

File #:

62-116464

Serial Scope:

1ST NR 215 THRU 253

- 1 - Mr. N. P. Callahan
- 1 - Mr. J. B. Adams
- 2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)

The Attorney General

November 19, 1975

Director, FBI

- 1 - Mr. W. R. Wannall
- 1 - Mr. W. O. Cregar
- 1 - Mr. F. J. Cassidy
- 1 - Mr. A. F. Watters, Jr.

**FBI ROLE AND REQUIREMENTS IN THE
INTELLIGENCE COMMUNITY;
REQUEST OF HOUSE SELECT COMMITTEE
ON INTELLIGENCE**

Attached for your approval and forwarding to Congressman Otis G. Pike, Chairman, Select Committee on Intelligence, United States House of Representatives, is a response to a letter we received recently from Congressman Pike asking for the FBI's views on the future of the intelligence community. For your information, we are enclosing a copy of Congressman Pike's letter, dated October 8, 1975, together with our preliminary-response, dated October 17, 1975.

A copy of attached response to Congressman Pike is also being furnished for your records.

Your concurrence in our response is requested.

Enclosures - 4

1 - The Deputy Attorney General (Enclosures - 3)
Attention: Michael E. Shaheen, Jr.
Special Counsel for Intelligence Coordination

AFW: vb
(12)

SEE NOTE PAGE TWO

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JAN 12 1976

- Assoc. Dir. _____
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MAIL ROOM

TELETYPE UNIT

The Attorney General

NOTE:

By memorandum from Mr. W. R. Wannall to Mr. J. B. Adams, dated 10/16/75, captioned as above, approval was obtained for transmittal of a preliminary response, dated 10/17/75, to Congressman Pike's request for FBI views on the future of the intelligence community. In our preliminary response, we indicated that our views would be furnished at an early date following consultation with appropriate FBI personnel.

Since transmittal of our 10/17/75 preliminary response, we have learned that the heads of other member-agencies of the intelligence community have received a similar request from the Congressman. In addition, we have been informed that the Attorney General has met with White House officials and determined that it would not be appropriate for us to make specific recommendations in response to the Congressman's letter. The communication to Congressman Pike attached for the Attorney General's approval sets forth general observations on the future of the intelligence community and is responsive both to the Congressman's inquiry and to the Attorney General's determination that our reply should avoid specific recommendations.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

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Director Sec'y	_____

NR 002 CV PLAIN

2:09 PM NITEL 12/10/75 FGG

TO: DIRECTOR (62-116464)

SAC, TAMPA

FROM: CLEVELAND

RE: HOUSE STUDY 70

RE BUREAU NITEL 12-10-75

TAMPA REQUESTED TO CONTACT AL ROSEN AS REQUESTED IN REFERENCED NITEL. INQUIRY WITH AL ROSEN'S SISTER IN ARRON, OHIO, INDICATED HE IS ENROUTE TO HOLIDAY INN NUMBER ONE, ST. PETERSBURG, FLORIDA BY AUTOMOBILE AND IS SCHEDULED TO ARRIVE THERE ON EITHER 12/16-17/75.

ADDITIONALLY, TAMPA ADVISE FBIHQ OF ROSEN'S ITINERARY UNTIL THE TIME HE EXPECTS TO RETURN HOME IN ARRON, OHIO.

3658-Room

END

DLA FBIHQ CLR

Records cc into 67

(Rosen)
REC-60
ST-114

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15 JAN 2 1976

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[Handwritten signature]
5-712

UNITED STATES GOVERNMENT

Memorandum

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 Asst. Dir.:

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- Director Sec'y _____

TO : Mr. J. B. Adams

DATE: 1/5/76

FROM : Legal Counsel *[Signature]*

- 1 - Mr. Wannall.
- 1 - Mr. Cregar
- 1 - Mr. Hotis
- 1 - Mr. Mintz

SUBJECT: HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

U. S. RECORDING COMPANY

At 10:47 a. m. on January 5, 1976, Joseph Leo Gormley, formerly employed in the FBI Laboratory, advised that he retired June 30, 1973, and currently is employed at IACP, telephone number 948-0922, Ext. 248.

