

## The CIA's Mail Cover: FAS Nearly Uncovered It

The Federation of American Scientists appears to have narrowly missed blowing the cover on the Central Intelligence Agency's massive "mail intercept" operation that ran surreptitiously in New York for 20 years. According to the Rockefeller commission report on the CIA's domestic activities, the mail operation used a small staff to screen millions of pieces of mail each year and involved the opening of thousands of foreign and domestic first-class mail items in violation of federal postal laws. The commission said the operation had been carried out with the full knowledge of the chief United States Postal Inspector, William J. Cotter, who had once worked in the CIA field office that ran the mail intercept.

The Rockefeller report, released on 10 June, doesn't mention the FAS by name in connection with the mail episode. But the report does say that in January 1971 an "association of American scientists" wrote to Cotter, the senior official in charge of enforcing postal laws and regulations, "inquiring about possible Post Office acquiescence in opening first-class mail." The commission report indicates that the scien-

tists' inquiry—which Cotter passed on to the CIA—was a significant factor in stirring the agency in mid-1971 to consider shutting down the mail operation or transferring it to the Federal Bureau of Investigation, for fear of adverse publicity.

The illicit mail opening continued, however, after Richard Helms, then Director of Central Intelligence, obtained oral approval from Attorney General John Mitchell and Postmaster General Winton Blount. After Mitchell and Blount left the government, Cotter finally ordered the mail operation terminated February 1973.

Neither the Postal Service nor the commission staff would identify the unnamed association of scientists that initially raised the alarms in 1971. Nor would these officials say what Cotter's response to the "association" had been that year.

It happens, however, that on 13 January 1971 the Federation of American Scientists wrote a letter to Cotter that fits the commission's characterization precisely. Cotter's reply to the FAS inquiry was a categorical denial that the Postal Service had any knowledge of state or federal agencies opening first-class mail with-

out a court order, as required by law. In what must stand as one of the more ironic declarations of the Watergate era, Cotter—who is still chief postal inspector—said in a letter to the FAS dated 10 February 1971, "The U.S. Postal Service has traditionally considered the seal on first-class mail sacred.

"This cardinal principle," Cotter wrote, "not only engenders and fosters Postal Customers' confidence in the mail service, but also assures them that the contents of first-class mail are secure against illegal search and seizure."

Informed that this correspondence was in hand, Cotter confirmed to *Science* in a telephone conversation on 16 June that the FAS letter had indeed been the one that prompted the CIA to reexamine its mail operation. "It was amazing that this had gone on so long without anyone becoming aware of it," Cotter said. He added that the list of prominent scientists on the FAS letterhead—some of whom had high-level security clearances and might well be ready to compromise "this highly sensitive project"—was a main reason for the importance both he and the CIA attached to it. One of the names that leaped out at Cotter was that of Herbert Scoville, Jr., a former CIA deputy director of research for whom Cotter says he once worked. (Scoville says he doesn't remember Cotter and knew nothing about the mail project. In any event, Jeremy J. Stone, the FAS executive director, says Scoville does not participate whenever the FAS touches on CIA-related issues.)

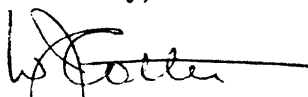
As for his response to Stone in February 1971, Cotter conceded that it was untruthful. But he explained that it had been prepared by staff assistants who knew nothing about the mail operation. "It was unfortunate, regrettable, but I was the only postal official who knew about it," Cotter said. He said he could not recall whether he read the letter before signing it.

