that an accurate quote or not?

Mr. ANGLETON. Well, if it is accurate it should not have been said.

The CHAIRMAN. That is right, Mr. Angleton.

Senator SCHWEIKER. It looks like we are on plausible denial again is all I can say here, Mr. Chairman. It is a direct quote and I understand the procedure is to give you an opportunity to review your testimony each day, in case you want to correct it. Did you not have that opportunity?

Mr. ANGLETON. I did not expect, sir, to be called Friday night late and told I would be here today. I intended in due course to see my testimony. I was informed that I would be present in October.

Senator SCHWEIKER. Well, getting back to the issue at hand, Mr. Angleton, do you believe that statement that you made or do you not believe it? What is your belief of whether a secret intelligence agency has the right to contradict a direct order of a President or whether it does not apply?

Mr. ANGLETON. Well, I would say I had been rather imprudent in making those remarks.

Senator SCHWEIKER. Well, I think, Mr. Chairman, it raises the problem that this committee is really confronted with. And I don't want to say that—unfortunately you are not the exception in this belief, Mr. Angleton, because I think our work, our intelligence investigation, has turned up an awful lot of people in the intelligence community who really feel this way.

I think that is exactly how the toxin situation got to where it was. And, while this may not have been the biggest thing that happened, I think it is indicative of the problem that this committee and the Congress have to deal with. And you feel, or the intelligence community feels, that they are removed from even a direct order of the President. And I think that does come to the heart of the issue. I think you were honest in your statement and I think actually this is the issue before the committee and the Congress now. Thank you, Mr. Chairman.

The CHAIRMAN. Well I might observe that Mr. Angleton has not denied the statement, nor has he changed his position. He said it was an imprudent thing to say. That was your answer, was it not?

Mr. ANGLETON. I have not pursued the question of toxins from a professional point of view. I did not listen to all of the hearings on it. It is a matter very much outside of my professional background.

The CHAIRMAN. But your statement, Mr. Angleton, is not related to toxins. It is a very general statement, which I do believe represents your view.

Mr. ANGLETON. I am sorry, sir, but it does not necessarily represent my views.

The CHAIRMAN. You said it is inconceivable that a secret intelligence arm of the Government has to comply with all of the overt orders of the Government.

Mr. ANGLETON. To comply with all overt——

The CHAIRMAN. Do you retract that statement now, or do you merely regard it as imprudent.

Mr. ANGLETON. I have not studied the testimony, sir.

The CHAIRMAN. May I call your attention to it on page 109 of your testimony before this committee, September 12, beginning on line 9, and I read, "It is inconceivable that a secret intelligence arm of the Government has to comply with all of the overt orders of the Government."

Mr. ANGLETON. I withdraw that statement.

The CHAIRMAN. Do you withdraw that statement?

Mr. ANGLETON. I do.

The CHAIRMAN. Did you not mean it when you said it the first time?

Mr. ANGLETON. This was stated before the hearings, before you held your hearings on this matter?

The CHAIRMAN. Yes, but when you said it to us, did you mean it or did you not mean it?

Mr. ANGLETON. I do not know how to respond to that question.

The CHAIRMAN. You do not know how to respond to the question?

Mr. ANGLETON. I said that I withdrew the statement.

The CHAIRMAN. Very well, but you are unwilling to say whether or not you meant it when you said it.

Mr. ANGLETON. I would say that the entire speculation should not have been indulged in.

The CHAIRMAN. I see. Senator Morgan.

Senator MORGAN. First of all, with regard to the question that the chairman asked you, do you know what specific order was being referred to in that case?

Mr. BROWN. Excuse me, Senator, just a moment please.

Mr. ANGLETON. No; I did not know the orders.

Senator MORGAN. Then you are not talking about any particular order, but you were talking about orders in general?

Mr. ANGLETON. Sir, I have not reviewed this transcript.

Senator MORGAN. I understand that, Mr. Angleton. And that is why I was looking back at it myself.

If I could pursue for a moment the questions of Senator Mondale and Senator Baker, first of all, would you again draw the distinction between counterintelligence and intelligence gathering?

Mr. ANGLETON. In the ultimate, they are about the same thing. Counterintelligence is more or less all of the programs of which the distillate is counterespionage. In other words, the sum total of counterintelligence activity includes dossiers, identification of individuals, travel control and a whole series of other dossier items. It forms the counterintelligence base. From that can be developed a product which is counterespionage, the dealing in confrontation with other intelligence services: as a rule, dealing with their aggressive aspects, whether it be subversion, whether it be espionage, and in certain instances in the world of double agents, dealing with their counterespionage.

Senator MORGAN. Now, as Chief of the Counterintelligence Staff, how much of your work was involved in this country?

Mr. ANGLETON. Relatively little.

Senator MORGAN. Was the mail cover part of it?

Mr. ANGLETON. That is correct.

Senator MORGAN. And before the Huston plan, you were intercepting all mail going to Communist countries, photographing it, and intercepting all mail coming from Communist countries.

Mr. ANGLETON. That is correct. But there was a limit as to the amount of mail which we opened and photographed.

Senator MORGAN. What limitations were placed on the amount of mail?

Mr. ANGLETON. It is where it was of no interest.

Senator MORGAN. How did you determine whether or not mail was of no interest if you—

Mr. ANGLETON. It was, as a matter of procedure, one of the customer agencies would indicate that it, having levied a requirement previously, would state that they no longer desired such coverage.

Senator MORGAN. Well, now, was it coverage of those who were on the watch list, or was it coverage of all mail going to and from Communist countries?

Mr. ANGLETON. The basic thrust of the program was a watch list.

Senator MORGAN. Mr. Angleton, did you at that time consider the mail coverage indispensable to your job?

Mr. ANGLETON. I believed it was one of the few resources, routine in nature, available to counterintelligence.

Senator MORGAN. Well, Senator Mondale asked you about your rationale behind opening the mail. How do you reconcile it with the

rights of the individuals in this country under our Constitution? How did you reconcile your action?

Mr. ANGLETON. Well, Senator, I reconciled it in terms of the knowledge I had, and my colleagues had, regarding the nature of the threat.

Senator MORGAN. Well, assuming, Mr. Angleton, that you were justified in your actions, which I don't think you were, but assuming that, what is to prevent some other individual from deciding on his own that such activities are justified? And what is to prevent him from carrying out such activities?