Mr. Gormley said that he was contacted by Richard Vermeire of the House Intelligence Committee who requested him to be available for an interview this afternoon concerning FBI purchases from the U. S. Recording Company. He told me that he had no personal knowledge of such purchases and he requested advice from the Bureau as to his response to Vermeire.

I told Mr. Gormley that he should consider himself relieved of the obligation of any secrecy agreement he may have signed with the FBI for purposes of the interview with Vermeire concerning the subject matter indicated. I told him that should the interview concern other matters, he should be aware that he is not being relieved of the obligation to protect the identities of confidential informants, not interfere with pending investigations, not disclose information obtained from third party sources, and not disclose sensitive investigative techniques. I also told Mr. Gormley that should the proposed interview appear to require the advice of counsel to assist him, such could be made available upon his request. He indicated that because he has no personal knowledge of the U. S. Recording Company or the Bureau's purchasing practices, he felt that he had no need to request counsel at this time.

ST-114 REC-51 62-116464-251

Mr. Gormley said that he would call Vermeire and agree to the interview this afternoon and that he would appropriately advise the Bureau of the results of the interview.

RECOMMENDATION:

15 JAN 9 1976

For information.

- 1 - Personnel file Joseph Leo Gormley



LEGAL COUNSEL

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall

FROM : W. O. Cregar

SUBJECT: HOUSTUDY 75

- 2 - Mr. J. Mintz
(1 - Mr. J. B. Hotis)
- 1 - Mr. R. J. Gallagher
(Attn: J. J. Boyd)

DATE: 12/29/75

- 1 - Mr. W. R. Wannall
- 1 - Mr. W. O. Cregar
- 1 - Mr. T. J. McNiff

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- Director Sec'y _____

By letter dated 10/20/75, received at the Bureau 11/4/75 (copy attached), the House Select Committee (HSC) requested that it be furnished with copies of all materials contained in FBI files pertaining to the shooting of Kenyon F. Ballew in Silver Spring, Maryland, on 6/7/71. This shooting occurred when representatives of the Alcohol, Tobacco and Firearms Division and local police officers broke into the Ballew apartment with a warrant charging Ballew with unregistered possession of firearms and explosives. As a result of the incident, Ballew was wounded and suffered a crippling injury. He filed suit against the Government and the Civil Rights Division of the Department requested this Bureau to conduct what amounted to a minimal amount of investigation in this matter.

On 11/12/75, Special Agent (SA) Thomas J. McNiff, after a conference with SAs Paul V. Daly, Legal Counsel Division, and John J. Boyd, General Investigative Division, discussed the propriety of the above request with Steven Blackhurst, Deputy Special Counsel for Intelligence Coordination, Department of Justice, as the request did not appear to fall within the HSC mandate as outlined in H. R. 591. Blackhurst concurred with the above observation and stated he would inquire of the HSC as to the purpose of their inquiry.

On 11/14/75, Blackhurst advised he had been informed that the basis for the HSC inquiry was receipt of information that a CIA electronic surveillance installation may

Enclosures

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Memorandum to Mr. W. R. Wannall
Re: Houstudy 75
62-116464

have been the source used to secure the search warrant described above. HSC desired to ascertain whether or not Bureau files contained any information supporting that allegation.

On 11/17/75, Blackhurst was advised that a review of Bureau files was negative concerning the above inquiry. Blackhurst then stated he would determine whether additional action need be taken by this Bureau in response to HSC letter dated 10/20/75.

On 12/16/75, Blackhurst advised he had ascertained from the HSC that this Bureau can disregard the request contained in above HSC letter.

