

OPENING OF MAIL IS TRACED TO F.B.I.

Agency Concedes Operation
—Declares Purpose Was
'to Thwart Espionage'

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Special to The New York Times

WASHINGTON, Aug. 5—

Agents of the Federal Bureau of Investigation opened and photographed foreign and domestic mail at several sites in the United States beginning in 1958 and continuing until possibly 1970, according to a source with direct knowledge of the secret operation.

The source said that the openings were centered in New York and Washington, where they involved chiefly mail addressed to Soviet-bloc embassies and missions to the United Nations, but occurred also in other cities, including San Francisco.

Statement by F.B.I.

He said that the openings, known within the F.B.I. as "Z-covers," were accomplished without the authority of judicial search warrants, and were thus a violation of Federal statutes prohibiting obstruction of the mails. He added that the openings had been made with the assistance of "certain officials of the Post Office [who] knew what the F.B.I. was doing."

Asked about the source's assertions, an F.B.I. spokesman issued the following statement:

"In connection with its foreign counterintelligence responsibilities, the F.B.I. did en-

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gage in opening of mail until 1966, when former Director J. Edgar Hoover ordered the activity to be discontinued.

"The motive behind it was solely to carry out F.B.I. counterintelligence responsibilities in order to thwart espionage efforts directed against the United States by foreign powers.

"No activities of this nature

were undertaken by the F.B.I. after 1966."

A spokesman for the Postal Service said that his agency would have no comment on the report "At this time."

The source's account and the bureau's unusual confirmation of part of his account represent the first disclosure that, like the Central Intelligence Agency, the F.B.I. also participated in the opening and photographing of parcels and letters it believed to be of some intelligence value.

The New York Times reported yesterday that Justice Department lawyers investigating alleged wrongdoing by the C.I.A. had concluded that the agency's "mail intercept" program, which lasted from 1953 until 1973, had violated Federal statutes protecting the sanctity of first-class mail.

The same standards would presumably be applied by the Justice Department to the F.B.I.'s "Z-covers," although, as with the C.I.A. investigation, a key question would be whether the openings took place within the last five years.

That is the period in which, according to the Federal statute of limitations violations of Section 1702 of Title 18 of the United States Code, which prohibits the detention or opening of the mails without a search warrant, must have taken place if they are to be prosecuted.

Asked whether any attempt had been made to obtain search warrants in the "Z-cover" program, the source said that the senders and recipients of the letters had not been the subjects of a criminal investigation by the bureau.

"How could you get a warrant?" the source asked rhetorically.

The year 1966, given as the cutoff date for the mail openings is the same year, according to Clarence M. Kelley, the F.B.I. director, that bureau agents stopped committing burglaries to gain foreign intelligence information.

Stolen Letter Cited

There have been reports, however, that although Mr. Hoover apparently trimmed back the bureau's counterespionage effort in 1966, such break-ins continued on a less formal basis, and there are also indications that the mail openings persisted as well.

The source cited, for exam-

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ple, a copy of a letter that was stolen from the F.B.I.'s office in Media, Pa., in 1971 and subsequently made available to several newspapers.

That letter, dated Nov. 30, 1970, was from Thomas E. Ingerson, a Boy Scout leader from Moscow, Idaho, to the Soviet Embassy in Washington and contained a request for information about a prospective visit to the U.S.S.R. by his troop of six Explorer Scouts.

Asked how, if the mail openings were halted in 1966, the 1970 letter found its way to the F.B.I.'s files, the bureau spokesman replied that his agency would stand on its statement.

One Justice Department source said, however, that after 1966 the F.B.I. continued to receive copies of correspondence produced by the C.I.A.'s mail intercept program, which at that time was also centered in New York and San Francisco.

June Report Recalled

One well-informed source said that he was virtually certain that the Idaho letter, which he said was "discussed quite a bit" within the bureau after it had become public, had been obtained by the F.B.I. as a result of a "Z-cover."

Another well-placed source said, however, that after 1966 the F.B.I. continued to receive copies of correspondence produced by the C.I.A.'s mail in-

tercept program, which at that time was also centered in New York and San Francisco.

The source suggested that the Idaho letter might have been provided to the F.B.I. by the C.I.A., rather than obtained directly by the F.B.I., which, if true, would represent the first known instance in which the C.I.A. tampered with mail from one domestic address to another.

A commission appointed last January by President Ford to look into the C.I.A.'s domestic activities reported in June that the agency, over a 20-year period, had opened and examined mail between the United States and various Communist countries.

The commission, which was headed by Vice President Rockefeller, reported that in January, 1958, the F.B.I. approached the Post Office Department "for the purpose of instituting similar coverage of mail to and from the Soviet Union."

The bureau was told, the commission reported, that the C.I.A. was already conducting such an effort, and an agreement was subsequently reached in which "the C.I.A. would send to the F.B.I. mail project items which were of internal security interest."

The commission report said, however, that "the bureau agreed with the C.I.A.'s suggestion that the project should be handled by the C.I.A. alone."