Dear Mr. Greenewald:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

<table>
<thead>
<tr>
<th>Section 552</th>
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<td>(b)(1)</td>
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93 page(s) were reviewed and 54 page(s) are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- This information has been referred to the OGA(s) for review and direct response to you.

We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. “Part 1” of the Addendum includes standard responses that apply to all requests. “Part 2” includes additional standard responses that apply to all requests for records about yourself or any third party individuals. “Part 3” includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.
If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipayesquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

☑ See additional information which follows.

The enclosed documents represent the final release of information responsive to your Freedom of Information/Privacy Acts (FOIPA) request.

Duplicate copies of the same document were not processed.

Inquiries regarding your OGA referral(s) designated within the release as “Referral/Direct” may be directed to the following agency(ies) at:

Department of Justice
Executive Office for U.S. Attorneys
3 CON Building
175 N Street, NE
Suite 5400
Washington, DC 20530

Federal Trade Commission
FOIA/PA Officer
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Records which may have been responsive to your request were destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA), Title 44, United States Code, Section 3301 as implemented by Title 36, Code of Federal Regulations, Part 1228; Title 44, United States Code, Section 3310 as implemented by Title 36, Code of Federal Regulations, Part 1229.10.

For your additional information, a record that may be responsive to your Freedom of Information/Privacy Acts (FOIPA) request has been transferred to the National Archives and Records Administration (NARA). If you wish to review these records, submit a Freedom of Information Act (FOIA) request to NARA, Special Access and FOIA, 8601 Adelphi Road, Room 5500, College Park, MD 20740-6001. Please reference the file number 63-HQ-15351.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information Dissemination Section
Information Management Division

Enclosure(s)
FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) 5 U.S.C. § 552(c). Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) Intelligence Records. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) Requests for Records about any Individual—Watch Lists. The FBI can neither confirm nor deny the existence of any individual’s name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) Requests for Records about any Individual—Witness Security Program Records. The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) Requests for Records for Incarcerated Individuals. The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) Record Searches. The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOI/PA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foi/requests-fbi-records.

(ii) FBI Records. Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) Requests for Criminal History Records or Rap Sheets. The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

(iv) National Name Check Program (NNCP). The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.
EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ
This document is made available through the declassification efforts and research of John Greenewald, Jr., creator of:

**The Black Vault**

The Black Vault is the largest online Freedom of Information Act (FOIA) document clearinghouse in the world. The research efforts here are responsible for the declassification of hundreds of thousands of pages released by the U.S. Government & Military.

Discover the Truth at: [http://www.theblackvault.com](http://www.theblackvault.com)
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**FEDERAL BUREAU OF INVESTIGATION**

**REPORTING OFFICE**
MIAMI

**OFFICE OF ORIGIN**
MIAMI

**DATE**
8/30/74

**INVESTIGATIVE PERIOD**
8/12/74 - 8/27/74

**REPORT MADE BY**

**TYPEP BY**
b6

**TITLE OF CASE**
RETAIL CREDIT COMPANY
MIAMI, FLORIDA

**CHARACTER OF CASE**
ANTITRUST

**ACCOMPLISHMENTS-CLAIMED**

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**CASE HAS BEEN:**
PENDING OVER ONE YEAR  [ ] YES [ ] NO
PENDING PROSECUTION OVER SIX MONTHS  [ ] YES [ ] NO

**APPROVED**

**SPECIAL AGENT IN CHARGE**

**DO NOT WRITE IN SPACES BELOW**

**REO-18**

(2) Bureau (Encs. 14)
1 - Miami (60-571)

**Dissemination Record of Attached Report**

**Notations**

**Agency**

**Request Recd.**

**Date Fwd.**

**How Fwd.**

**By**

**A* - COVER PAGE**
FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1385328-0

Total Deleted Page(s) = 15
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Page 46 ~ Referral/Direct;
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ORDINANCE NO. 74-55

ORDINANCE PERTAINING TO FAIR CREDIT DISCLOSURE AND REPORTING; PROVIDING DEFINITIONS; PROVIDING DISCLOSURE OF CREDIT REPORTS; PROVIDING CHARGES FOR DISCLOSURE; PROVIDING RESTRICTIONS ON CREDIT INVESTIGATORS; PROVIDING PENALTY FOR VIOLATION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE

WHEREAS, an elaborate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character, and general reputation of consumers; and

WHEREAS, credit reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers; and

WHEREAS, there is a need to insure that credit reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy; and

WHEREAS, it is the purpose of this ordinance to require that credit reporting agencies, those who investigate and collect credit information, adopt reasonable procedures for meeting the needs of commerce which are fair and equitable to the consumer, with regard to confidentiality and accuracy; and

WHEREAS, after careful examination of all applicable state and federal laws concerning credit reporting, the Board has determined that it is in the best interest and will promote the general welfare of the citizens and residents of Dade County to provide more stringent safeguards and
protections against improper and incorrect credit reporting. The provisions of this ordinance are not intended to be inconsistent, nor should they be construed to be inconsistent with applicable federal or state law on this subject.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. Definitions. As used herein:

(a) "Credit reporting agency" means any individual, partnership, corporation, trust, estate, cooperative, association, or other entity which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing credit reports to third parties, and which does business in Dade County, Florida.

(b) "Consumer" means an individual.

(c) "Investigative consumer report" means a report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was
obtained directly from a creditor of the consumer or from the consumer.

(d) "Credit investigator" means any person who collects information in Dade County on a consumer's character, general reputation, personal characteristics or mode of living through personal interviews with neighbors, friends, associates or acquaintances of the consumer reported. The term includes agents and employees of credit reporting agencies.

Section 2. Disclosures to consumers.

(a) Every credit reporting agency shall, upon request and proper identification of any consumer, provide said consumer with a copy of its investigative consumer report pertaining to said consumer at the time of the request, including but not limited to the names and addresses of all persons contacted by the credit reporting agency, or its agents or employees, and the specific information obtained from each person contacted by the agency. It shall be sufficient for the purposes of this subsection if a complete carbon or photostatic copy of the report is provided to the consumer.

(b) The requirements of subsection (a) of this section respecting the disclosure of sources of information do not apply to information received prior to the effective date of this ordinance except to the extent that the matter involved is contained in investigative consumer reports on that date.
Section 3. Charge for disclosures.

The credit reporting agency may impose a reasonable charge on the consumer for furnishing a copy of its investigative consumer report to such consumer pursuant to section 2 of this ordinance, the charge for which shall be indicated to the consumer prior to furnishing the copy and shall not exceed the charge that the credit reporting agency would impose on its clients.

Section 4. Restrictions on credit investigators.

The practice of going in and upon private residences in Dade County, Florida, by credit investigators not having been requested or invited so to do by the owner, lessee, or occupant of said private residences for the purpose of obtaining information on a consumer's character, general reputation, personal characteristics or mode of living through personal interviews with neighbors, friends, associates or acquaintances of a consumer is declared to be a nuisance and punishable as a violation of this ordinance.

Section 5. Penalty for violation.

Any person including any credit reporting agency, credit investigator, or any agent or employee thereof, who fails to comply with the provisions of this ordinance shall be guilty of a violation of this ordinance and upon conviction thereof shall be punished by a fine of not less than one thousand dollars ($1,000) or by imprisonment in the County Jail for not more than one (1) year, or by both such fine and imprisonment in the discretion of the County Court.
Section 6. Inclusion in the Code.