The FAS is a 6500-member Washington-based organization that for many years has been among the most active public interest groups in raising questions and pursuing issues of science and public policy. In early 1971, the issue at hand was that of technology and privacy—in particular, the extent and regulation of wiretapping and other forms of eavesdropping by government, including the monitoring of mail. Stone now says that he had vague suspicions that the FBI or CIA might be opening mail but that he had no hard evidence or specific complaints to justify his suspicion. In preparing a newsletter that would take up questions of government's infringement of privacy, Stone wrote to Cotter asking four questions that were, as much as anything, shots in the dark:

First-class mail may only be opened when it can neither be delivered to the addressee as addressed nor returned to the sender. Even under these circumstances, only employees assigned to dead letter offices may open or permit opening of the first-class mail matter to determine whether information contained therein will establish ownership. Furthermore, although a first-class piece of mail may contain criminal or otherwise unmailable matter or furnish evidence of the commission of a crime, a search and seizure warrant issued by a Court must be obtained as a constitutional pre-condition to breaking the seal.

This Department has no knowledge of any efforts by State or Federal agencies to induce postal officials to violate mail cover regulations or to allow any class of mail to leave the custody of official postal channels for the purpose of permitting other agencies to obtain the information contained therein.

Sincerely,



W. J. COTTER  
Chief Postal Inspector

Excerpt of the February 1971 letter to the FAS from chief U.S. Postal Inspector William J. Cotter. Markings were made by FAS staff in 1971.

► Are there circumstances in which the Postal Service permits any government agency to open first-class mail, domestic or foreign, without consent of the addressee and without a court order?

► Are any government agencies permitted to read first-class mail without "breaking the seal," by such means as needle-thin flashlights inserted into letters?

► As part of a "mail cover" (scanning the outside of mail items, which the law does allow), would the Postal Service permit a search for fingerprints?

► Has the Postal Service ever discovered efforts by any government agency to induce postal employees to violate mail cover regulations?

Cotter's reply was misaddressed, stamped "return to sender," and thus was delayed about a week in transit. In his two-page response, Cotter recited published Postal Service regulations governing "mail cover" operations by government agencies, and he said that "mail is neither delayed nor opened, and the contents of first-class mail are not examined, in connection with a mail cover."

Even though an item of first-class mail may contain "criminal or otherwise unmailable matter," Cotter continued, "a search and seizure warrant issued by a Court must be obtained as a constitutional precondition to breaking the seal."

Seeming to leave no semantic loopholes uncovered, he concluded by declaring that his department had no knowledge of any attempts by state or federal agencies to induce postal officials to violate mail cover regulations or to allow mail to "leave the custody of official postal channels" for the purpose of learning what was inside.

According to the Rockefeller report, the CIA's mail surveillance operation began in 1952 and gradually expanded in the ensuing decade as it proved a valuable source of information on such things as the interests of Soviet intelligence, secret writing techniques, and the like. The Post Office was informed that the CIA would only be examining the outside of envelopes. By 1959, however, CIA officers in New York were opening more than 13,000 letters a year, photographing them, and then resealing them. Some were subjected to "technical testing," at an unidentified CIA facility. CIA records are reported to show that the New York operation in its last full year handled 4,350,000 items of mail, examined the outside of 2,300,000, and opened some 8,700. Smaller operations were conducted periodically in San Francisco and Hawaii.

All this time, the commission report shows, the CIA was well aware of the mail intercept's "flap potential." For example, an internal memorandum from the agency's deputy chief of counterintelli-

gence dated 1 February 1962 concedes that "a flap would put us [the project] out of business immediately and give rise to grave charges of criminal misuse of the mail by government agencies."

The memo went on to say, however, that under most circumstances "it should be relatively easy to 'hush up' the entire affair," although "it might become necessary . . . to find a scapegoat to blame for unauthorized tampering with the mails."

William Cotter, it turns out, had known of the mail operation from its inception. Hired by the CIA in 1951, he served from

1952 through 1955 as deputy chief of the CIA field office that ran the East Coast intercept. Although he was said not to have had any direct contact with the mail operation from 1956 to 1969, when he was appointed chief postal inspector on the recommendation of CIA director Helms, Cotter "knew that it was still in operation." Indeed, on 8 April 1969, the day Cotter was sworn in as chief postal inspector, he told a CIA counterintelligence officer that he could not truthfully state—under oath—that the operation involved only "mail covers," or scanning the out-

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## Science under the Cloak

Some of the more bizarre oddments of CIA history in the Rockefeller commission report are attributed to the agency's Directorate of Science and Technology, probably one of the larger R & D entities in the federal government and certainly one of the most secretive. Its responsibilities encompass all R & D within the agency and range from developing new satellite systems to miniature cameras and bugging devices to turning out false identification papers, such as social security and credit cards.