ACTIONS:

1. For information.
2. Attached is a letter for the Attorney General with a copy to Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, confirming the advice from Mr. Blackhurst that this Bureau can disregard the request contained in the HSC letter of 10/20/75.

TJM/S

JBA

Detached file
1-2-76
JBA

JBA



OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

NOV 3 1975

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

Mike

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: House Select Committee Letter dated October 20

Attached is a letter from the House Select Committee dated October 20, 1975, which this Office received on October 28, 1975. Apparently the HSC is interested primarily in reviewing materials developed as a result of an FBI investigation into this matter which was done at the request of the Civil Rights Division of the Department. The HSC also wants to know what documents, if any, have been turned over to Mr. Ballew or his attorney either as a result of a civil suit concerning this or as the result of a Freedom of Information Act request. If you have questions concerning an appropriate response to this letter, please contact Steve Blackhurst of my staff.

- 11/4/75 sent by R/S to O'Connell, Dir 6 - assigned John Boyd XT4272
- 11/12/75 Blackhurst questioned re legitimacy of inquiry
- 11/14/75 Blackhurst inquired whether Confiles contain info that CIA (etc) might have been source used to procure search warrant (HSC basis for inquiry)
- 11/17/75 Blackhurst advised review was neg. He will advise if addit response necessary
- 11/16/75 Blackhurst advised no additional action necessary.

cc: Paul Daly

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11/4/75
11/4/75

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ENCLOSURE

OTIS G. PIKE, N. Y., CHAIRMAN

ROBERT N. CIAIMO, CONN.
JAMES V. STANTON, OHIO
RONALD V. DELLUMS, CALIF.
MORGAN F. MURPHY, ILL.
LES A. SPIN, WIS.
DALE MILFORD, TEX.
PHILIP H. HAYES, IND.
WILLIAM LEHMAN, FLA.

ROBERT MC CLOR, ILL.
DAVID C. TREEN, LA.
JAMES P. JOHNSON, COLO.
ROBERT W. KASTEN, JR., WIS.

A. SEARLE FIELD, STAFF DIRECTOR
AARON B. DONNER, COUNSEL

TELEPHONE: (202) 225-9751

Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

OCT 25 3 55 PM '75
DEPT. OF JUSTICE
MAIL ROOM

October 20, 1975

RECEIVED

OCT 28 1975

Mr. Michael A. Shaheen, Jr.
Special Counsel for Intelligence
Coordination
Department of Justice
Washington, D.C. 20530

O.L.A.

Dear Mr. Shaheen:

On behalf of the Select Committee, I hereby request that you furnish this Committee with copies of all materials contained in Department of Justice and Federal Bureau of Investigation files pertaining to the shooting of Kenyon F. Ballew in Silver Spring, Maryland on June 7, 1971.

Such materials should include, but not be limited to, copies of all memoranda prepared by Department of Justice personnel.

In connection with this request, please advise whether the Alcohol, Tobacco and Firearms Division of the Treasury Department conducted an investigation of the same matter. Also please inform us as to whether Justice Department files have been provided to Kenyon Ballew or his attorney at any time and the specific documents turned over or withheld.

Thank you for your cooperation.

Sincerely,

A. Searle Field
A. Searle Field
Staff Director

OFFICE OF LEGISLATIVE AFFAIRS

DEPUTY ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
8 OCT 24 1975
R.A.G.

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OCT 23 1975

OFFICE OF LEGISLATIVE AFFAIRS

DEPUTY ATTORNEY GENERAL

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams *YB*

FROM : Legal Counsel *[Signature]*

SUBJECT: HOUSTUDY

- 1 - Mr. Mintz
- 1 - Mr. Cleveland
- 1 - Mr. Wannall
- DATE: 12/31/75
- 1 - Mr. Branigan
- 1 - Mr. Cregar
- 1 - Mr. Hotis
- 1 - Mr. Daly

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
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- Director Sec'y _____

By memorandum dated 12/19/75 to the Attorney General, we advised the Department of Justice that we were opposed to furnishing captioned Committee information concerning proprietaries in response to their letter of 12/1/75, since they are on-going Bureau operations. We further advised the Department that we had afforded the Committee a briefing concerning these operations in as detailed a manner as possible without compromising the operations.