It is the intention of the County Commission and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Metropolitan Dade County, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. Severability clause.

If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 8. Effective date.

The provisions of this ordinance shall become effective ten (10) days after its enactment.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency. 

---

**Tipoff**

**Dade May Enact A Tougher Law On Credit Snoop**

CREDIT CONCERN: Dade's new law may get the scam down. Fair Credit Disclosure Ordinance may be just the beginning of efforts to regulate credit scavenging. One of the new law's provisions would require credit reporting agencies to supply the consumer with a list of all agencies that have or are collecting information about the consumer. A new law also requires that credit reporting agencies supply the consumer with a list of all agencies that have or are collecting information about the consumer.
ORDINANCE NO. 74-57

EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 74-55 PERTAINING TO FAIR CREDIT DISCLOSURE AND REPORTING, IN ORDER TO EXTEND THE EFFECTIVE DATE OF SAID ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. Section 8 of Ordinance No. 74-55 is hereby amended to read as follows:

The provisions of this ordinance shall become effective ten (10) days after the date of its enactment, August 30, 1974.

Section 2. The provisions of this ordinance shall become effective immediately.

PASSED AND ADOPTED: July 9, 1974

Approved by County Attorney as to form and legal sufficiency. RAG

1/ Words stricken through shall be deleted. Underlined words constitute the amendment proposed. Remaining provisions are now in effect and shall remain unchanged.
This time we won one!
The next time some kid knocks at my door asking about a neighbor's sex and drinking habits I'm going to call a cop.

Well, not exactly. I have to wait nine days for a new law passed by the Metro Commission yesterday to take effect. But then I'll be ready.

In a sort of minor miracle, the Metro Commission did yesterday what the United States Congress and the Florida Legislature didn't have the backbone to do. It put some healthy curbs on irresponsible; snooper-pals to dig up gossip which might impair your getting credit, or insurance or a job.

It was 'the strongest law in the world. It had been greatly watered down to calm the fears of the money lenders, but it was a start in the right direction. And I can just picture the consternation going on today in the Atlanta office of the giant Retail Credit Company — the behemoth, of credit snoopers.

Essentially the law says two things:
One, you're entitled to get a copy of any credit investigation made of your affairs and,
Two, snoopers can't call on your neighbors for information without being invited to do so. Even then the name of the person giving information about you can't be shielded. You'll know who said nasty things about you.

Manager wouldn't name sources
At 11:40 a.m. yesterday I wouldn't have bet a nickel that the 'law' would pass. There had been substantial opposition from the Retail Credit Co. as well as insurance agents who routinely use Retail Credit Co. report.

The Metro commissioners were told time and again that the U.S. Fair Reporting Act makes it mandatory that a customer be shown his credit report.

This simply isn't so, at least as far as the Retail Credit Co. is concerned. I went that route with a reader who had had a serious complaint. After much badgering the manager of Retail Credit Co. in North Miami read us some excerpts from the lady's dossier but he wouldn't name sources and he never let us see the report.

That case made me splitting mad. The young lady in question had lost a good job opportunity because the snooper had dug up the fact that she was living with a young man without benefit of a marriage license. They would later wed but the report was a shocking display of punishing someone with middleclass morality.

Marriage had been delayed because the couple was trying to break the news gently to the young man's Jewish parents and her Christian parents. But was the subject any business of Retail Credit?

A tiny group sent up cheers
Oh well, several insurance people fighting the Retail Credit Co. and a few Manufacturers Agent sent up cheers yesterday that they might be less likely to write policies now that they can't get anonymous gossip and Metro Commissioner Ed Graham said he was impressed by this.

Commissioner Joyce Goldberg started out on his favorite subject like she favored the intent of the law but then wafted about having to give it a go after that didn't apply in Broward.

Commissioner Mike Calhoun tried to amend the law to remove most of its teeth but then went along with Goldberg and Graham in voting against its passage.

When the law passed 5-3 a cheer went up from the tiny group of people who had spoken for the law.

One of those cheering was David Weinberger, 47, who has been fighting Retail Credit Co. and its reporting practices for 17 years — going back to when he was denied a job on the basis of a credit report he was never allowed to see.

Weinberger — eventually produced by the law — fought the fight he went to law school so he could be a better public advocate. He rate this August. Retail Credit changed his life.

The cheers were prompted by设想 preempted by The Retail Credit Co. and others' will undoubtedly challenge the law in court. But it's a start.
Metro Limits Credit Probers, Bars Door-to-Door Inquiries

The insurance industry, Coyle said, would hurt, according to Jack Coyle of State Farm Life, because of background investigations needed in many cases to determine the risk the company is taking in a specific case.

"PERSONAL information is very necessary for the evaluation of insurance applicants, especially in the field of car insurance," Coyle said. Supporters of the proposal attacked what they said were poorly qualified investigators and the inability of a consumer to defend himself against a bad credit report. Citing newspaper want-ads for investigators that specified no qualifications other than that the applicant be over 21, a high school graduate and have a car, David Weinberger, a Miami lawyer who favored the law, said, "I think it's a disgraceful situation in a free country."

"In one of the country's leading communities, like this one, the personal reputation of a man ought not depend on the hearsay that relatively untrained people dig up," Weinberger said.

In addition to its three major provisions, the ordinance provides that a credit-investigation firm may charge an inquiring con-
sumer for a copy of the credit report, but the charge may be no higher than the charge to a regular customer."

THE ORDINANCE also provides for a $1,000 fine or one year in jail for persons convicted of violations.

Voting in favor of the ordinance were Commissioners Cain, Beverly Phillips, Edward Fogg, Harvey Rabin and Edward Stephen-
son. Voting against were Commissioners Mike Cal-
houn, Joyce Goldigberg and Edward Graham-Mayor. Jack Orr, who is ill, was ab-
sent.
The credit snoppers

called to task

The latest version of Metro
Commissioner Harry Cain's
year-old ordinance on credit re-
porting fails to cover all the
abuses and problems in the field
of professional snooping, but it
does give consumers the one
most essential weapon with
which to defend themselves.

Cain's measure, which comes
up for final approval at tomor-
row's commission meeting,
would require Retail Credit Co.
and others of its ilk to furnish
the consumer, at a reasonable
cost, a full copy of its investiga-
tive report. The ordinance speci-
ifies that the report must include
the names and addresses of all
persons contacted by the agency
and the specific information ob-
tained from each of those per-
sons.

Armed with this knowledge, the
maligned consumer can take
two steps to remove wrong infor-
amation and to correct errors. Proba-
bly more importantly, the credit
snoppers will become a lot more
careful about reporting, unsub-
stantiated gossip when they
know the consumer himself will
have complete access to the re-
port.

As a further safeguard
against the proliferation of census
rumors in official credit reports,
Cain's ordinance will prohibit
the investigators from going
door to door to ask questions of
suspecting neighbors.

These two aspects of the ordi-
nance deserve quick approval.
There should be more compre-
hsive measures in the future
to license the investigators as
private detectives, to make sure
the fees charged consumers for
their reports stay within the "re-
asonable" range of duplicat-
ing costs, and to require the firms
to undo any damage they
inflict through their own care-
lessness.

Both the Legislature and
the Congress have been considering
such laws for two years with lit-
tle success so far. If the state
and federal governments cannot
act, Metro should go all the way
to reform credit reporting abuse
es within its jurisdiction.

