

14 February 1973

TALKING PAPER

SUBJECT: Mail Intercept Program

1. A program of intercepting mail between the United States and the USSR has been in existence in New York since 1952. This program has provided information of interest to the FBI, as we understand it, dealing with Soviet activities vis-a-vis the United States and with respect to Americans who maintain active contacts with Soviet and other Communist areas. The program was most recently briefed to then Attorney General Mitchell and Postmaster General Blount in June 1971.

2. Considerable efforts are made to conduct this operation on a totally secure basis, but it is of course possible that it leak. While the recording of the addresses and return addresses is totally legal, the opening of first-class mail is in conflict with 39 U.S. Code, Section 4057. A contention can be made that the operation is nonetheless within the constitutional powers of the President to obtain foreign intelligence information or to protect against foreign intelligence activities (powers statutorily recognized in 18 U.S.C., Section 119, with respect to bugging and wiretapping.

3. The political risk of revelation of CIA's involvement in this project is in any case substantial. In my view, this political risk is not justified by the operation's contribution to foreign intelligence and counterintelligence collection. It may well be justified by the contribution it makes to the FBI's responsibilities for internal security, a matter best judged by the FBI. If this is viewed as sufficient, I recommend strongly that the project be assumed by the FBI rather than running the extra risk of possible public revelation of its association with CIA. CIA would naturally provide any support desired by the FBI and would hope to receive such material as might be of value to CIA from the FBI.

4. Pending resolution of the above, the project is suspended.

(b)(3)

~~SECRET SENSITIVE~~WARNING NOTICE
SENSITIVE INTELLIGENCE SOURCES
AND METHODS INVOLVED