Mr. ANGLETON. Senator, I don't want to quibble. But I will have to say the operation was in being 3 years before I entered the scene. It was not something of an individual initiative, it was a group of like-minded men who arrived at similar and the same conclusions that this was an indispensable means of collecting foreign intelligence on the Soviets, who regard this country to be the main enemy, and, together with the Soviet bloc, coordinates their activities on their ideological basis. This is very persuasive to someone who has given up 31 years of their life with certain very high ideals for this country. When I left the Army, as many of us did, I believed that we were in the dawn of a millenium. When I look at the map today and the weakness of power of this country, that is what shocks me.

Senator MORGAN. Mr. Angleton, the thing that shocks me is that these actions could be carried on contrary to the constitutional rights of the citizens of this country. Do you not believe that we can gather the necessary intelligence that we need for the protection and security of this country, and at the same time live within the Constitution?

Mr. ANGLETON. I am not a constitutional lawyer and I do not have at my fingertips those parts of the amendments which appear, on the surface, to give the President certain rights in wiretapping and electronic surveillance.

And if I understand it correctly, I do not believe there is too much of an extension to the next stage, which is the question of American and Soviet communications, or Soviet bloc communications.

Senator MORGAN. I would beg to differ on that, and on the analysis that you made, and also the one that Mr. Huston made. But for the purpose of the guidance of this committee, can you give us any suggestion as to how the actions of that Central Intelligence Agency can be monitored in such a way as to protect the fundamental rights of the American citizens of this country?

Mr. ANGLETON. You mean how it should be restructured?

Senator MORGAN. Yes; earlier you suggested that maybe the Congress and the President should take some action. But the thing that bothers me, Mr. Angleton, is how can we act if we don't know the facts? And, if we do act, the intelligence agencies refuse to obey the guidelines and ordinances. In other words you were doing all of these things before the Huston plan was ever devised. You continued to do them after the President rejected the report. So, what assurances do we have that an intelligence agency would follow any mandate of the Congress or the President? And how can we prepare some mandates that would be followed? That is what this committee is searching for.

Mr. ANGLETON. I have nothing to contribute to that, sir, beyond what I have said already.

Senator MORGAN. In other words, you just don't think it can be done. You feel that an intelligence agency has to have unlimited rights to follow its own instincts in gathering intelligence?

Mr. ANGLETON. No; I do not.

Senator MORGAN. What limitations would you place on it?

Mr. ANGLETON. I think the mail-intercept program is probably one of the few exceptions that I could conceive of.

Senator MORGAN. But if the Agency will not obey the orders of the President, do you have any suggestions as to what we can do to assure obedience in the future?

Mr. ANGLETON. Sir, I don't regard the submission to the President as being a black and white matter, because I don't know all of the facts surrounding that. But my reading of that language had a great deal to do with the question of gaps in the plan filled by the FBI in the question of domestically intercepting mail, rather than as we were doing excepting—directing it entirely to mail between the United States and Communist countries. And I do draw that distinction. In other words, our motive had nothing whatsoever to do with infringing, or I mean in harming, Americans. Our problem was to try to uncover foreign involvement in this country.

Senator MORGAN. Let me conclude by observing that I am concerned, from the testimony we have heard today, and also from the testimony we have heard in the past, about the fact that it seems from the testimony that many of these plans are devised and put into practice, and then at some later date, publicly, or for the record, the plans are rejected. But, notwithstanding such rejection either by the President or some higher authority, all of the plans are carried out anyway. And it makes me wonder whether or not the rejection of such plans is for the purpose—as Senator Schweiker pointed out—of plausible denial. Are they really rejections of the plans, or are they rejections for the purpose of the record? If it is a real rejection, how can we secure compliance with it by the various agencies?

Thank you, Mr. Angleton.

The CHAIRMAN. Thank you very much, Senator Morgan.

I think just for purposes of clarifying the matter I ought to say that we have found the CIA files on mail that has been opened, and we are now in the process of investigating and preparing ourselves to look into this whole question of mail opening in a much more detailed way. At the beginning of this hearing this morning I mentioned such organizations as the Ford Foundation, Harvard University, the Rockefeller Foundation, and such individuals as Arthur Burns, Congresswoman Bella Abzug, Jay Rockefeller, President Nixon, Martin Luther King, and Senator Hubert Humphrey, Senator Edward Kennedy, and myself whose mail had been opened, and I would like to make it clear that these names were never on the watch list, so far as we can determine. So that it is obvious that the opening of the mail was not restricted to any particular watch list, but may have gone very far afield, indeed.

I am going to get that letter I wrote to my mother. I want to see what is in that letter that was of interest to the CIA. And I say this because the privacy of the mail has been one of the most honored practices in this country and it is protected by the statutes. The Supreme Court of the United States passed on this very early in our

history, back in 1877. I just would like to read a passage of what the Supreme Court said about the privacy of the mail and the rights of American citizens. It said:

Letters and sealed packages of this kind in the mail are as fully guarded from examination and inspection, except as to their outward form and weight, as if they were retained by the parties forwarding them in their own domiciles.

The constitutional guaranty of the right of the people to be secure in their papers against unreasonable searches and seizures extends to their papers, thus closed against inspection, wherever they may be. Whilst in the mail, they can only be opened and examined under like warrant * * *

I think one of the real responsibilities of this committee is to make certain that in the future our intelligence agencies recognize that in the name of protecting freedom, they had better honor the Constitution and the laws, because that is what freedom is all about.

Senator MATHIAS.

Senator MATHIAS. Mr. Angleton, I suspect that there will be no witnesses coming before this committee who can be of more help to us than you in understanding the intelligence community as it developed after World War II, in understanding the kind of work that the intelligence community ought to be doing, and in helping us to see what needs to be done in the future. But in understanding exactly how you worked, I think we need to know some of the mundane, mechanical, things.

For instance, when Mr. Helms was before the committee last week, we discussed the question of compartmentation, the fact that certain parts of the Central Intelligence Agency were totally compartmented from other parts, and I think it is important to understand exactly what that does to the execution of national policy. For example, if a project would come to you about which some question of legality is raised, was compartmentation such that you could not consult the General Counsel of the CIA for a ruling on its legality?

Mr. ANGLETON. I would say that the custom and usage was not to deal with the General Counsel as a rule until there were some troubles. He was not a part of the process of project approvals.

Senator MATHIAS. There was no preventative practice?

Mr. ANGLETON. Not necessarily.

Senator MATHIAS. So that on this question of opening mail, the question of whether it was legal or illegal never was discussed with the legal officials of the Agency?

Mr. ANGLETON. Not to my knowledge.