Meanwhile Cain's present or-
dinance is only a start, but it is a

Credit-disclosure law OKd by Metro

By MORTON LUCOFF

Miami News reporter

The Metro Commission
today voted 5-3 to require
investigative credit reporting
companies to fully disclo-
se reports they make on
consumers.

The new rule, effective
in 10 days, also prohibits
credit investigators from
invading private homes to
request information for
the reports.

Earl Walsh, an attorney
for Retail Credit Co.,
argued against the ordinance,
saying it is an attempt "to
kill a mosquito" with a
sledgehammer.

Voting for the ordinance
were: Commissioners Harry
Cain, its sponsor; Harvey
Ruvit, Ed Stephenson, Bev-
erly Phillips and Ed Fog.
Voting against were: Mike
Calhoun, Ed Graham and
Joyce Goldberg.

The ordinance requires
that companies such as Re-
tail Credit disclose to a con-
sumer's request a copy of the
report done on the cons-
sumer, including names and
addresses of sources of in-
formation used in the re-
port.

Cain said the new law
will help protect the con-
sumer from erroneous cred-
it reports which may con-
tain gossip and bearing
from the consumer's neigh-
bor.
Credit Firms Accept Law

By JOHN CAMP
Herald Staff Writer

Credit reporting and insurance companies that predicted doom in response to Dade County’s enactment of the nation’s first credit-disclosure law are conceding — if grudgingly — that they might survive after all.

They still claimed, however, that the law will hurt the people it was designed to protect, Dade County consumers.

But insurance companies and major credit-granting firms not involved in the public hearings don’t seem particularly upset with the law, with most saying it shouldn’t affect their business at all.

The new law strikes most directly at “subjective” information provided about an applicant for a new job, an insurance policy, or for credit.

Such information includes judgments about an applicant’s moral character, drinking habits, companions and general standing in the community.

CREDIT REPORTS also include “objective” information on the subject’s indebtedness, bank balance, record of payment on debts, financial background and employment record, and information from public sources such as court documents.

Much of the gathering of subjective information is done in interviews with neighbors or other persons who know the subject of the investigation.

The new law forbids the door-to-door solicitation of credit information, without prior permission for the interview from the person providing the information, and also requires the credit investigators to later reveal at demand the sources of their information.

Mayor insurance and credit-granting companies contacted by The Herald say they don’t much rely on such subjective reports.

“We RE ILY to a great extent on black-and-white information . . . . we might want to supplement it (with subjective material) if the factual information leaves room for doubt about the applicant,” said Kenneth Karnig, credit manager for Miami’s First National Bank, one of the largest credit-granting institutions in the state.

Karnig emphasized that subjective information was usually only considered in borderline cases and where the bank had no previous experience in doing business with the credit applicant.

A spokesman for Sears-Roebuck, which has an extensive credit system, said that his company does not use subjective information at all.

“We GO STRICTLY by the person’s past payment record or financial standing,” he said.

Life insurance agent Edwin B. Cole of Miami, however, said that he expects his business to be hurt by the ordinance.

“We’ve been shown time and time again that the more information we’ve got about a man, the more likely it is that he’ll be approved for insurance,” Cole said.

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Metro to act on control of credit reports

By BILL DOUGHTY
Miami News-Observer

The Metro Bank Commissioners, which regularly battle corporate giants to deal with national issues on a home ground, takes on the common credit reporting industry tomorrow.

The commission is scheduled to vote on ordinances designed to protect the consumer from erroneous credit reports and to make those reports open for scrutiny by the consumer.

Attempts to digitize safeguards in credit reporting have failed this year in Congress and the Florida Legislature. Because of those failures, and based on its successes in dealing with such national issues as clear meat packaging and phosphate detergents, the Metro Commission has decided to fix its Home Rule muscle to correct credit abuses.

At issue is the consumer's right to know, what is said about him, by whom, in reports that are used to determine his eligibility for credit, insurance and, in some cases, a job.

The issue will go before the commissioners in the form of two ordinances, one of which passed on first reading last September. The second ordinance, to exempt credit bureaus from regulation, is the one preferred by commissioner Harry Cain, sponsor of both ordinances.

Most abuses in credit reporting, Cain said, occur in investigative consumer reporting, reports that use "moral character" information on applicants for life, health and auto insurance.

Credit bureaus, on the other hand, report only financial information and pay habits and not drinking and social habits of the consumer.

Both ordinances propose that the credit reporting industry make investigative reports available to the consumer, and disclose sources of the information. At present, Retail Credit Co., largest of the investigative credit reporting firms, considers sources to be confidential.

In addition, the ordinances prohibit credit investigators from "going in and upon" private residences in the county to gather information without invitation. "This would extremely hamper us in getting the most elementary information," said Hal Arnold, a spokesman for the Atlanta-based Retail Credit Co.

Disclosure of sources, he said, would make many sources used in the investigative report unavailable. "The kind of practice where you don't know the source reminds me of the McCarthy days," said Cain, a former U.S. senator. "Many people were harpooned by sources that were completely anonymous to them."

Pressure for stronger regulation of credit reports came early last year following a series of articles in The Miami News detailing abuses by the Retail Credit Co. The stories told how gossip and hearsay are used in reports and how investigators are encouraged and rewarded for finding derogatory information on consumers.

Insurance executives have written to the Metro Commission, opposing the ordinances, saying that the FCRA provides enough protection for the consumer. "Those who have nothing to conceal have no objection to the credit reporting procedure," said C.A. McAlister, a Farm Bureau vice president in Gainesville.

"Only those who fear the bright light of information are opposed."
Local News

The Miami Herald
Thursday, July 11, 1974

T 272174, Firm Driven Asunder

By 22 years of mutual risk on the highways — and my life on my own, the Home Indemnity Company and I, I'm sure, the files will reflect it — when Army Cpl. C. M. Whitehead fought a second-hand hand-hand-hand against the policy with Home. The premium was around $50 a year.

Since then, the annual premiums have followed a steady trend. Up. This year, with two second-hand cars and three family drivers, the bill from Home was $15 times that of a figure.

But this, ironically, was not what bored me. It was the nagging feeling that the company, once personified by a living, breathing agent who collected my premiums and knew me by name, had withdrawn into a data processing machine somewhere in New York City.

And as this happened, I was no longer Charles Whitehead, a customer of 22 years, or even "named insured." I was a set of numbers, codes and risk factors, all keyed to a red button marked: "In Case of Late..."

THE ULTIMATE strike came this spring, with a printed notice in the mail pursuant to Public Law 565. 10. 0.

An investigation would be made into the character, general reputation, personal habits and mode of living of policyholder T 272174...

For car insurance:

A few weeks later, while I was at work, a woman came to the house and questioned a teenage daughter. Who drives the car? What do I do for a living? Do I drink?

The interviewer never called me personally. I don't know who else she questioned, or what they might have said. But I fired off an indignant letter to the Home Company, demanding to know.

Back came another print-farm form, "Consumer Report Reply." Reference T 272174:

"This is in response to your recent request. The report we requested will furnish such general information as your residence, marital status, number of dependents, occupation, general health, habits, reputation and mode of living."

Accompanying this was a brief letter from an underwriter in Jacksonville explaining about how the company periodically renews and drives away questions weren't "in-..."

Credit Law Delayed

To Aug. 30

An emergency ordinance delaying until Aug. 30 the effective date of Dade's new fair-disclosure law was approved unanimously Tuesday by the Metro Commission.

