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OGC 69-2093

5 November 1969

MEMORANDUM FOR: Chief, European Division

ATTENTION: Mr. Edward Fennimore

SUBJECT: Lt. Col. William J. Herlihy

1. In accordance with our telephone conversation of 3 November, I am furnishing you the following information about the Army hearing. The Department of the Army has convened a board of general officers to review the record of Lt. Col. Herlihy to ascertain whether he should be retained in the service in accordance with statute 10 U.S.C. 3791. One of the bases for dismissal from the Army under this provision is the finding by the board that an individual officer's retention is not consistent with the interests of national security.

2. The board is set to hear the case of Lt. Col. William J. Herlihy at the Headquarters First U. S. Army, Fort Meade, Maryland, from 26 to 29 January 1970. The Army counsel who is defending Lt. Col. Herlihy has requested Mr. Peter Bagley to appear as a witness on behalf of Herlihy. The anticipated testimony of Mr. Bagley would cover the following:

- a. That Mr. Bagley had been interviewed by military authorities concerning Lt. Col. Herlihy;
- b. That the above interview was conducted in an improper manner;
- c. That Mr. Bagley told the investigators Lt. Col. Herlihy never represented himself as a member of the Central Intelligence Agency.