The directorate's share of the CIA's estimated budget of \$750 million and its employment of 15,000 isn't publicly known, but some unconfirmed reports place the science and technology directorate's portion of money and manpower at about one-fourth the total.

Like most other segments of the CIA, this directorate seems to have had its triumphs (including the partial retrieval of a Soviet submarine) as well as its failures, although one of the latter is in dispute. The Rockefeller commission charges the research directorate with giving LSD and other drugs to unwitting human subjects, but a former CIA research chief says the blame is misdirected. Herbert Scoville, Jr., the deputy director for research from 1955 to 1963 told *Science* he was "damn sure" his directorate did none of the drug research in question. "I think it's a mistake on the part of the Rockefeller commission," Scoville said, adding that the LSD work may have been done by "technical services" or the medical division, neither of which were then part of the research directorate.

The commission's report says the CIA first became interested in LSD in the late 1940's as a result of suspicions that Soviet researchers were experimenting with this drug and, perhaps, using it or something like it to induce confessions at political trials. By the early 1950's tests of LSD on human volunteers had begun, and in 1953 there was at least one instance of testing on an "unsuspecting" subject: an unidentified Army Department employee was given LSD just after attending a meeting with CIA officials in which such testing had been agreed to. The man, who is thought to have had a history of emotional instability, "developed serious side effects" and was sent to New York with a CIA escort for psychiatric treatment. "Several days later," the report notes, "he jumped from a tenth floor window of his room and died as a result."

How many more unwitting test subjects received LSD and similar drugs isn't known, chiefly, the report observes without comment, because "all records concerning the program were ordered destroyed in 1973, including a total of 152 separate files." The CIA is said to have enjoyed the informal cooperation of the federal bureau of narcotics in this program starting in 1955; testing of unsuspecting subjects is said to have ended in 1963 and all testing of behavior-modifying drugs ended in 1967.

The Rockefeller commission also mildly criticizes the CIA for testing new electronic surveillance gear on unsuspecting Americans, although no evidence was found that the agency's engineers were interested in the conversations their new equipment picked up.

There were times, however, when the CIA displayed inordinate meticulousness in observing its charter prohibitions against domestic activity. "It should be noted," the report adds in a footnote, that the CIA once turned down a request from Treasury Department revenueurs "to help locate moonshine stills in the North Carolina mountains using infrared photography."

The CIA said it couldn't help because that was a domestic law enforcement activity.

—R.G.

side of envelopes. Nevertheless, the commission report says that he "planned to do nothing about the project unless it was mentioned to him."

In January 1971 it seemed that the FAS letter was clearly alluding to the project; examination of the FAS newsletter on privacy, which came out the next month, provided scant assurance that the CIA's secret was secure. Although the newsletter made no mention of the CIA, it did say that "during periods of political repression" law-enforcement agents might induce postal officials to let them borrow letters and open them, or use technology to read the contents of unopened letters. "The use of this technology," said the FAS, "might

well be considered permissible now, or in served to keep the project alive until early the future, by the Post Office."

The Rockefeller commission seemed unable to determine precisely what impact the scientists' inquiry had on the CIA, but Cotter told *Science* it brought "prompt action, in a matter of months." On 19 May 1971, the report notes, CIA director Helms convened a top-level meeting to discuss the mail project and the extent of outside knowledge about it. Cotter's "dilemma" was now apparent, and one official, fearful that the project might be compromised, suggested that it be fobbed off on the FBI. Reassurances provided by Mitchell and Blount that June, however, apparently

1973, when Cotter, now expressing misgivings about his conflicting loyalties and the propriety of the project, decided that in the absence of presidential approval it should be ended.