Commissioner Harry Cain, who sponsored the disclosure law, asked for the delay in effect date as saying that credit investigating firms needed the extra time to prepare for the change in the law.

The new ordinance would require the credit firms to show personal credit files to a person who goes to a credit office and asks for his file, force the credit companies to disclose the sources of the information in the files and forbid door-to-door solicitation of personal information to go into a credit file.

"I think we should give them (credit investigating companies) this delay to give spirit of cooperation," Cain said.

SO HOME Indemnity and policyholder T 272174 split. I went shopping for car insurance and got a quote of $300. I had the home offices of another national firm and they sent a live flesh-blood representative to the house.

He sat and charted pleasantly, which is something a data processing machine never does. He fished figures with pen and paper.

He even chuckled.

By the time he closed his briefcase I had what I considered vastly-improved liability insurance coverage at a premium of $200 lower.

If I needed it, I could even arrange time payments.

The new company may require an investigative consumer report, too. But under Dade County's disclosure law, effective Aug. 30, the investigating firm will have to let me know — on demand — what information my file contains and how it was obtained.

That's a comfort.

The new policy also gives me a whole new identity. No longer will I be known simply as T 272174.
As of 7/8/74 not a registered fictitious name in Dade County and as of
7/23/74 a corporation operating in Florida.
The metro commission chickened out in the end, but did approve a countywide ordinance regarding snooping by investigators for credit and insurance companies. The watered-down version of the law gives citizens the right to see all the information compiled on them. That's a start in the right direction. But we've still got a long way to go before we are protected from having neighborhood gossip end up in some business's file and used as the basis for denying credit or insurance. At least, under this law, you are entitled to see your report. Also, investigators can't call on your neighbors asking personal information about you without being invited to do so. If the neighbors do consent, you'll at least find out who your friends are and what they said about you. Just knowing this should curb the wagging tongues of next-door gossips.

The law was supposed to have gone into effect last Friday. But, during a later meeting on another subject, the Metro Commissioners granted credit investigators additional time to prepare for complying with the ordinance. WIOD can't figure out why they need time to comply with this particular ordinance. We see it as a delaying tactic and only hope it doesn't mean the Metro Commission is about to get cold feet. It's a weak law at best, but we need it. And we need it as a foundation upon which to build a strong measure to outlaw such snooping altogether.

BROADCAST: Monday, July 15, 1974, 8:10 AM and 9:05 PM

by Phil Costin, General Manager
Title
Retail Credit Company
Miami, Florida
Antitrust
00: Mn

Out
600 W
8-12-74

Law
David D. Weinberger

Call Mr. Weinberger to tell him we will send him into the BT Div.
Kenneth W. Whittaker, Special-Agent-in-Charge
Federal Bureau of Investigation
3801 Biscayne Boulevard
Miami, Florida 33152

Dear Mr. Whittaker:

I am concerned over the possibility that a criminal violation of antitrust laws may occur in Dade County which will have a drastic effect not only on our citizens but perhaps ultimately on many other Americans. Let me explain.

BACKGROUND

Retail Credit Company is the nation's leading "investigative consumer reporter" (see 15 USC Sec. 1681a(e)). Its clientele includes almost every major insurer in the United States offering personal forms of coverage (life, health and accident, automobile liability and other casualty insurance). Only 21% of its volume by its own figures (1972 and 1973 annual reports) is credit reporting. The balance is almost entirely investigative service to the insurance industry (some $160 MILLION per year). As far back as 1916 the life insurance industry, even then concerned about overdependence upon one source of information, took action to create an alternate source (American Inspection Bureau, now of Chicago, Illinois). In 58 years ASB has not been able to dislodge Retail Credit's principal but weak competitor, Hooper-Holmes Bureau, Inc. so that Retail Credit Company today is at least 75% of the entire insurance 'inspection reporting' business done in the United States today. On Oct. 16, 1968 the antitrust division of the U.S. Department of Justice 'routinely requested' antitrust information from Retail Credit. Only a few months after the Nixon administration took office the inquiry ended with no violations found. Then a few months later the President appointed RCC's president to an honorary post with the National Alliance of Businessmen on what I and others consider a very undeserving record. Retail Credit has been involved in attempts to intimidate legislative aides at federal and state levels; in the former an out-of-court settlement was reported in the Congressional Record and the latter has resulted in a large civil suit in Minneapolis earlier this year. In 1971 Retail Credit was indicted in New York on three felony counts (bribery, conspiracy and rewarding official misconduct) and it quickly entered a guilty plea (along with seven other major detective agencies) to the lone misdemeanor count of giving a municipal employee an unlawful gratuity. There are two pending FTC complaints against Retail Credit; the first, in November 1972, alleges anti-competitive practices in RCC's ownership of 5% of the nation's credit bureaus (but doesn't address itself to RCC's lock on the insurance market). The later FTC complaint brought in December 1973 alleges violations of the Federal Trade Commission and federal Fair Credit Reporting Acts. It appears that neither FTC complaint will be resolved short of litigation, probably including appeals as well as administrative proceedings. When protests were made to the White House by this writer over the appointment of RCC's president to the National Alliance of Businessmen in 1969-1970, President Nixon's personal secretary wrote to deny that the appointment was made by the White House (though four sources including NAB's press release suggested otherwise). In 1973 Retail Credit Company suffered a civil antitrust judgement on appeal.
THE SOURCE OF MY CONCERN

Under 15 USC 1681t, the federal Fair Credit Reporting Act does not preempt the field of credit reporting to federal legislation exclusively. When several local incidents in the Miami area in recent years brought considerable attention to Retail Credit's methods of operation, interest in further legislation developed after the credit reporting industry killed Representative Dubbin's state bills two years in succession (1973 and 1974). On July 2nd the Metro Dade County Commission enacted the ordinance herewith attached which was scheduled to go into effect on July 12th. Thereafter an emergency ordinance was rammed through by unanimous vote to delay the law from taking effect until August 30th. On July 22nd the president of Retail Credit Company wrote stockholders that

"...there continues to be some activity in state and county legislation. A new ordinance in Dade County, Florida, for example, would restrict the flow of business information to the Miami business community which, in turn, would be a disservice to all Miami residents. WE ARE CURRENTLY WORKING TO OBTAIN RELIEF FROM ITS RESTRICTIONS..." (emphasis added)

The gist of the ordinance is that calls by underpaid, poorly trained, supervised and qualified 'inspectors' on private residences for the purposes of asking about neighbors without the advance consent of the resident called upon would be a criminal nuisance, especially since production quotas and quotas for derogatory information have been levied upon Retail Credit field personnel judging by company documents and Congressional testimony. The ordinance seeks to have the effect of compelling insurors to grant coverage on more relevant information than often uncorroborated hearsay not only about drinking habits but homosexuality (see attached RCC letters instructing field personnel in how to conduct such inquiries).

Since Retail Credit's reputation is too tarnished now to enable it to seek Commission reversal itself, I am concerned that it is putting its insurance customers up to claiming to members of the Commission that the writing of all forms of personal coverage may have to cease in Dade County unless this part of the ordinance is withdrawn. I do not believe that the McCarran-Ferguson Act of 1945, relegating control of insurance companies to state authorities, would permit the insurance companies to act in concert for the purpose of blocking legislation. The ordinance passed by a 5-3 vote which would have been 6-3 if the late Mayor Jack Orr had been well enough to attend the Commission's meeting on July 2nd. Several local newspapers and radio stations have applauded the ordinance in question, and as you can see there has been considerable local news coverage.