Senator MATHIAS. What about relationships with law enforcement agencies outside the Central Intelligence Agency? For instance, in the Huston plan, Mr. Hoover appended a note to the recommendations on mail opening in which he objected to it, and noted that it was illegal, and indicated that he was aware that other agencies might be doing it. Now, if a project of that sort were undertaken, was there any preclearance with an agency like the FBI, a law enforcement agency?

Mr. ANGLETON. As it related to this, of course, the Bureau was fully apprised after they were informed in 1958. The Bureau would be—we would coordinate any domestic activity, or even with the three areas with the FBI in advance. By the same token, they would coordinate with us in advance any overseas activity, and in this respect I

was always a firm believer that when the Bureau developed certain intelligence sources, they should have the operational control over those sources, regardless of geography, as long as there was coordination.

Senator MATHIAS. You are going to lead me to my next question. But before I get to that, would the coordination with the FBI include immunity?

Mr. ANGLETON. It would depend, sir, on the parameters of the operation. If their own interests were impinged upon, there would certainly be coordinations in the community.

Senator MATHIAS. Yes, but would your operator, who might be apprehended in the course of the operation, be understood to be immune from legal prosecution as a result of the coordination with the FBI?

Mr. ANGLETON. You mean for an illegal act in the United States?

Senator MATHIAS. Yes. Was there any agreement that he would not be prosecuted, as would an ordinary citizen who was apprehended in the same act?

Mr. ANGLETON. Well, I must confess that until it was brought out in these hearings, I was unaware of the agreement between the Department of Justice and ourselves, even though I can well understand why there was such an agreement. But in the few cases I do know, I never saw the Agency ever interject itself on anything frivolous. In other words, it went to the heart of an operation or to the security of an agent.

Senator MATHIAS. In other words, you are saying that he took his lumps if he were apprehended in any legal difficulties?

Mr. ANGLETON. If he had not been instructed by the agency, and he strayed, he obviously was, to my recollection—this was a subject matter for the General Counsel to take up with the Department of Justice.

Senator MATHIAS. And when the General Counsel took it up with the Department of Justice, would it be merely to provide representation in a court of law, or would it be to make some arrangement by which immunity would be granted because of the nature of the duties he had been performing that resulted in the illegal act?

Mr. ANGLETON. I would assume that it would be—the purpose of this would be for our General Counsel to disgorge all relevant facts and all documents and papers, and present an Agency position, and that the argumentation for any special treatment would be supported by the facts.

Senator MATHIAS. And I have been deducing from what you say that you made the best deal that you could at the time, under the circumstances.

Mr. ANGLETON. Not entirely. I have known of—well, I won't go that far. But there have been cases which have involved, say, misuse of funds or whatnot, in which the Agency, as I recall, threw the party very much to the dogs.

Senator MATHIAS. Right. But those were the cases where there was no relief.

Mr. ANGLETON. Well, they were cases where a superior interest of the Government was not harmed.

Senator MATHIAS. I think I understand what you are saying. Now, getting back to the question that you raised a minute ago, in which

you said you thought that a source that you developed belonged to you, regardless of where it might happen to lodge geographically, it could be within the United States, could it not?

Mr. ANGLETON. It could be, and I think that if I might pursue that somewhat—

Senator MATHIAS. Yes; I wish you would tell us how you distinguish between CIA domestic activity that is prohibited by statute, and counterintelligence that may lead you into some domestic scene.

Mr. ANGLETON. Well, I think there are many approaches to this. But I would begin first with the agent-principal relationship. In other words, when we are dealing with agents, we are not dealing with pieces of merchandise. There are very tenuous psychological realignments between a case officer and his agent, and therefore he is threatened even if you change case officers, let alone the question of jurisdiction.

Now, assuming that an agent of ours comes to the United States, we are presented with a problem, therefore, of is he to be transferred to the jurisdiction of the FBI? The moment that the answer is yes, we are subjecting that individual to risk. Now, in the recruitment of that man, it is quite possible—and in more cases than one—that he has been given assurances that his identity is only known to a very limited number of people. And on occasions, his identity may only be known to the Director, so that this is a case-by-case matter.

In other words, we are in a sense the contracting agents for the Government, and we do contract, and we do accept conditions of employment. And to our way of thinking, we must abide by it. But in order not to jeopardize the domestic activities of the Bureau, and at the same time to give them the full benefits of the individual, there is a coordinating process with them as to this person. And I have never really known of many cases where there was not agreement.

Senator MATHIAS. So that there was, in fact, a gray area?

Mr. ANGLETON. It is a gray area, but it is a gray area by virtue of the actuality of a principal-agent relationship, not because of jealousies or internecine infighting.

Senator MATHIAS. And there were clearly pragmatic solutions to the problems that arose in the gray area?

Mr. ANGLETON. Correct.

Senator MATHIAS. One final question, Mr. Angleton. If we are to construct an intelligence community for the future, I think we have to understand what the nature of the problem is today. How would you assess the tensions that exist today between the United States and potential antagonists or enemies in the world, the kind of tensions that create the basic intelligence problem with which we have to cope?

Mr. ANGLETON. This would open up an extremely complicated channel of discussion.

Senator MATHIAS. I think it is important that we try to grapple with it, no matter how complicated it is.

Mr. ANGLETON. If I may go off on a tangent for a moment, I have observed the hearings as printed in the press being conducted by Congressman Pike; and with the exception of the security leakage which was highlighted by a press interview and whatnot, I would say that he is probing the intelligence community in the most productive avenue of evaluation, and that is the question of estimates, as to whether the American public are receiving an adequate return for their

investment. And I would suggest that if we are unable, in less sophisticated areas of the world, to arrive at accurate evaluation of the outbreak of wars, you can then have some slide rule as to our ability to cover the Communist bloc, which is composed of 27 different intelligence and security organizations, which deploys hundreds of thousands of secret police, both by way of troops and where we have the major challenge in every aspect of the running of an agent: communications, the possibility of leakages; and I would also note that two agents of the Agency were most productive for a short time, but were discovered and executed. I call attention to the inquiry that is going there, because I have followed it with very, very great interest, because I think it is hitting the nerve of the problem, namely, are we getting the production, and are we having the proper estimates?

Now, relating this to the Soviet, our information—

Senator MATHIAS. I would just call your attention, I think, to the fact that the cost of intelligence, the cost of the product is not only money. It can be in risk, as was demonstrated by the Gary Powers U-2 incident. It can be in damage to our own constitutional process, which is one of the elements of cost that I think we are trying to determine here.

