

U.S. Won't Prosecute CIA Mail Snoopers

Washington

The Justice Department said yesterday that it will not prosecute CIA employees who took part in a secret program of opening overseas mail from 1953 to 1973.

The department said that after a lengthy investigation it had concluded that it is unlikely convictions could be obtained if charges were brought.

Under the 20-year mail surveillance program, the CIA opened letters addressed to thousands of Americans from such countries as the Soviet Union and China.

In a lengthy report, the Justice Department acknowledged that the mail openings "would be unlawful if undertaken today ..."

Nonetheless, the report said there will be no prosecutions be-

cause of the unavailability of important evidence and the "state of the law that prevailed during the course of the mail openings program."

"It would be mistaken to suppose," the report said, "that it was always clearly perceived that the particular mail opening programs of the CIA were obviously illegal."

The report said there is evidence "suggesting that President Eisenhower had knowledge of and approved" the program.

Interviews with senior officials of the Eisenhower administration recalled that the mail opening program was discussed at Cabinet meetings, the report said.

It is not clear, the report said, how much former Presidents Kennedy or Johnson were aware of the project, although both were briefed regularly by CIA officials on sensitive CIA operations.

Former President Nixon has said that he was aware that mail from China was being monitored but did not know any was being opened.

Thus, the department said that in a criminal trial it would be unable to prove that the CIA employees were acting without presidential knowledge or approval.

The department said that its investigation showed that the CIA first monitored overseas mail of U.S. citizens in February, 1953, when envelopes to and from the Soviet Union were photographed with the cooperation of the postal department.

Gradually the program expanded to include opening and reading first-class mail coming through postal facilities in New York City.

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