I think there is a serious situation here which warrants investigation. A former United States Senator is a member of the Commission and I believe it would be in the public interest to attempt a discreet inquiry to ascertain just what pressures have been brought. If the insurance industry is trying to bludgeon the Commission with a threat to reducing the volume of coverage written here, we have a situation of interstate business attempting to thwart local legislation by duly elected public representatives—a matter at least as serious in its sinister implications as Watergate.

I ask that you consider the matter and determine if an investigation is warranted (as I believe it is). A copy of this letter is being forwarded to the head of the antitrust division of the Department of Justice, whose consumer affairs section has also been contacted by the undersigned.

Yours very truly,

David P. Weinberger
Dear Fellow Worker,

I don't know you but I see the results of your work. In fact, it is my job to determine how you do your job, so we are in this together. I often wish I could talk to you so we could understand and help each other.

Believe me -

It Makes the Difference

This Doesn't Tell the Story -
"Insured drinks to excess on weekends."
"Drinks to excess on special occasions."
"Drinks to feeling good and drives afterward."
"Is criticized for being a heavy drinker."
"Used to drink a lot but quit."

We Haven't Done the Job Unless
We've Found Out and Reported

What he drinks.
How often he drinks - daily, weekly, monthly, 2-3 a year?
How much he drinks -
- If daily - how many, and where, and when?
- If on weekends - every weekend, or most, or 1-2 a month?
- If to excess - feeling good or loud and boisterous or intoxicated?
- how often - daily, weekly, monthly, 1-2 a month, 2-3 a year?
Where he drinks - home, tavern, lounge, club, parties, on the job?
When he drinks - evenings, lunch, on the way home from work?
How long - if he quit, specifically when and why?
Does he drive afterwards?

I hope you will keep this and find it of some benefit.

Most sincerely,
Ann Analyst
Quality Analysis Division
Research Department

February, 1972

Most sincerely,
Ann Analyst
Quality Analysis Division
Research Department

March, 1972
Jack Roberts
Feb. 13, 1973
Miami (Fla.) News
Credit sleuth adds devastating footnote

Lucille loves Frank, and Frank loves Lucille. They plan to get married soon, but this really isn't any business of yours, mine, or an outfit such as Retail Credit Co.

Frank and Lucille, you see, started living together about a year ago, thinking at the time they eventually might want to get married. The arrangement is fairly commonplace in our society today.

As far as marriage was concerned, they had two strikes against them. Lucille, 30, is Catholic; Frank, 27, is Jewish. This meant that relatives in distant cities had to be given time to prepare for the shock of a religious stranger coming into the family.

Nevertheless, from what I can determine, Frank and Lucille are about as straight as a couple can get. He works in hotel sales. They live a very ordinary life . . . no wild parties . . . no excesses that show. They don't really know their neighbors in the northeast section apartment complex where they live, although Lucille has lived there for more than five years.

Lucille was a hostess of Modern Air for 11/2 years, losing her job when the nonscheduled carrier moved its offices to Germany a year ago. For six months, she worked for a Beach convention firm, and for the last five months she has been selling insurance for a firm that isn't too well known.

Sought job with top firm

Then Lucille applied for a job here at one of the most prestigious insurance firms in America. The people doing the hiring obviously liked her. The deal seemed set. She would be put through a 11/2-year training course, which would end up with her having an agency of her own. During that period, she'd earn $200 a week plus bonuses, which would be set aside for her own business someday.

Then came the report from Retail Credit Co., 666 NE 125th St. The gist of the whole report was that Lucille was what she said she was, had no financial problems, wasn't involved in alcohol or drugs and was well thought of where she lived.

At the bottom of the report, however, was a devastating paragraph that said Lucille was living with a man and Retail Credit didn't know anything about their relationship.

This, said her would-be employer, might blow a mind or two when her application was submitted to the Atlanta and Hartford offices of the insurance firm. The would-be employer asked Retail Credit if this one damaging paragraph could be deleted from the report. The answer was no.

Deletion requested

Then Lucille called on Robert J. Kammer, manager of Retail Credit, and asked him to delete the paragraph. Kammer refused, saying he had a duty to the firm that hired him to tell what he knew.

I went with Lucille to Kammer's office for a second try. The answer was still no. Kammer said Lucille's record would stay on file with Retail Credit for the next two years. That's federal law, he said. If anyone asks for another employment report on Lucille, the investigator assigned to make out a new report will have the benefit of the old report to go by.

I told Kammer that this provided Lucille with a dandy "criminal" record. He said that was my opinion, not his.

As a matter of fact, I couldn't get Kammer to admit if he approved of Lucille as a person or not, based on the facts contained in Retail Credit's report. Kammer said his job was to get facts and not make his opinions known.

I persisted, wanting to know if he would hire a sharp gal like Lucille? He said he might consider it, but he'd have to know a lot more.

Kammer said he would amend Lucille's file to state that she was planning to get married.

As far as I'm concerned, that has nothing to do with her credit or her ability to sell insurance. It's just one of those things where our society today sits around poking sticks at the younger folks.

Obviously, I disapprove of the way Lucille has been shoved around, or I wouldn't have gone to Kammer's office. He didn't seem enthralled with me either. Sorry, but I think this kind of fooling around with people's lives is ridiculous. I hope those people at the insurance company stand up for Lucille's rights and hire her.

ADULTERY AND FORNICATION
Florida Statutes—1972
CHAPTER 798

ADULTERY AND FORNICATION
§798.01 Living in open adultery.—Whoever lives in an open state of adultery shall be guilty of a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083. Where either of the parties living in an open state of adultery is married, both parties so living shall be deemed to be guilty of the offense provided for in this section.

History.—§8, sub-ch. 8, ch. 1637, 1868; RS 2596; GS 3519; RG 5407; COL. 7059; §773, ch. 71-134.

§798.02 Lewd and lascivious behavior.—If any man and woman, not being married to each other, lewdly and lasciviously associate and cohabit together, or if any man or woman, married or unmarried, engages in open and gross lewdness and lascivious behavior, they shall be guilty of a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083.

History.—§8, sub-ch. 8, ch. 1637, 1868; RS 2596; GS 3519; RG 5407; COL. 7059; §773, ch. 71-134.

§798.03 Fornication—If any man commits fornication with a woman, each of them shall be guilty of a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083.

History.—§8, sub-ch. 8, ch. 1637, 1868; RS 2597; GS 3520; RG 5408; COL. 7061; §774, ch. 71-134.
Mr. Kenneth W. Whittaker
Special Agent in Charge
Federal Bureau of Investigation
3801 Biscayne Blvd.
Miami, Fla. 33152

PERSONAL & CONFIDENTIAL
Dear Policyholder,

Sometime during the coming two months, you may be contacted by a representative of the Retail Credit Company. They are a large and reputable independent reporting company which provides business information to The Travelers as well as many other businesses. They have been asked by us, to provide additional information and to verify existing information on our records given to us by you and your agent. The purpose in doing this is to be sure we have your policy rated correctly.

The information developed in such a report consists of a confirmation of your identity, age, residence, marital status including numbers of children, and your employment; the number and types of automobiles in the household, how the automobiles are used (business or pleasure); driving record and habits of each driver, including past violations and accidents they may have suffered; health impairments; use of alcohol and drugs, if any; living conditions, whether residential or business, new, stable or deteriorating; and information relating to your reputation in the community. Typically the policyholder or member of his family is interviewed. Other information may be obtained through interviews with your business associates, friends and neighbors.