Mr. ANGLETON. I think that as far as the bloc is concerned, you have a unified approach to the United States as the main enemy. They are bound together by ideological ties. There has been a process of de-Stalinization which was concluded in 1959, which reconciled vast differences, and which in essence was a return to Leninism. There was enunciated the policy of the main enemy, and the main enemy was the United States. And all agents working in bloc countries who priorly had been working on small members of NATO were redirected against the main target.

Recently in the newspaper, there was the announcement of the defection of a Romanian intelligence officer in Oslo, and there has been a major flap. And one can ask oneself the question that if Romania is so independent of Moscow and moving away from it, why is it that their intelligence service, which is most effective of their Central Committee, is working hand in glove with the Soviets?

Now, this is not speculation. These are facts. There have been agents captured playing out these roles who are now in jail, and it has shown total cohesiveness within the bloc in terms of strategic questionnaires of no possible use to Romania. Romania, however, has received most-favored-nation treatment, and it also received the visit recently of the President, not too far distant from the arrest in Oslo of the intelligence officer.

So I come back again to the nature of this threat. The nature of the threat rests within some thousands of pages of interrogation of very-high-level Soviet and bloc intelligence officers who were, in turn, very close in their activities to the political guidance of the Central Committees. And this cohesiveness dates from the period of 1959, when the intelligence services were changed from being the protectors or the preservers of the cult of personality of Stalin, and reverted back again to the days of Duchinsky and the revolution and Lenin, where every intelligence operation has a political objective.

And it ties together with the entire philosophy—and I do not base this on reading information available at the corner drugstore; this

comes from the interrogation of individuals who were in the system and had positions of high responsibility in intelligence—and the underpinning of those regimes are their intelligence and security services.

So, in conclusion, I would suggest that some day—and I know that I have proposed many things here which will never see the light of day—that the nature of the threat be diagnosed with a view that this country, having taken stock of those problems, and being faced, as I think Dr. Schlesinger has eloquently put it, with the possible change of the balance of military power; and I hope and I believe that some of his speeches on these matters were gained by him—the views—during his short tenure as the Director of Central Intelligence, where he was an avid reader of the secret information that I refer to.

The CHAIRMAN. The committee's concern in this investigation is the nature of the threat, to be sure. And an efficient intelligence organization is needed for this country; that is not the issue here. What is at issue here is running it in such a way that we don't slowly become the kind of police state you have described.

Mr. ANGLETON. I understand, Mr. Chairman. I was only responding to Senator Mathias.

The CHAIRMAN. Yes. But I just wanted to emphasize that our concern is that this country should never slide down that slippery slope that finally ends us up with the kind of police state you have described, and that is the whole reason that this investigation has been undertaken. Now, Senator Hart.

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

Mr. Angleton, much of the justification for domestic intelligence and surveillance during the sixties and early seventies was based upon foreign contacts. I would like to quote, first of all, a letter from Mr. Helms to Mr. Hoover, dated March 20, 1970—I think at the dawn of the Huston era [exhibit 50¹].

On page 5, paragraph 8, entitled "New Left and Racial Matters," Mr. Helms says, "There is already a substantial exchange of information in this field," and then skipping a sentence, he says, "The increasingly close connection between these forces in the United States," presumably meaning the new left and racial groups, "and hostile elements abroad has been well established by both of our agencies."

Now, Mr. Angleton, in your deposition before this committee, you said as follows: "Within the Agency itself, there were those who took a very staunch stand that there was no foreign involvement." And then, skipping a line, "And these were fairly senior individuals, mainly on the overt side of the business. This attitude was very definitely that there was nothing to it; namely, foreign contact."

Are we to believe your deposition before this committee, or Mr. Helms' letter to Director Hoover in March of 1970, as to the extent of foreign involvement in domestic groups?

Mr. ANGLETON. It is not inconceivable—I mean, I cannot reconstruct this paragraph and put it in the time-frame that you have posed it. But it is not inconceivable that Mr. Helms did have disagreements with those senior people on the overt side, or that he had access to the content of mail intercept which would, of course, not be in their possession. I mean, that is one explanation.

¹ See p. 349.

Senator HART of Colorado. His letter leaves almost no avenue open for question as to the degree of contact. He said, "has been well established." Mr. Angleton, let me rephrase the question. Was it or was it not well established in the spring of 1970, that domestic groups, described as the new left and racial groups, had substantial foreign contact?

Mr. ANGLETON. There were a number of people from these groups who traveled to Moscow and to North Korea, and traveled abroad.

Senator HART of Colorado. And they had contact with "hostile elements?"

Mr. ANGLETON. It is my understanding, not having reviewed the mail intercepts, that it involved exhortations to violence, that it involved sending letters from the United States to Soviet institutions, inviting them to support the group in the United States by destroying U.S. property in Moscow and in other countries, and keeping them advised of their own plans and actions. It's also come out in mail intercept that certain groups went to Moscow for political indoctrination, and they went to North Korea for weaponry.

Senator HART of Colorado. Then how could senior officials in the CIA conclude that there was absolutely no foreign involvement?

Mr. ANGLETON. Well, I mean, there are many who believed that the foreign involvement matter was immaterial to the—

Senator HART of Colorado. That is not what your deposition said.

Mr. ANGLETON. Well, I thought my deposition stated that there were senior officials in the Agency who would not buy it.

Senator HART of Colorado. They didn't say it was insubstantial; they said it didn't exist. "There was no foreign involvement." The attitude is very definitely that there was nothing to it.

Mr. ANGLETON. I think it could be qualified as stating that the counterintelligence data which they received—and I don't know what they received—did not strike them as sufficient to go on this investigation of leftwing groups in this country. In other words, they were opposed to it.

Senator HART of Colorado. Mr. Angleton, the record before us strongly suggests that there was not only one Huston plan, but there may have been several operating almost simultaneously. I refer to your deposition before the committee in which you say, "What I'm trying to explain is that people are reading a lot into the Huston plan and, at the same time, are unaware that on several levels in a community identical"—I suppose you mean in the community—"identical bilateral discussions were going on." That is, between yourselves and the FBI. In other words, the Huston plan did not affect one way or the other the normal flow of business.

I also refer to—

Mr. ANGLETON. I don't think there was any—I'm afraid I don't have the time sequence here. What is the question, sir?

Senator HART of Colorado. Let me complete my question.

In addition to that testimony which you have already given, I refer to an April 12, 1971 memorandum for the files from Director Hoover [exhibit 31¹].