On 12/30/75 at the request of Rex Lee, Assistant Attorney General of the Civil Division of the Department; Deputy Assistant Director Fred Fehl; SA John McHale; Section Chief William O. Cregar; and SA Paul V. Daly met with Mr. Lee, his assistant Thomas Martin and Assistant Special Counsel for Intelligence Coordination Steven Blackhurst concerning the captioned Committee's request for information pertaining to proprietaries.

It was brought to Mr. Lee's attention at that time of the Bureau's concern relative to the disclosure of the requested information to captioned Committee and of the Bureau's position that the information requested should not be furnished. It was pointed out to Mr. Lee that such disclosure might adversely impact on the on-going sensitive operations of the Bureau and create unnecessary risks to the physical well-being of Bureau Agents and informants and with regard to the proprietaries operating in the criminal field, jeopardize prosecutions.

Mr. Lee explained that he was sympathetic to the Bureau's position; however, Mike Duval at the White House had instructed him to attempt to reach some accommodation concerning this request. According to Mr. Lee, this was prompted by a concern at the White House that the House Select Committee might not abide by their

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84 JAN 28 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Legal Counsel to Mr. Adams
RE: HOUSTUDY

agreement with the President concerning the publication by that Committee of material in their possession of a sensitive nature. The aforementioned agreement allows for the President to certify the necessity that a particular document or particular information not be published and the Committee would abide by that certification. The Committee, in conversations with representatives at the White House, had cited two areas where Executive Branch responses had not been acceptable one of which was the Bureau's response concerning proprietaries.

Mr. Lee concluded the meeting by indicating he would contact a representative of the House Select Committee and attempt to extract an agreement as to the matter and type of information which would be given to that Committee without giving to the Committee information with which they might be able to identify the proprietary in question. He stated that if this was not acceptable with the Committee, he would at that point refuse the Committee's request.

On 12/31/75, Thomas Martin telephonically advised SA Paul V. Daly of this Division that Mr. Lee had contacted Aaron Donner and that Donner appreciated the Bureau's concerns relative to furnishing information on the proprietaries. Donner also indicated that they would seek to keep such information from Committee members. Martin stated that Mr. Lee agreed to furnish the Committee a financial balance sheet showing income, assets, and liabilities (the balance sheet should go back no more than five years and if the original balance sheets would disclose the operation in question, a sanitized balance sheet would be prepared); the original amount of money used to create the proprietary and the source of same; and evidence of compliance with state and/or Federal laws.

With regard to the latter, if the information concerning compliance with state and/or Federal laws would expose the operation in question, Martin stated we should so advise the Department so that a decision might be made as to what disclosure, if any, would be made concerning this material. He was asked whether the Committee

CONTINUED - OVER



Legal Counsel to Mr. Adams
RE: HOUSTUDY

was seeking access or delivery of the material in question. It was pointed out to Martin that the Committee indicated access might be sufficient for the Committee's needs. Martin stated he would check on this particular question and advise the Bureau of the answer. Martin subsequently advised that the Bureau should provide access to but not delivery of the material.

Additionally, Martin stated that the Committee desired the requested information by delivery ^{*of the response} on Monday, 1/5/76. It was explained to Martin that it may not be possible to gather and furnish the information requested by that time.

RECOMMENDATION:

That the Intelligence Division with input from the Special Investigative Division gather the necessary information to prepare the appropriate response for the House Select Committee.