This is a normal underwriting procedure utilized countrywide by The Travelers and many other insurance companies. One of the most frequent questions asked by our policyholders is, "Will my insurance rates go up or down as a result of this report"? This will vary of course from case to case. It depends to a large extent upon the accuracy of the information given to us by you and your agent. However, in the majority of cases, there was no additional cost at all.

We hope the above will answer some of your questions about why this is being done and what you may expect when contacted.

Sincerely,

MIAMI OFFICE OF THE TRAVELERS INSURANCE COMPANIES
909 Brickell Plaza, P.O. Box 520030, Biscayne Annex, Miami, Florida 33152 • Telephone: (305) 379-3781
Home Office: Hartford, Connecticut
Mr. Kenneth Whitaker
Agent-in-Charge
Federal Bureau of Investigation
3801 Biscaýne Blvd.
Miami, Fla.
Kenneth Whittaker  
Special-Agent-in-Charge  
Federal Bureau of Investigation  
3801 Biscayne Blvd.  
Miami, Fla.

August 15, 1974

re: Metro Dade County ordinance 74-55; insurance industry; antitrust; "investigative consumer reporting"

[Signature]

of your office has acknowledged receipt of my recent letter to you on the above subjects.

I attach a copy of a letter put out to insurance policy applicants and policyholders who are about to be investigated by the leading 'inspection reporting' company in America (which dominates the insurance investigation field to the extent of at least 75% of volume done by the four leading national firms in that field).

The insurance industry founded American Service Bureau, now of Chicago, in 1916 out of concern with over-reliance on Retail Credit Co. even then. In 58 years ASB has only been able to penetrate the life and accident/health investigation fields to the extent of about 15% of such work by the leading national firms. The proximity of the insurance industry to the leading 'inspector' is apparent from the attached letter. In my view a serious legal question of the independence of insurance inspection reporting firms exists. The anti-competitive effects on the American population are severe. If an applicant felt mistreated by Retail Credit Company in its investigation of him, he would be a good deal less likely to complain to Travelers because of its support to Retail Credit and the applicant's fear that Travelers might decline him if he did complain about the investigation. For Travelers to push one inspector over another in my view inhibits competition among the inspectors (or at least, what little competition still exists). Insurance today isn't a right, but neither is it a luxury.

My concern has mostly been with a collective attempt by issuers of all forms of personal coverage in Dade County (life, A&H, auto liability and certain other forms of casualty insurance, and bonding) to cut back on activity here or withdraw altogether from business in Dade County if ordinance 74-55 is not repealed or emasculated. This enactment makes it a public and criminal nuisance for "investigative consumer reporters" (see 15 USC Sec. 1681a, definitions) to call at private residences for the purpose of asking about neighbors without the advance consent of the resident called upon. Implicit is the claim that poorly paid, trained and supervised 'inspectors' with production and derogatory information quotas on them are such a nuisance; this proposition is properly contested in the courts and not by attempts to improperly interfere with the legitimate exercise of legislative authority by the Dade County Commission. Ordinance 74-55 has no (direct) effect on investigative agencies of the United States such as the FBI.

Yours very truly,

[Signature]

David P. Weinberger

Consumer Affairs Section, Anti-trust Division, US Dept. of Justice, Washington, DC
FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE
MIAI MI

OFFICE OF ORIGIN
MIAI MI

DATE
8/30/74

INVESTIGATIVE PERIOD
8/12/74 - 8/27/74

TITLE OF CASE
RETAIL CREDIT COMPANY
MIAMI, FLORIDA

CHARACTER OF CASE
ANTITRUST

ACCOMPLISHMENTS CLAIMED

CONVIC. FUG. FINES SAVINGS RECOVERIES

ACQUIT-TALS

CASE HAS BEEN:
PENDING OVER ONE YEAR □ YES □ NO
PENDING PROSECUTION OVER SIX MONTHS □ YES □ NO

APPROVED

SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

2 - Bureau (Encs. 14)
1 - Miami (60-571)

nAd

Dissemination Record of Attached Report

Agency

Request Recd.

Date Fwd.

How Fwd.

By

- A* -

COVER PAGE
UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: Office: Miami, Florida

Date: August 30, 1974

Field Office File #: Bureau File #: 60-571

Title: RETAIL CREDIT COMPANY

Title: MIAMI, FLORIDA

Character: ANTITRUST

Synopsis:

DAVID P. WEINBERGER, West Miami, Florida, expressed suspicion that Retail Credit Company (RCC), Miami, is influencing insurance companies up to threats of withdrawal of insurance coverage from Dade County, Florida, if a recently enacted ordinance curtailing activities of credit and insurance investigators remains in effect. He believes this is indication of monopolistic power of RCC, in view of lack of effective competition.

ENCLOSURES TO BUREAU
FOR TRANSMITTAL
TO ANTITRUST DIVISION


4. Copy of Dade County Ordinance Number 74-55.


10. Copy of Dade County Ordinance Number 74-57.


DETAILS:

AT MIAMI, FLORIDA

By letter dated August 2, 1974, and received August 12, 1974, to the Miami Federal Bureau of Investigation Office, Mr. DAVID P. WEINBERGER, 5920 S.W. 16th Terrace, West Miami, Florida, alleged the possibility of criminal violation of the antitrust laws by the Retail Credit Company (RCC). He alleged that RCC has at least 75 percent of the entire insurance inspection reporting business done in the United States. He expressed the fear that RCC is "putting its insurance customers up to claiming to members of the Metro Dade County Commission, Dade County, Florida, that the writing of all forms of personal insurance coverage may have to cease in Dade County unless a portion of the recently passed Ordinance Number 74-55 is withdrawn."
WEINBERGER enclosed a copy of Ordinance Number 74-55, a portion of which would prohibit credit investigators from "going in and upon private residences in Dade County"... "for the purpose of obtaining information on a customer's character, general reputation, personal characteristics or mode of living through personal interviews with neighbors, friends, associates or acquaintances of a consumer" unless requested or invited by the occupant.

WEINBERGER in his letter said there are two pending Federal Trade Commission complaints against RCC: "the first, in November, 1972, alleges anti-competitive practices in RCC's ownership of 5 percent of the nation's credit bureaus (but doesn't address itself to RCC's lock on the insurance market)... The later FTC complaint brought in December, 1973 alleges violations of the Federal Trade Commission in Federal Fair Credit Reporting Acts".

WEINBERGER further stated in his letter, "On July 2nd the Metro Dade County Commission enacted the ordinance herewith attached which was scheduled to go into effect on July 12th. Thereafter, an emergency ordinance was rammed through by unanimous vote to delay the law from taking effect until August 30th." WEINBERGER enclosed a copy of this ordinance also, Number 74-57.

WEINBERGER's letter continued, "On July 22nd the President of the Retail Credit Company wrote stockholders that ... '(t) here continues to be some activity in State and County legislation. A new ordinance in Dade County, Florida, for example, would restrict the flow of business information to the Miami business community which, in turn, would be a disservice to all Miami residents. WE ARE CURRENTLY WORKING TO OBTAIN RELIEF FROM ITS RESTRICTIONS...' (emphasis added)."

WEINBERGER also enclosed with his letter copies of various newspaper commentaries on the above ordinance. He also enclosed copies of RCC letters to employees commenting upon the manner in which they should conduct their investigations.
Mr. DAVID P. WEINBERGER telephonically contacted Special Agent [ ] in response to a message left for him at his home telephone.