¹ See p. 272.

He says, and I quote :

This meeting had been requested by Mr. Helms and was for the purpose of discussing a broadening of operations, particularly of the very confidential type in covering intelligence, both domestic and foreign. There was some discussion upon the part of Mr. Helms of further coverage of mail.

Then I also refer to the Helms letter that I quoted in the previous question that was a March 1970 letter.

What all of this suggests, Mr. Angleton—and I think the committee would be interested in whether the facts support that—that not only was the so-called Huston group the inter-agency task force operating on the question of what restraints should be lifted, but, in fact, there were constant contacts going on, formally and informally, between the CIA, the FBI, NSA and perhaps other agencies about similar ongoing domestic intelligence programs. Is it safe for us to conclude that not only are we dealing with one Huston plan, but in fact, less formally, with perhaps several?

Mr. ANGLETON. Since the creation of the Agency, there has been constant discussion of operations and improvement of collection, so there is nothing unusual in this happening at this time, the fact that this, from 1947 on, was still taking place.

Senator HART of Colorado. Was it possible Mr. Huston was just being duped by the Agency into thinking that the White House was aware of what was going on, when, in fact, the agencies were having discussions of their own behind the back of the White House officials as to what should be done about domestic surveillance?

Mr. ANGLETON. Well I think that answer could only be had if Mr. Huston had been asked to explain in great detail, chronologically, his contacts with the FBI and the subjects of discussion. I do not believe that he could have met with Mr. Sullivan, and not have been exposed to all of these matters of operations a year prior to the Huston plan.

I know Mr. Sullivan very well, and he doesn't usually waste his time.

Senator HART of Colorado. Mr. Huston has testified under oath, and therefore subjected himself to perjury charges, that he didn't—

Mr. ANGLETON. I'm not suggesting that the actual language he used could not be also interpreted to remove any taint of perjury. I am simply stating that I have known for a long time that he was very close to Mr. Sullivan, and I do know what Mr. Sullivan's concerns were in terms of gaps within the community. And simply because there was a Huston plan, there were a number of ongoing bilateral discussions every day with other elements within the intelligence community, which may or may not have duplicated the broad, general plan that Huston brought about.

Senator HART of Colorado. One final question.

Mr. Angleton, are you familiar with the name Thomas Riha, R-i-h-a?

Mr. ANGLETON. I am, indeed.

Senator HART of Colorado. And you are aware of the fact that the so-called Thomas Riha case played a key role in the breach of liaison between the CIA and the FBI?

Mr. ANGLETON. I am.

Senator HART of Colorado. Do you have any information for this committee as to what happened to Prof. Thomas Riha?

Mr. ANGLETON. What has happened to the subject?

Senator HART of Colorado. He has disappeared.

Mr. ANGLETON. I haven't heard anything. I have not actually inquired, but I have no knowledge. I think I heard speculation at one time, but it was back, more or less, in the *res gestae* of this trouble, that he was in Czechoslovakia, but I do not know.

Senator HART of Colorado. In your previous deposition you stated that the counterintelligence information was only as good as relations between the FBI and the CIA. That is a paraphrase of what you said. And since there was a termination of relationships between Mr. Hoover, the FBI and the CIA in the spring of 1970 over the Riha case, I think the committee might look into this termination with some degree of intensity. That is all, Mr. Chairman.

Mr. ANGLETON. I would like to suggest, Senator, that it was much deeper than that. It was a cutting off of all liaison within the intelligence community with the exception of the White House.

Senator HART of Colorado. Over this one case?

Mr. ANGLETON. Over this one case.

Once having established the principle with us, then it was simply a matter of a short period of time when the liaison office itself was done away within the Bureau.

Senator HART of Colorado. Mr. Chairman, I have a matter of committee business that I will take up at the appropriate time.

Thank you.

The CHAIRMAN. What is the matter you want to bring up?

Senator HART of Colorado. It has to do with an additional witness before this committee on this subject. But if there are further questions, you may want to go to those first. I don't know.

The CHAIRMAN. Very well. If there are further questions let us take them first. Senator Tower?

Senator TOWER. Mr. Angleton, was the mail intercept both for intelligence and counterintelligence purposes?

Mr. ANGLETON. Yes, sir.

Senator TOWER. Was there a feeling that the Soviets relied on a lack of authorization from the Government to open mail, and therefore, widely used the mail system?

Mr. ANGLETON. My assumption is that much of the mail and the content of the mail would not have come to us if they had been aware of the program.

Senator TOWER. Now returning to the comment at page 29 of the Huston plan [exhibit 1¹], the report noted that "covert coverage had been discontinued due to publicity arising from congressional hearings on privacy." You have testified that you believe this referred to FBI mail openings. Is that correct?

Mr. ANGLETON. I say that it is my impression that the thrust of that related directly to the Bureau's having abandoned the mail-intercept program domestically.

Senator TOWER. Is it your belief that disclosure of the CIA's continuing intercept to a working group, including representatives of other agencies, might lead the Soviets and others to discontinue use of the mails, and thus, deprive the United States of an important source of intelligence?

¹ See p. 141.

Mr. ANGLETON. I'm sorry, I don't quite get the thrust of this questioning.

Senator TOWER. Well, in other words, did you continue to do this and did not let anyone else know that the Agency was intercepting mail because you felt that the Soviets might get wind of it and, therefore, discontinue the use of the mails, thereby denying us an important intelligence source?

Mr. ANGLETON. I would say that does represent my analysis of the situation because I am quite confident—for example, we had in the Weathermen case, Cathy Boudin, who, in Greenwich Village, was a part of the Weathermen group building bombs. The bombs went up, and she and another person, a woman, fled from the house, and she was identified as one of the people fleeing from the house. And those were the facts—the only facts—in possession of the FBI dealing with a bomb-making house in Greenwich Village.

Now, when we went back and continued—or went back into our mail-intercept program, we found that she had written from Moscow some 30 to 40 letters to people in the United States, and these were the only leads that the FBI had that were in any way important. And to this day she is a fugitive from justice. It would raise in anyone's counter-intelligence mind as to whether she is in Moscow, but she is an active fugitive from justice.

Senator TOWER. During working group sessions, did anyone, at any time, ask you whether the CIA was conducting covert mail coverage?

Mr. ANGLETON. I don't recall, myself. I mean, I don't recall that and I don't recall details on how we arranged with the Bureau—or the verbiage in that report—in a way that would hide our use of the mails.

