

# Helms Says Search Of Mail Was Illegal

NYTimes — OCT 23 1975

By LINDA CHARLTON

Special to The New York Times

WASHINGTON, Oct. 22 —

Richard Helms, Director of Central Intelligence from 1966 to 1973, testified today that he knew then that the agency's mail-opening program was illegal. But he said he assumed that Allen W. Dulles, the intelligence agency's director who started the operation in 1953, had "made his legal peace with it."

Mr. Helms, the only witness this afternoon before the Senate Select Committee on Intelligence, also conceded that a 1970 report to President Nixon that he and others had signed, and that stated that the mail-

Continued on Page 12, Column 3

Continued From Page 1, Col. 3

opening operation had been discontinued, was untrue.

But he added that there had been "no intention to mislead" the President. He explained that he had believed that the statement had referred to a similar operation of the Federal Bureau of Investigation, which had been discontinued.

It was disclosed during testimony yesterday that the agency had opened more than 215,000 pieces of mail in New York from 1953 to 1973 and had photographed the exterior of 2,705,726 pieces of mail to and from the Soviet Union.

## Difference in Testimony

Replying to questions about whether the agency had obtained approval of its program from Postmaster-General, Mr. Helms was occasionally at variance with two of the three witnesses this morning, all former Postmasters General.

They were J. Edward Day, Postmaster General from 1961 to 1963, and Winton M. Blount, who held that position from 1969 to 1971.

The third was John A. Gronouski, who headed the Post Office Department from 1963 to 1965; he said flatly and angrily that he knew nothing of the program and would have opposed it if he had. This was confirmed both by Mr. Helms and by an internal C.I.A. memorandum.

Mr. Day, however, said that shortly after he took office in 1961, Mr. Helms, Mr. Dulles (who died in 1969) and Kermit Roosevelt, then a C.I.A. official, visited him, saying they wanted to tell him "something very secret." Mr. Day recalled that his reply was: "Do I have to know about it?" And was told he did not. He added that he was "sure that I wasn't told anything about opening mail."

## Told of Secret 'Project'

Mr. Blount said he was told about a secret "project" in which the Post Office Department was cooperating with the C.I.A., but not specifically the opening of mail. He asked if he should seek legal advice from the general counsel, he said, and was told that the matter of legality had been discussed with the then Attorney General, John W. Mitchell.

He did know, he said, that the mail of "avowed enemies of this country" was being "interrupted"—that is, taken out of the "main stream," and the front and back of the envelopes photocopied.

The committee issued a subpoena today for Mr. Mitchell's appearance Friday, but his attorney, William G. Hundley, is expected to argue tomorrow to have the subpoena withdrawn on the ground that Mr. Mitchell's appearance might prejudice a pending appeal of his conviction in the Watergate cover-up case.

Mr. Helms, in his testimony, said he believed that "we told him [Mr. Day] the truth about the project," but that he could not be sure. A C.I.A. memorandum referring to the briefing with Day says merely that the officials "withheld no relevant details."

As for Mr. Blount, Mr. Helms said that he recollected taking with him to the Blount briefing "a couple of pieces of what we got out of the program"—typewritten copies of material that would indicate that we had been reading the correspondence between certain individuals in the United States and the Soviet Union.

He appeared anxious to avoid contradicting Mr. Blount's testimony, and said that perhaps he had not been "specific enough" about the program.

Mr. Helms said that Arthur E. Summerfield, Postmaster General from 1953 to 1961, has been told only that the agency wanted to photograph envelopes, and that other Postmasters General during this period were not informed at all about the operation.

## 'No Written Record'

He said that he could not recall if Mr. Dulles had told President Eisenhower or even Mr. Dulles's brother, Secretary of State John Foster Dulles, about the program, nor whether President Kennedy had been informed. He said that he might have told President Johnson during a discussion of C.I.A. matters in 1967, adding: "I have

no written record of what I told Johnson."

Similarly, he said he did not recall telling President Nixon. Later, talking to reporters in the corrido outside the hearing room, he explained why he had no record about what he might have told these Presidents: "You've got to protect the President from the dirty stuff."

"There's got to be a break," he said. "The President can't survive [if he is tied to this sort of activity]. But somebody's got to take the heat. So let old Helms take it, and I'm taking it. You can't ask the President to sign off on illegal activity."

As for his assumption that Mr. Dulles had resolved the legal question about the mail-opening, Mr. Helms said in his testimony that the former Director of Central Intelligence was "a much respected figure" and "it would not have occurred to me to fault him on a matter of law."

He said that he could not recall "ever having discussed" the operation with any of the Congressional C.I.A. oversight committees.