Special Agent [ ] informed Mr. WEINBERGER that the information in his letter to the Miami Federal Bureau of Investigation Office dated August 2, 1974, would be furnished to the Department of Justice.

Mr. WEINBERGER informed that since he had written his letter, he has come into possession of a copy of a letter from the District Manager of the Travelers Insurance Company to its policyholders informing them that sometime in the coming two months they might be contacted by a representative of the Retail Credit Company, and outlining the nature of questions they might be asked and explaining the purpose. He said he believes this shows the close connection between the insurance companies and Retail Credit Company. He said he would forward a copy of the letter by mail to the Miami Federal Bureau of Investigation Office.

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Interviewed on 3/14/74 at Miami, Florida

File #: Miami 60-571

by [ ] nad Date dictated 8/16/74

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.
By letter dated August 15, 1974 and received August 17, 1974, Mr. WEINBERGER forwarded a copy of a letter, undated, on the letterhead of "The Travelers", signed by _, addressed to "Dear Policyholders" and informing that the policyholder might be contacted by a representative of the Retail Credit Company, which company provides business information to The Travelers as well as many other businesses. It was explained that the purpose would be to provide additional information and verify existing information to ensure the policy was rated correctly. The letter also pointed out that "Other information may be obtained through interviews with your business associates, friends and neighbors". It was pointed out that this is a normal underwriting procedure utilized by The Travelers and other insurance companies.

In his letter Mr. WEINBERGER reiterated, "My concern has mostly been with a collective attempt by issuers of all forms of personal coverage in Dade County (life, A&H, auto liability and certain other forms of casualty insurance, and bonding) to cut back on activity here or withdraw altogether from business in Dade County if ordinance 74-55 is not repealed or emasculated".


Mr. DAVID P. WEINBERGER, 5320 S.W. 16th Terrace, South Miami, Florida, telephonically informed as follows:

Mr. WEINBERGER had asked for an appointment to see the Dade County Attorney, and went to the latter's office on August 28, 1974, expecting to see the County Attorney. Instead, he was met by an Assistant County Attorney, who showed him a proposed revised ordinance which will be presented to the County Commission as a replacement for Ordinance Number 74-55 pertaining to Fair Credit Disclosure, etc.

This proposed revised ordinance is much milder than Number 74-55 and Mr. WEINBERGER believes this is a further indication that the Retail Credit Company (RCC) may have prompted its insurance company clients to threaten the Dade County Commission with withholding all insurance coverage in Dade County if Ordinance Number 74-55 was put into force. He knows from conversations with legislators that the credit investigation and insurance investigation lobby is very powerful. He interprets this latest action as further indication of the monopolistic power of RCC.

Mr. WEINBERGER added that, seventeen years ago, he, himself, had suffered unjustly as the result of irresponsible reporting by RCC in connection with his efforts to gain employment by the IBM Corporation. He has subsequently spent a great deal of time and money in attempting to curb the activities and power of RCC. He has studied law, and at age 44, has just last month received his law degree.

Mr. WEINBERGER plans to contact the news media in an attempt to marshal public opinion against the elimination of Dade County Ordinance 74-55.
Mr. DAVID P. WEINBERGER telephonically contacted Special Agent____ in response to a message left for him at his home telephone.

Special Agent____ informed Mr. WEINBERGER that the information in his letter to the Miami Federal Bureau of Investigation Office dated August 2, 1974, would be furnished to the Department of Justice.

Mr. WEINBERGER informed that since he had written his letter, he has come into possession of a copy of a letter from the District Manager of the Travelers Insurance Company to its policyholders informing them that sometime in the coming two months they might be contacted by a representative of the Retail Credit Company, and outlining the nature of questions they might be asked and explaining the purpose. He said he believes this shows the close connection between the insurance companies and Retail Credit Company. He said he would forward a copy of the letter by mail to the Miami Federal Bureau of Investigation Office.

Interviewed on 8/14/74

Miami, Florida

File # Miami 60-571-6

by SA____: nad Date dictated 8/16/74
Mr. DAVID P. WEINBERGER, 5920 S.W. 16th Terrace, South Miami, Florida, telephonically informed as follows:

Mr. WEINBERGER had asked for an appointment to see the Dade County Attorney, and went to the latter’s office on August 26, 1974, expecting to see the County Attorney. Instead, he was met by an Assistant County Attorney, who showed him a proposed revised ordinance which will be presented to the County Commission as a replacement for Ordinance Number 74-55 pertaining to Fair Credit Disclosure, etc.

This proposed revised ordinance is much milder than Number 74-55 and Mr. WEINBERGER believes this is a further indication that the Retail Credit Company (RCC) may have prompted its insurance company clients to threaten the Dade County Commission with withholding all insurance coverage in Dade County if Ordinance Number 74-55 was put into force. He knows from conversations with legislators that the credit investigation and insurance investigation lobby is very powerful. He interprets this latest action as further indication of the monopolistic power of RCC.

Mr. WEINBERGER added that, seventeen years ago, he, himself, had suffered unjustly as the result of irresponsible reporting by RCC in connection with his efforts to gain employment by the IBM Corporation. He has subsequently spent a great deal of time and money in attempting to curb the activities and power of RCC. He has studied law and, at age 44, has just last month received his law degree.

Mr. WEINBERGER plans to contact the news media in an attempt to marshal public opinion against the elimination of Dade County Ordinance 74-55.
Cain Seeks Softer Credit-Check Law

By JOHN CAIN
MIAMI HERALD STAFF WRITER

The sponsor of Dade's new credit-investigation reform law said Wednesday that he will ask the Metro Commission to soften provisions that control ways investigators gather information about credit and insurance applicants.

Commissioner Harry Cain said he was convinced that a provision that prohibits the door-to-door soliciting of information "just won't work," and that he will ask that it be removed.

The law is scheduled to go into effect Friday, but Cain said he would ask that the effective date be delayed until Sept. 30.

"THERE WAS a prohibition against a credit reporting agency going from door to door in a neighborhood to gather information. I thought it was tremendous, but the credit people told me they couldn't live with that restriction," Cain said.

"My reaction to that claim was to say, 'prove it.' They assigned some of their most experienced people to (try the system under the new law) and after looking at the results, I was satisfied that it didn't work," he said.

"Specifically, the law required a credit investigating agency to get prior permission, by letter or telephone, before an investigator could visit a neighbor's home to solicit information about a credit or insurance applicant.

"WHEN THEY showed me that it just didn't work, I was faced with a dilemma. I began thinking about credit investigators, and I got some ads for investigators out of The Herald. The only requirements for some of them is that they be at least 21 and have a car....

"After a lot of argument with myself and others, we came up with some ideas that will be offered as amendments (to the law).

"We will strike the provision requiring prior notice, but we will require that all credit investigators have an identification card saying who they are and for whom they work.

"WE WILL ALSO require that all investigators have a training course and an examination, if you will, approved by the Dade County consumer protection division.

These are improvements that have never been considered before, and they were brought up to get at some of the things that originally inspired me to put in (the prior notice section)," Cain said.

Cain said flatly that "I have changed my mind not because of any pressure from anywhere, but because I've decided that my original position won't work. It's as simple as that."
Cain bows to insurors, may drop snooping ban
Metro Commissioner Harry Cain, author of Metro’s tough credit reporting ordinance which goes into effect Friday, today offered to drop one of the three major provisions.