Senator TOWER. Did you at any time receive instructions, or attempt on your own initiative, to mislead the President on the issue of covert mail coverage conducted by the CIA?

Mr. ANGLETON. It is very difficult for me to respond to that because I do not have the facts as to the—as to what we were going to do regarding this question of including within the Huston project the fact that the FBI were recipients of our mail coverage.

I find it, therefore, very difficult to know how to reply to your question. I do know—and I think that this was my conviction at all times—that if there was ever an audience with the President of the United States to go over internal security in this counterespionage matter, there would never be anything withheld from him.

Senator TOWER. So you were never ordered to, nor did you ever on your own, attempt to mislead the President in this matter?

Mr. ANGLETON. I did not.

Senator TOWER. Thank you.

The CHAIRMAN. Senator Mondale?

Senator MONDALE. Thank you, Mr. Chairman. Mr. Angleton, would it be fair to say that starting, say, in 1967, with the rise in antiwar protests, that the CIA, the FBI and the other intelligence agencies were placed under tremendous pressure by the White House to investigate and determine the source of these protests?

Mr. ANGLETON. That is correct.

Senator MONDALE. So that while we ask questions about what you did in your department, it has to be placed in the context of what you referred to earlier as the mood and the temper and the fear of the times.

Mr. ANGLETON. That is correct.

Senator MONDALE. I think that has to be understood, because I think it is quite obvious that the Presidents—starting with Mr. Johnson in the beginning of the high rise in protests—tended to interpret those protests as being foreign-inspired. I don't have all of the documents with me by any means, but here is the memorandum from Mr. Huston to the President on June 20, 1969 [exhibit 6¹], stating—this is to the Director of the FBI, but he quotes the President:

The President has directed that a report on foreign Communist support of revolutionary protest movements in this country be prepared for his study. . . . "Support" should be liberally construed to include all activities by foreign Communists designed to encourage or assist revolutionary protests. . . .

And then I have a document here [exhibit 7²] which we have just obtained from President Nixon's files, entitled "Presidential Talking Papers," on June 5, 1970 [exhibit 63³], and this is the description of what he apparently told Mr. Hoover, Helms, General Bennett and Admiral Gayler.

He said—

We are now confronted with a new and grave crisis in our country, one which we know too little about. Certainly hundreds, perhaps thousands, of Americans, mostly under 30, are determined to destroy our society. They find in many of the legitimate grievances of our citizenry opportunities for exploitation which never escape the attention of demagogues. They are reaching out for the support—ideological and otherwise—of foreign powers, and they are developing their own brand of indigenous revolutionary activism which is as dangerous as anything which they could import from Cuba, China or the Soviet Union.

And then, among other things, he says, or his talking papers indicates he planned to say—

Third, our people, perhaps as a reaction to the excesses of the McCarthy era, are unwilling to admit the possibility that their children could wish to destroy their country, and this is particularly true of the media and the academic community.

In other words, this is a reflection of the President's attitude that there was a possibility that thousands of American youths desired to destroy this country.

Do you have any doubt that that is the motivation of Presidential orders and the temper of orders during that time?

Mr. ANGLETON. None whatsoever.

Senator MONDALE. If that is their view, namely, that the American people increasingly—including the media and the parents—could not be trusted to perceive this threat, isn't a series of agencies, uncontrolled by the law, reaching out to apprehend a threat which they perceived to threaten the very survival of democracy, an exceedingly dangerous tool indeed?

Mr. ANGLETON. Would you repeat the first part of that question?

Senator MONDALE. If I were a President, and I believed there were thousands of American youths wishing to destroy American society, and the parents couldn't see what the kids were up to, and the media wouldn't understand what they were up to, wouldn't I likely proceed to use agencies such as the CIA to move in most exaggerated and intensive ways to try and meet this threat?

¹ See p. 204.

² See p. 205.

³ See p. 396.

Mr. ANGLETON. I think that is correct, and that is the reason why earlier I referred to the strong statement made by Mr. Huston to us that we were not complying with the President's request.

I do not have a record of those first meetings as to anyone raising problems or political differences, but I know there was—the question of political implications was raised and discussed and they were knocked down by him.

Senator MONDALE. Yes. Because I think while we probe, as we should, in hard and intensive ways, with persons such as yourself who have worked in these agencies, the truth of it is that this problem began in the White House with the concern on the part of the President that these protests came not from legitimate concerns of Americans against the war, but probably were inspired by foreign support and leadership. Their protests were considered to be compromised and corrupted expressions, rather than the good faith protests of Americans concerned about that war. I think that attitude shows how dangerous it is to have agencies which themselves do not feel that they are bound by the restrictions of the law. That attitude, that fear, that distrust of the American people, coupled with agencies which feel they are not restrained by the law, I think is a road map to disaster.

Mr. ANGLETON. Senator, I would like to make just one comment. I believe that the depths of the President's feelings were, in part, justified because of the ignorance, so to speak, in the West regarding these matters. In other words, the quality of intelligence going to him he found totally unsatisfactory.

Senator MONDALE. That's right. Because it did not square with his paranoia that the American people were trying to destroy the country, and in fact, there was never any evidence of any significance that that paranoia was justified. That is what, I think, has been the traditional dispute in maintaining a democracy—whether you restrain power lest it be turned on the people, or whether you restrain power because you trust the people in the long run as the primary salvation of society.

I think this document, expressing as it does enormous, unrestricted paranoid fear about the American people, is an excellent expression of why we have to have laws that restrain the action of the President. Because, really, you were an agent of the President in all of these matters.

Mr. ANGLETON. Mr. Senator, I do believe that it is difficult to judge the President on the basis of that document. I am certain that anyone who has his responsibilities, and was receiving in-depth, around the clock reports from all over the United States, of bombings and civil unrest and murders—and I can go all the way down the long, grizzly list—

Senator MONDALE. Oh, yes. But—

Mr. ANGLETON. You can induce that, but it was not, in my view, paranoia.

Senator MONDALE. Do you think the possibility that there were thousands of American children under 30 determined to destroy our society is not paranoia?

Mr. ANGLETON. I will not take that out of context. The overall purpose of that talking paper was to address it to intelligence collectors, the heads of agencies. And it was to give them a hot foot of getting down to business and supplying facts. And those facts were very diffi-

cult to come by. Outside of the mail-intercept program, there was very little hard, incontrovertible evidence. There was nothing known regarding Cleaver's operations, his stay in Algiers, his dealing with Soviet bloc countries, his going to North Korea, and other activities of this sort. And these were hard facts.