The Rockefeller commission concludes that the mail-opening operation was "unlawful" and recommends that the President instruct the CIA not to engage in further mail opening "except with express statutory authority in time of war."

Jeremy Stone, who feels that the postal inspector hoodwinked him, suggests that federal law ought to prohibit government officials from making knowingly false statements even when they're not under oath.—ROBERT GILLETTE

## XYY: Harvard Researcher under Fire Stops Newborn Screening

Since 1968, all baby boys born at the Boston Hospital for Women\* have been screened for chromosomal aberrations, particularly for XXY or XYY patterns. A couple of months ago, the genetics study was shut down by one of its principal investigators who says he was worn out by months of unrelenting pressure from advocacy groups that oppose XYY screening.

The pressure began last fall, when members of a science for the people group formally protested the continuation of the study, which was headed by psychiatrist Stanley Walzer and geneticist Park Gerald of Harvard Medical School (*Science*, 22 November). The group, informally led by Jonathan Beckwith of Harvard and Jonathan King of the Massachusetts Institute of Technology (MIT), charged that the study was unethical and harmful to its subjects who would be stigmatized by being labeled XYY. The medical school was asked to investigate the case, which it did. This spring the faculty, by an overwhelming vote of about 200 to 30, approved the continuation of the screening project.

However, Walzer, who has been following the behavioral development of the more than 40 XXY or XYY children picked up by the study, and who personally has borne the brunt of the criticism, decided he simply could not go on.

MIT biologist King says he thinks Walzer stopped screening because he finally saw that the risks of his research outweighed the benefits. But Walzer insistently says this is not the case. "I hope no one thinks I don't still believe in my research," he declares. "I do. But this whole thing has been a terrible strain. My family has been threatened. I've been made to feel like a dirty person. And, even after I won with the faculty, it was clear the opposition would go on. In fact, new groups were becoming involved. I was just too emotionally tired to go on." For example, lawyers for the Washington-based Children's Defense Fund went up to Boston not long ago to question Walzer about his work. Any even tentative thoughts they had about bringing some sort of legal action were, apparently, dropped when the screening stopped.

Males identified as being XYY are likely to be stigmatized because the chromosome is popularly, though incorrectly, thought of as the "criminal chromosome." Several years ago, there was quite

a to-do when a study came out saying there were a disproportionately high number of XYY males in a prison population. The study was premature. No one knew, for instance, what the proportion of XYY males was in the general population. But it was widely and dramatically reported in the press. Today, all responsible scientists insist that the XYY chromosome is quite innocent of causing any crime, but it has not yet recovered from all the bad publicity it received.

Walzer agrees that talk of a criminal chromosome is nonsense, but he does think there are indications that some XYY males have reading problems and other learning disabilities and that they may have behavioral difficulties. Furthermore, he believes that, if he follows the children and identifies problems early, he can help them.

Beckwith, King, and others could not disagree more. In a recent telephone conversation, King reiterated his opinion that there is no scientific evidence linking XYY and antisocial behavior. And he stressed the opposition's strongly held belief in the self-fulfilling prophecy argument. If you label a child and tell his parents that he may grow up to be a problem, he is very likely to meet your expectations. In addition, King challenged Walzer's statements about being able to offer help to XYY children. He does not believe in the condition, and he does not believe in its cure. Says King, "I'm glad the screening has stopped now. (As far as is known, there is no longer any XYY newborn screening going on in the United States.)"

The pros and cons of XYY screening were debated throughout the fall and winter before more than one committee of the medical school. Harvard's standing committee on medical research held hearings on the issue. It concluded that Walzer's re-

Recent advances in biomedical science are raising important problems of ethics and public policy. This is one of a series of occasional articles planned for News and Comment on the conflicts involved.

\*Formerly the Boston Lying-In Hospital, it is a teaching hospital affiliated with Harvard Medical School.