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What if the CIA Spies on Americans?

By: Nicholas Goldberg  
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Last week, two U.S. senators revealed that the CIA may be spying on Americans again. But no one paid much attention.

Senators Ron Wyden (Democrat of Oregon) and Martin Heinrich (Democrat of New Mexico), in a letter demanding more details, indicated that they have identified a previously unknown CIA data repository that includes "bulk" information collected on U.S. citizens. The senators noted that the agency had been withholding details about the program from the public and Congress, and that the program operates, they put it, "outside the law."

"Outside the legal framework" in Washington means "against the law."

Hoarding private data on Americans is a big problem. It's unacceptable for a number of moral, political, and legal reasons, including the fact that the Fourth Amendment promises us freedom from unreasonable searches and seizures. Our personal information, including private communications, is not government business unless you have obtained a court order from a judge, based on probable cause.

However, the Wyden-Heinrich revelation was buried in the media, presumably because there are few details and because the CIA denied wrongdoing. It's not even clear what kind of data is supposedly being collected.

Plus, Americans are so exhausted: from scandal fatigue, climate anxiety, the specter of war in Europe, the global pandemic. Who can be outraged by a secret database in Langley? Especially since we are now so used to giving up our privacy to Facebook, Google, and

everyone else.

Yet as I read the letter, I couldn't help but think of a different era, when privacy violations still had the power to shock, and Congress could still, on occasion, come together to express bipartisan outrage.

In the 1970s, a series of intelligence agency abuses were revealed in the wake of the Watergate investigation. The one that came to mind this week involved a program known as HTLINGUAL, under which the CIA opened the private mail of U.S. citizens without their knowledge and in flagrant violation of the law. The program ran from 1952 to 1973. Originally it only intercepted letters to and from the Soviet Union, but was expanded at various points to include letters to and from Asia, and Latin America. Its purpose included collecting information on Americans speaking at home about politics.

Over the years, the CIA steamed open hundreds of thousands of private letters using hot kettles and letter openers, until they developed a special oven that "cooked" the letters to open them. The contents were photographed, the letters were resealed and sent. The information was shared with the FBI.

The CIA opened the mail of novelist John Steinbeck; the Rev. Martin Luther King Jr.; Nobel Prize-winning chemist Linus Pauling; playwright Edward Albee; and then-Senator Hubert Humphrey, among others. According to Timothy Naftali, a historian at New York University, the program did not identify a single Soviet spy in its two decades. The program was never authorized by the president or the Congress.

Most of what we know about this scandalous betrayal of the American trust came from a bipartisan panel of the U.S. Senate known as the Church Committee, named after its chairman, Senator Frank Church (D-Idaho). In those days, Congress was not polarized and frozen as it is today, and despite the sharp ideological differences among its members, the committee was remarkably cooperative and effective. He heard from 800 witnesses and published a final six-book report on a wide range of intelligence agency abuses, including the FBI's notorious COINTELPRO program that spread malicious disinformation to "disturb" and "neutralize" anti-war and civil right activists.

Frankly, it was inspiring how the committee stood up to the cynical, law-breaking agencies that were trampling on the First, Fourth, and who knows what other amendments.

On the morning of September 24<sup>th</sup>, 1975, for example, James Angleton, the CIA's legendary head of counterintelligence, back then recently retired, was subpoenaed to testify in Courtroom 318 of the Russell Senate Office Building. A Yale-educated Anglophile super-ghost who grew orchids and genuinely believed the CIA was above the law, was questioned by Senator Walter Mondale (D-Minnesota).

Mondale: What was your understanding of the legality of the covert mail operation?

Angleton: That it was illegal.

Mondale: ...So there was a trial, with which you agreed, that while opening covert mail was illegal, the good that came from it, in terms of anticipating threats to this country through the use of this counterintelligence technique, he did, however, pay off.

Angleton: That's correct.

Mondale: How do you recommend that this committee address this deep crisis between political and legal accountability in government, a nation that believes in laws, and what you see as the counterintelligence imperative of illegal activity?

Angleton conceded that there should be more oversight, but argued that spy agencies needed "considerable freedom."

To which Mondale responded: "I see no authority for anyone...determining, on their own, that the law is not good enough and therefore taking it into their own hands."

Or as Church himself put it: "I cannot think of a clearer case that illustrates the attitude that the CIA lives outside the law, beyond the law, and that while others must abide to it, the CIA feels above it, and you can't run a free society that way. Either their intelligence agencies live within the law, or the beginning of an erosion is set in motion that can undermine the whole of society."

The committee's final report was endorsed by three of its five Republicans and all six Democrats. It issued 96 recommendations, which led to the passage of the Foreign Intelligence Surveillance Act, among other things. The Church Committee has its detractors, but it's widely seen as one of the high points of congressional oversight in U.S. history.

Let's hope that if the program that Wyden and Heinrich have identified is indeed violating the constitutional rights of Americans, as it has been too often in the past, that Congress can come together to object and act against these illegal acts.

Somehow I'm not sure that will happen.

**Translated by Amilkal Labañino / CubaSí Translation Staff**

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