J

WRW
HED

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JMM

SEE ADDENDUM BY SPECIAL INVESTIGATIVE DIVISION NEXT PAGE



ADDENDUM BY SPECIAL INVESTIGATIVE DIVISION: 1/2/76 FCF:dlb

The Special Investigative Division is of the definite opinion the following points should be enumerated and brought to the attention of the Director:

At the meeting which was held in the office of Assistant Attorney General Rex Lee on the morning of December 30, 1975, Lee commenced by advising that he would attempt to explain his complete lack of knowledge of the situation. Deputy Assistant Director Fehl then inquired of Lee as to whether or not he had reviewed the Director's letter to the Attorney General dated December 19, 1975, captioned "United States House Select Committee on Intelligence Activities," and Lee said he had not seen the letter. In brief, the Bureau's position in the letter of December 19, 1975, very clearly stated to the Attorney General that we have again reviewed this particular matter and feel that a disclosure of information concerning an on-going Bureau operation is not appropriate. We told the Attorney General we stood ready to, of course, furnish information pertinent to discontinued proprietary operations which would offer the Committee a chance to see the procedures used by the Bureau in establishing and maintaining such operations. The Attorney General was also advised that the Committee was afforded a briefing concerning these operations in as detailed a manner as possible.

Several months ago, Peter Hughes, a staff member of the Committee, was apprised in most general terms concerning the Bureau's proprietaries (organized crime matters) at which time Hughes advised that he was completely satisfied and had no further questions. Hughes exhibited surprise at the nominal amount of dollars the FBI had expended as compared to CIA operations.

The Senate Select Committee on Intelligence Activities requested information concerning on-going Bureau operations and was advised this data would not be furnished. Church's committee made no further demands on the Bureau.

At the conference on December 30, 1975, Lee was advised we did not feel that the matters being handled by the Special Investigative Division were within the confines of the charter of the House Committee. He was told that we were not gathering "intelligence" but rather we were conducting criminal investigations looking toward prosecutive action in U. S. District Courts. He said he understood and also said he would review the charter. There is no indication in this memorandum that Lee has in fact reviewed the charter.

Lee was advised that the Bureau had no objection to discussing the discontinued operations and we mentioned specifically those wherein we had a small proprietary interest with LEAA. An example was given to Lee of an undercover operation in New York wherein, due to loose talk, an informant was murdered gangland style (Operation Flyer).

Lee discussed as an alternate, our preparing "sanitized balance sheets" of the on-going operations. He was told by representatives of the Special Investigative Division that this could well raise a question and pinpoint possible dates of the institution of the operation and most likely the Committee would then request the back-up books and records to substantiate the balance sheets. Deputy Assistant Director Fehl told Lee in no uncertain terms that prior to the time that we would make any disclosure of any matter whatsoever, the Bureau would close down any of its on-going current operations. The well-being and safety of the Bureau Agents was and is of paramount importance; therefore, any disclosure would necessitate a discontinuance and we would so advise the Department.

Of the three proprietary interests, one has been discontinued; however, the informant still resides and is active in the locale of the proprietary. Further, off-shoot investigations are being conducted of the discontinued operation. The second operation has been discontinued; however, we are in the process of obtaining indictments and prosecution is, of course, pending. The third operation is on-going and we contemplate reaching our ultimate objective within the next sixty days.

In view of the above observations, the Special Investigative Division strongly recommends the following:

(1) That we do not disclose any information whatsoever to Assistant Attorney General Rex Lee for access or review by the Committee on our on-going undercover operations.

(2) That a representative of the Special Investigative Division discuss this matter with Assistant Attorney General Thornburgh, Criminal Division, who has the responsibility of the pending prosecutive action in these matters, so that he, Thornburgh, has an opportunity for input into furnishing data to the Committee.

