

in high positions all the way down to the low-level operatives that are implementing programs, that we just assumed that because so and so said this was the policy of the country that it was proper and legal. And we carried out those instructions without question. I think that therein lies much of the problem that we have encountered in going too far, going beyond the charter, going beyond the law in carrying out what people perceive to be their responsibility and thereby infringing on the rights and privileges of the citizens of this country.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Huddleston. I have no further questions. I want to thank you gentlemen for your testimony.

Mr. REILLY. Mr. Chairman, I know the rule prohibits the counsel to ask questions, but would you and Senator Mondale and Senator Huddleston—Senator Schweiker has left the room—but may I have an opportunity to make some observations for 1 or 2 minutes that I might have?

The CHAIRMAN. Are you counsel?

Mr. REILLY. For Mr. Day.

I am James Francis Reilly and I served under all three of these gentlemen in *pro bono publico*.

The CHAIRMAN. Do you desire to testify as a witness and be sworn?

Mr. REILLY. I will do anything I want so I can make my observations.

The CHAIRMAN. You can make your observations.

Mr. REILLY. I will testify.

The CHAIRMAN. You will have to put under oath and be heard as a witness.

Mr. REILLY. That's all right, that's perfectly all right.

The CHAIRMAN. Mr. Day, I think you should stay if your lawyer is going to testify.

Mr. DAY. I will stay behind him and advise him.

Mr. REILLY. That doesn't say I will accept it.

The CHAIRMAN. If the other gentlemen will withdraw and if you will take the oath, please.

Do you swear that all the testimony you are about to give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. REILLY. I do.

TESTIMONY OF JAMES REILLY, SR., COUNSEL FOR J. EDWARD DAY

Mr. REILLY. Mr. Chairman and Senators, the observation I want to make: 40 years ago on October 12, I was admitted to the bar in the District of Columbia. I have been in all phases of the law and even today in retirement—you've got a young man on your staff who knows something about this, Mr. Bayley.

I try cases, I have been in all the courts and I was privileged to be a member of the Post Office Advisory Board by appointment of President Kennedy and I resigned in 1964 and we wrote two reports. I think you ought to know—now this is not a trial. I understand that—and in talking about memory, when I went to a little school, Mount Saint Mary's up where Mother Seton is now buried in that area, founded in 1808; I claim it's the first Catholic college. Georgetown disagrees.

But in my memory there was a priest there that said that memory was a fact that I wish to forget. And Senator Mondale, when I see you there, I think of Mankato and St. Cloud, Minn., and I was trying to recall whether it was he or Miles Lord, the now Federal district judge, that made the argument for the CAB. I look at you, sir, and in February 1945 I was in your city, Boise, and I asked you up here what the name of the publisher was. I thought I was quite a lover boy, I was about 40 years old. I'm 68 now. She was 80, I think. And we discussed my friend Leroy Clark. And this Clark family had one of the great dynasties in America and made a great contribution to this country.

But Mr. Day—I was made acting chairman—the law required that the Postmaster General and the Deputy Postmaster General be chairman and vice chairman. And he was here. Mr. Day is probably a real good lawyer. I'm not sure about that. He's my friend. And I said to him, "Well, what do you want us to do?" We first made the only mechanization reports that were made in the Post Office Department. And then we made—on this question of civil rights versus national security, he was the one that authorized us to make a fair employment study which we made and which did much to grade the black people in this country in better jobs in the Post Office Department in those days.

And then you're talking about things—I'm almost ready to become an intellectual, *non pro tem*. But I say to you you've got to look at it. Look at what Mr. Blount tries to say, but Mr. Blount is so busy making money he forgets these points. He's not a lawyer. In my profession, as a lawyer, in my 40 years in the bar, and believe me, I fight for it all the time. I don't take my hat off to anybody in this room about the declaration, adherence, and support of civil rights. In money, just as one of the two originators of the act, the legal aid agency, as one of the nine members who preside in the Superior Court in the District of Columbia and I want you people to remember those things when you evaluate this.

And gentlemen, your sole purpose, your ultimate purpose is a legislative purpose. And I think you have enough of that. You haven't got any prosecuting authority and I don't think the former attorney general of the State of Minnesota, a distinguished young lawyer in 1950 in the State of Idaho, I don't know about Mr. Huddleston, I think he's from Alabama, I'm not sure. Kentucky?

But I just want to make—I sit back here at my age and I'm still trying to be active and helpful. I have six adult kids that do fine. I like to brag about them. They're half Irish and half Italian and the best part is the Irish.

I want to thank you very much. I think this committee has done right. There is nothing like open air, nothing. Nothing can supplant it. The Rockefeller Commission, they never called some of these people as a witness. They never called Ed Day. They get some fellow by the name of Cotter or something like that and they go to it. I looked at the list of the members for the first time this morning and, thank God, I think there's only two lawyers. But they take your rights away from you and I say to you, Senator, I think you have enough to come up with a plan.

I was sitting here writing it and I'm going to send it to Mr. Wallach and I think we can more cohesively tie a lot of these pieces and can really oversight the Central Intelligence Service and I make no apology for them at all and I don't know enough about it, but it's kind of the greatest thing. But thank God the U.S. Senate is here and that you are having a public hearing where it can be heard. And thank you for letting me be heard, despite what the rules require.

Thank you.

The CHAIRMAN. Thank you very, very much, Mr. Reilly.

Our next witnesses are Mr. Montague and Mr. Cotter. If you would come forward together and take the oath?

Would you raise your right hand? Do you solemnly swear that all of the testimony you will give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MONTAGUE. I do.

Mr. COTTER. I do.

The CHAIRMAN. Mr. Schwarz, would you please start the questioning?

Mr. SCHWARZ. Mr. Montague, will you recount, just quickly, your career at the Post Office? I know you started and worked your way up to the Office of Chief Inspector. Would you say what you were doing in 1950, at the time you retired?

**TESTIMONY OF HENRY MONTAGUE, FORMER CHIEF INSPECTOR,
POSTAL INSPECTION SERVICE, AND WILLIAM COTTER, FORMER
CHIEF INSPECTOR, POSTAL INSPECTION SERVICE**

Mr. MONTAGUE. I became a postal inspector in 1942 in the New York division. I was appointed Inspector in Charge of the New York division in May 1951. I served in that capacity until February 1961, when I became Chief Inspector and I retired from that position in February of 1969. I continued to serve as Chief Inspector, during an interim period, until Mr. Cotter was appointed to that position in early April 1969.

Mr. SCHWARZ. All right. Now, when you were in New York, the name of the man who was then Chief Inspector was Mr. Stephens, is that correct?

Mr. MONTAGUE. Correct.

Mr. SCHWARZ. Did he come to you and tell you to give some aid to the CIA? We are going to get to the kind of aid that you were asked to give.

Mr. MONTAGUE. I believe, Mr. Schwarz, that that started a little earlier than that. It was at the end of 1952 when I received a letter from the then-Chief Inspector that two men from the CIA would be in to see me and that we should give them certain cooperation. It has always been my opinion that this started in 1953, because I think most of the activities started then. I know it did, but during this investigation, when I was interviewed, I learned that actually it started in the latter part of 1952.

Mr. SCHWARZ. Now, did the man from the Post Office who wrote to you say anything about what was to be done and what was not to be done in connection with the CIA project?

Mr. MONTAGUE. I don't exactly recall that, Mr. Schwarz.