Senator MONDALE. But as an old law enforcement officer, Mr. Angleton, I can tell you there are ways of going after those people based on probable suspicions entirely consistent with the laws and the Constitution, without undertaking efforts of the kind that were recommended here that were shotgun, unrestrained and unconcerned with the Constitution. We have ways of taking care of people who resort to violence in this country, and this way is not one of those permitted by the Constitution.

There is one other problem that bothers me, and that is this: what was really the problem in 1967, until the end of that war? Was it that Americans were bad people and therefore had to be spied on, or was it that we had a bad war that needed to be stopped? What I think this reflects is, instead of Presidents asking themselves, "is there something wrong with this war that is creating these protests?" Instead of that, they said, "there is something wrong with the protestors. They are getting foreign money, foreign directions, foreign spies, and therefore what we need is more counterintelligence." That may have delayed the day when Presidents realized the need to change and end that war.

The CHAIRMAN. I might just say, Senator, I think your point is well taken and we might just remind ourselves of the constitutional duty of the President. It is not just to perceive threats and then think up ways to deal with them outside of the law. The constitutional duty of the President is that he shall take care that the laws be faithfully executed. And when he takes his oath of office as President of the United States, he takes the following oath: "I do solemnly swear that I will faithfully execute the office of President of the United States and will, to the best of my ability, preserve, protect and defend the Constitution of the United States." Those are his duties.

Mr. ANGLETON. Yes; I understand.

The CHAIRMAN. And when Mr. Nixon approved the Huston plan, he forgot those duties. And when Mr. Mitchell, the Attorney General of the United States, was informed of the illegal opening of the mail a year later, as the chief law enforcement officer of the United States, he forgot those duties, too. Are there further questions?

Senator Mathias?

Senator MATHIAS. Mr. Angleton, I think you raised a very important and useful question when you pointed to the issue of measuring the value of the intelligence you received against the cost of producing it, and I have always felt, from the inception of this study, that that would have to be one of the major elements of our consideration. I would suggest, as I did a few minutes ago, that that cost has to be measured in more than just dollars. It has to be measured in the financial cost—what it costs the taxpayers—it has to be measured in the kind of risks that it exposes the United States to, risks of various kinds. It may be loss of personnel, loss of equipment, loss of face, loss of prestige, various kinds of risks; ultimately, the risk of war. And finally, of course, it involves the third element which you have just been discussing with Senator Mondale, the question of the cost in terms of erosion of the constitutional process.

But for our purposes today I am wondering if you could tell us how you, in your career, went about assessing the cost of intelligence that you felt might be procured in terms of risk to the United States. How would you make that delicate balance between what you wanted to know and thought would be useful for this Government to know, against what we might lose in the process of getting it?

Mr. ANGLETON. Well, sir, I think those of us who were in the war had the advantage of having been backstopped by thousands of troops in the event of error. And I might add that that is a testing ground that younger people in intelligence have not had. In other words, when they embark on operations, they are apt to not have the period of trial and error. I would say that all of the officers I have known in my experience in the Central Intelligence Agency, particularly in Counter-intelligence, have a very acute sense of making this judgment factor.

That is, we have handled so many cases that it builds up sort of a body of expertise in its own right as to how much you will risk to go after certain targets.

Naturally, the highest quality of intelligence that exists is in the field of radio signals and related matters. And then it goes in descending order of documents and to individuals who have had great access, or access. Now, all of these matters have to be brought to bear on what the expectancy will be, what one expects from the operation.

When the risks get very great, without exception that is taken to the Director. And then, if he has to seek outside guidance or consultation, he does so. And Mr. McCone was a great stickler for being brought in when anything reached a Cabinet-level decision.

Senator MATHIAS. Now, when we talk about a risk being very great, are we talking about the chance of losing an airplane and a pilot, or are we talking about the chance of involving this country, in a serious way, with another government? I'm trying to get some scale of values that would be considered.

Mr. ANGLETON. Obviously, anything that sets back the prestige of this country is almost controlling in terms of the Director's final decision. I mean, if the risk is one that is going to undermine the prestige of the United States, I don't know of any Director who would not take that up with Dr. Kissinger, or with the National Security Council, or the Forty Committee, or with the President.

But I think there is great responsibility within the Agency. I mean. I make no excuses regarding going ahead on the matters of illegal mail coverage, but that is a very small part of our activity, and I am not excusing it.

Senator MATHIAS. Going back into history, to pick up another example in which this kind of evaluation of what you might learn as against what you might risk is involved, do you know how that was weighed in the Gary Powers U-2 flight?

Mr. ANGLETON. It is purely hearsay. It is simply that a decision was made by the President.

Senator MATHIAS. We are not bound by the hearsay rules here.

Mr. ANGLETON. Well, I at least would like to so label it. But it is my understanding—and I know Mr. Dulles quite well in this regard, because later on it was my man who handled Gary Powers as to his debriefing—and what happened, it is my understanding that the question of the U-2 flights—and I may be wrong on this—were cleared with the President in terms of his own activities—in this case, his

travels to Paris to meet Khrushchev. And I would say the history of the Agency is sprinkled with cases which have gone forward and which have been canceled or changed because of some overriding political factor.

Senator MATHIAS. So it is your considered judgment that the question of the exposure of an important national interest is consistently weighed when a project is undertaken?

Mr. ANGLETON. Yes; but I would like to draw attention to the recommendation of the Rockefeller Commission, of which I happen to be much in favor. And that is that there be two Deputy Directors who would be approved by the Congress, one military and one civilian. And I would say there is very much need to have accessible a Director who can take the time to go into the nuts and bolts, because his absence means that there will be this slippage. And I think there is more than enough business for two Deputy Directors to be fully occupied.

Senator MATHIAS. Deputies who can measure this element of cost before—

Mr. ANGLETON. But who are looking into the Agency. Not being in the Agency looking out into the community. And there is a very proper role for the overall DCI. But I think Mr. Colby would be the first to admit that the burdens which he has had since he assumed the directorship—that he has been able to give a very small percentage of his time to the actual workings of the Agency.

The CHAIRMAN. Senator Hart?

Senator HART of Colorado. Mr. Chairman, the so-called Huston plan has been called one of the most dangerous documents in the history of this Republic. Mr. Huston testified that the President did not know that questionable surveillance techniques were being used prior to the development of this plan, that he thought when the order was given to terminate them, that they were terminated. There is other testimony and evidence about what the President knew or did not know. As I think all of us have tried to indicate to the people of this country, the principal part of our concern is the question of command and control. Who is in charge? Who gives what orders? Are they carried out? And if they are not carried out, why not?