J WVC

SEE Legal Counsel to Mr Adams Memo of 1/9/76 and
memo to AG of 1/7/76. JCF 1/9/76 This matter resolved
favorably for Bureau

J. Adams

- ① - Mr. Mintz
- 1 - Mr. Cleveland
- 1 - Mr. Wannall

Mr. J. B. Adams

1/9/76

- 1 - Mr. Cregar
- 1 - Mr. Hotis
- 1 - Mr. Daly

Legal Counsel

HOUSTUDY

In accordance with the instructions of the Attorney General, on 1/8/76, Charles Maddox, House Select Committee Staff Member, reviewed the balance sheets and other financial data pertaining to the Bureau proprietaries. Maddox, after review of these materials, stated that there would be no more requests for disclosure of information concerning Bureau proprietaries and that this would satisfy the Committee's needs. Maddox did, however, ask that the Bureau advise him whether there are in existence any internal regulations concerning the operation of proprietaries, whether the Bureau's operation of proprietaries are in violation of Section 869 of Title 31 of the U. S. Code, and ask the Bureau to work with him in the preparation of a short paragraph on proprietaries for the Committee's public report.

The Department of Justice is, at the request of Maddox, responding to the question relating to Title 31, U.S. Code, Section 869. This particular response is being coordinated with Assistant Special Counsel for Intelligence Coordination Steven Blackhurst. Responses to the other information he requested ~~are~~ being coordinated by the Intelligence Division.

RECOMMENDATION:

For information.

RVD:lad
(8)

62 - 11665 - 249X

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel *JAM/179*

SUBJECT: HOUSTUDY *-13-*

- 1 - Mr. Mintz
- 1 - Mr. Bassett
- 1 - Mr. Wannall
- DATE: 12/30/75
- 1 - Mr. Cregar
- 1 - Mr. Hotis
- 1 - Mr. Daly

Assoc. Dir. _____
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- Director Sec'y _____

On 12/29/75, Richard Vermeire, Staff Member of the House Select Committee, requested that former SAs Joseph Leo Gormley and Dr. William Magee be made available for deposition concerning U.S. Recording Company purchases made by this Bureau.

RECOMMENDATIONS:

(1) That former SAs Gormley and Magee be released from any existing employment agreement for purposes of deposition before the House Select Committee.

(2) That the Intelligence Division determine the current whereabouts of former SAs Gormley and Magee and insure that they are advised they may be contacted by members of the Committee.

(3) That the Legal Counsel Division orally advise the House Select Committee of the current whereabouts of former SAs Gormley and Magee.

- 1 - Personnel File - Joseph Leo Gormley
- 1 - Personnel File - William Magee

*Memo W. Cregar to Mr. J. B. Adams
1/7/76 SFP/ldh*

Wage

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[Handwritten notes and signatures]

lad *LD*
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15 JAN 9 1976

LEGAL COUNSEL

84 15 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI

DATE: December 24, 1975

FROM : Harold R. Tyler, Jr.
Deputy Attorney General

SUBJECT: Jacqueline Hess - Espionage

0 Houstedy 5

In response to your memorandum to the Attorney General dated December 12, 1975 on this subject, I wish to advise you that the Department declined prosecution in this case in a memorandum from me to you dated November 14, 1975. Chairman Pike was advised of our decision at or about the same time.

Please let me know if your office cannot find any memorandum from me on this subject dated November 14, 1975.

cc: The Attorney General

62-116464-

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EXP. PROC.
DEC 30 1975

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*Records
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*W. J. Sullivan
FILE*

R. J. Ryan



FBI
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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

F B I

Date: 12/24/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (62-116464)

FROM: SAC, TAMPA (66-721)

HOUSE STUDY /75.

ReBUnitel, 12/15/75.

TPnitel to Bureau, 12/17/75.

C.Q. SMITH contacted 12/24/75, upon his return to St. Petersburg, Fla., and was advised of the contents of referenced Bureau nitel.

2 - Bureau
1 - Tampa
JJG:ls
(3)

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62-116464-248

17 DEC 29 1975

FIVE

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

84 JAN 13 1976