I think it comes down, in this case, to a phrase that one of our distinguished members used in another context with regard to the same President. What did he know, and when did he know it? I have felt since the beginning, as a member of this committee, that we stand in constant danger of repeating a kind of perennial Government pattern that when something goes wrong, or when there are governmental abuses, the politicians and elected officials take it out on the appointed people, the career people, in various departments or agencies. And I think we, particularly, stand in constant danger of doing that in this case, and in other cases that we will be looking at.

I frankly don't find it very tasteful, and I don't think the American people will. If all we accomplish is public and private thrashing of people like Mr. Angleton and Mr. Huston and others, whether they deserve it or not, that is not our particular function.

I think the question comes down to: Who was giving what orders? What people at the highest levels of government, particularly the elected officials, knew or did not know about this plan and other activi-

ties? Were the causes shared equally among, or in part, by elected officials with appointed officials?

Consequently, Mr. Chairman, although I do not intend at this point to seek its immediate consideration, I would move to ask this committee to consider using all methods within its authority and control to seek the presence of former President Nixon before this committee.

The CHAIRMAN. I think the point is well taken, and I personally concur in the Senator's views. I think that in the Huston plan, Mr. Nixon was the central figure. We can get and are getting testimony as to what he appeared to have known, and the representations that were made to him, and what he appeared to authorize and then revoke. But he is the best witness as to what his intentions were, and he is the ultimate witness as to what he was told and what he was not told, and for that reason I concur fully in the Senator's view.

Senator TOWER. Mr. Chairman.

The CHAIRMAN. Yes, Senator Tower.

Senator TOWER. I think this is a matter that should be taken up in a closed business session of the committee so it can be fully discussed in that context as not to engage in a discussion of it here or a resolution of the matter here.

The CHAIRMAN. Well, the matter has been raised. As I understood Senator Hart to say he is not going to press for an immediate vote. Senator, have you made a motion?

Senator HART of Colorado. The motion is made, and I do not intend to press it in this session.

The CHAIRMAN. At this time.

Is there any further discussion that members would like to——

Senator MATHIAS. Well, Mr. Chairman, I can only say that I personally asked Mr. Nixon about the Huston plan, and I hope the committee has more luck than I have had as an individual in getting any information on it.

The CHAIRMAN. Well, we have also asked for other information, and we have had to subpoena some of it, as the Senator knows. I think that we will just have to find out if the former President is willing to come and tell us about this and his part in it, what he knew about it.

Senator MATHIAS. I do think this, Mr. Chairman, if you would yield.

The CHAIRMAN. And ultimately, of course, we have the question of a subpoena in the event that he declines to do so.

Senator TOWER. Mr. Chairman, I do not think we should discuss that here and raise publicly the threat of a subpoena because I think the matter can be resolved privately and should be. If we get into the business of a subpoena, we are looking at a long court battle that could go on well beyond the life of this committee as authorized by the Congress. There are ways to do things and ways not to, and I think we ought to explore every means short of that before we even suggest that we consider a subpoena.

The CHAIRMAN. Well, I think that the Senator is not going to press his motion at this time, and I feel we should take it up more fully and consider the proper step to take, and that then the committee should make its decision, and that decision will be announced publicly as soon as it is made. Is that agreeable to the committee?

Senator MATHIAS I would just make this comment, that this of course is not the first time that the question of Mr. Nixon's testimony has been raised in this committee. We have talked about it on several occasions, and I think it was Marlowe who said, "But at my back I always hear Time's winged chariot hovering near." Now, this committee has got to someday make a report. Time is moving very rapidly, and I would suggest to the Chair that we schedule the appropriate amount of time to discuss this subject and then make a decision one way or the other.

The CHAIRMAN. Very well, that will be done, if there is no further objection. That is the decision of the Chair. As soon as the committee has reached its decision, an appropriate announcement will be made. If there are no further questions—

Senator HUDDLESTON. Mr. Chairman.

The CHAIRMAN. Oh, Senator Huddleston, do you have a further question?

Senator HUDDLESTON. May I ask one further question that I did not get to during my allotted time?

Mr. ANGLETON, the Huston plan was an operative policy of the White House for some 5 days.

Mr. ANGLETON. Yes, 5 days.

Senator HUDDLESTON. During that time were there any internal instructions or memoranda or direction given within the CIA relating to implementing that plan?

Mr. ANGLETON. None to my knowledge.

Senator HUDDLESTON. None to your knowledge. After the President rescinded his authorization, following that time were there any internal memoranda involving instructions or directions within the CIA?

Mr. ANGLETON. No.

Senator HUDDLESTON. So it is accurate to say that the Huston plan presumably could have been implemented by the CIA without any further directions in addition to what they were already doing, and that there were in fact no directions canceling any effort that might have been started relative to that plan? It is almost as if the status quo were maintained from the beginning to the end, before and after without any actions being taken.

Mr. ANGLETON. With one exception, Senator, and that is that the plan marched up the hill and then it marched back again, and this was one of the few times that any programs involving counterintelligence, interagency counterintelligence, were ever read by a President.

Senator HUDDLESTON. That was the plan itself.

Mr. ANGLETON. The plan itself, but it had its own—

Senator HUDDLESTON. The paper went up the hill and back.

Mr. ANGLETON. It had certain impact.

Senator HUDDLESTON. The paper went up the hill and back, but the plan, the activities related in that plan, in fact, did continue.

Mr. ANGLETON. I do not think all the activity continued. I think there were a number of activities of the Bureau that fitted within the jurisdiction of the Bureau that were not rezoned.

Senator HUDDLESTON. But there were mail openings.

Mr. ANGLETON. The mail openings were within the Agency.

Senator HUDDLESTON. Wiretaps, surreptitious entries.

Mr. ANGLETON. I do not think there were any surreptitious entries, but I am giving an unqualified answer. But I understand your point, sir.

Senator HUDDLESTON. But I think the evidence indicates there were. But that is all, Mr. Chairman.

The CHAIRMAN. Yes, it is almost as though from the state of evidence to date that the President were really an irrelevancy.

Tomorrow, we will meet again at 10 o'clock, and our witness tomorrow is Mr. Charles Brennan of the FBI.

Thank you, Mr. Angleton, for your testimony.

Mr. ANGLETON. Thank you, Senator.

[Whereupon, at 1:05 p.m., the select committee was adjourned, to reconvene at 10 a.m., Thursday, September 25, 1975.]