Cain said insurance companies and Retail Credit Co., the world’s largest credit reporting firm, have told him it would be “difficult to do business” in Dade without the change.

Cain has offered to drop the portion of the ordinance which prohibits snooping by credit investigators.

Cain said he will make proposals to revise the ordinance at the Tuesday meeting of Metro commissioners, even though the ordinance will go into effect this Friday. He said he will move Tuesday to extend the effective date to Sept. 30 so his amendments can be acted on.

“A lot of people from insurance companies have written and said they can’t live with this,” Cain said. “I agree with them on some things and not on others.”

“The investigator is the key who can determine someone’s future,” Cain said. A primary concern, he said, is that Retail Credit investigators may be ill-trained and make errors on credit reports.

Cain said that he has met with executives of three insurance companies since the ordinance was passed July 2, but he said he does not feel he was intimidated to reverse his position. He said he could not recall the names of the insurance companies which sent representatives to talk with him.

“Nobody has threatened me with anything. But Retail Credit, which makes thousands of credit reports each month, said it didn’t know how to continue in business with the provisions.”

Cain said he was not interested in going as far as “to knock a business out of business” or make it more time consuming and costly for consumers to get credit clearances.

“This is one of the most difficult problems, trying to help the consumer, but not hurt the business,” he said.

The ordinance, passed July 2, had three basic provisions:

- That the subject of a credit report was entitled to get a copy for it, paying the same fee as whoever asked for the investigation.
- That if any derogatory information was contained in the report, the subject had the right to demand and receive the names of those who gave such data to aid in his attempt to refute it.
- That credit investigators would be banned from unwarranted “snooping” — either by personal visits or over the telephone — to obtain information from neighbors, employers or others about those under investigation.

Cain said he will stick by the first two provisions as absolutely necessary for protection of the personal rights of those being checked.

But he said he was willing to drop the third provision in return for three amendments more tightly regulating the investigators.

“Even Retail Credit said to me, ‘we agree with you and our other critics on our method of employing investigators,’” Cain said.

The three new amendments he will sponsor, which Cain says Retail Credit will agree to would be:

- Requiring credit company supervisors to more effectively supervise their investigators. Metro will not regulate this supervision; Cain added, but he still is working on what should be qualifications.
- Require all credit investigators to register with Metro’s consumer protection division. The division would have authority over examinations given investigator applicants. The examinations would be based on knowledge of federal and Metro credit reporting laws.
- Require credit reporting firms to inform subjects of reports of any corrections made in them for as long as two years. Federal law sets a six-month limit on notifications.
A Miami attorney has sued Retail Credit Co. in federal court, contending that it has practiced fraud and concealment in its relations with the U.S. government.

The attorney, David Weinberger, claims that Retail Credit is, in reality, a detective agency within the meaning of a federal statute which prohibits the U.S. government from hiring such agencies.

Weinberger, a longtime foe of Retail Credit, is suing in a "qui tam" action, on behalf of both himself and the United States. In the event that the verdict is in favor of the plaintiffs, he would share in any monetary penalties assessed against the defendant.

In conjunction with his suit, Weinberger wrote to Attorney General Edward Levi, asking that if the U.S. Justice department decides not to prosecute the suit, it would not impede Weinberger's private prosecution of it.

The suit asks for a declaratory judgment that Retail Credit is a "detective agency" within the meaning of the U.S. Code.

Techniques used by Retail Credit, largest firm of its type in the U.S., include "pretext" to gather information, personal photographic surveillance, "skip tracing" of missing persons and debtors, retrieval of credit cards, investigation of truth or falsity of insurance claims, use of unsworn informants and the reporting of arrests and criminal charges, the suit contends. Weinberger said these are all techniques used by detective agencies.

The suit also asks for a declaratory judgment that Retail Credit cannot furnish to any federal agency, or any state or local agency operating with federal funds — information on the morals or sexual behavior of any person designated as a subject of "investigative consumer reports." Such reports exceed the legitimate need of the government for information on a citizen, Weinberger said.

He also sought a reversal of the ruling by U.S. District Court Judge C. Clyde Atkins on April 1 that Retail Credit and other such companies do not have to reveal the sources of their information.

The suit contends that Retail Credit, because it is a detective agency within the meaning of the U.S. Code, has obtained money illegally from the U.S. government.

And Weinberger asks that the court award him "such sums as are fair and reasonable compensation for the disclosure of his information leading to the recovery of sums illegally obtained."

The ruling by Judge Atkins involved a $100,000 ban on snooping by credit and insurance investigating firms. Atkins upheld the part of the law providing that consumers have the right to get copies of investigative reports on them, but do not have the right to learn the sources of the information.
December 10, 1929.

Mr. W. K. Bowling,
P. O. Box 631,
Detroit, Michigan.

Dear Sir:

Receipt is acknowledged with thanks of your communication of December 5, transmitting a clipping from the Cleveland, Ohio, Press of December 2, 1929.

Very truly yours,

Director.
Department of Justice
Bureau of Investigation
P. O. Box 831,
Detroit, Mich.

December 5, 1929.

PERSONAL

Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

Dear Sir:

Attached find clipping from the
Cleveland, Ohio Press of the 2d instant, which
is self-explanatory.

Very truly yours,

W. K. Bowling,
Special Agent.
SAWKEN HEADS CHECK BUREAU
Supervise Protection Office of Cleveland Retail Credit

John V. Sawken, former department of justice agent, will head the new protective division of the Cleveland Retail Credit Corp. William H. Gray, managing-secretary of the company, announced today Sawken was known in the department as a regular "shop" man and a specialist on check cases frauds and swindles.

The new division will give merchant members of the Retail Men's Credit Board protection against frauds and swindles in addition to the service of the regular credit department.

Sawken was with the department before and during the war, returned and later reentered the service and the government some time ago. He was instrumental several years...
Total Deleted Page(s) = 9
Page 6 ~ Referral/Direct;
Page 11 ~ Referral/Direct;
Page 12 ~ Referral/Direct;
Page 13 ~ Referral/Direct;
Page 14 ~ Referral/Direct;
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REPORT of the
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: Bureau of Competition
Federal Trade Commission
Washington, D. C. 20580

Attention: 

September 16, 1974

Clarence M. Kelley
Director

Re: Retail Credit Company
Docket No. 8920

Examination requested by:

Address:

Reference:

Letter dated 9/11/74

Examination requested:

Document

Qc1 Photocopy of a two-page typewritten memorandum from __________ entitled "PROSPECTIVE PURCHASERS OF CBL-W" __________

K1 Photocopy of a five-page typewritten letter dated October 15, 1969, and attachment, addressed to Honorable Richard W. McLaren, Assistant Attorney General, Antitrust Division, United States Department of Justice, Washington, D. C., signed __________


Result of examination:

Characteristics in the typewriting on specimen Qc1 indicate that this document was probably prepared on the typewriter employed in the preparation of specimen K2. The fact that specimen Qc1 is a photocopy lacking some of the detail of an original document precluded a definite opinion being reached in this regard.

Enclosures (3)
It was not possible to determine whether specimens Qc1, Kl, and K2 were or were not prepared by the same individual or at approximately the same time period.

The submitted documents are returned herewith. Photographs have been retained.
Re: Retail Credit Company
Docket No. 8920

Federal Trade Commission
Washington, D. C. 20580 L. 9/11/74

Examination requested by:
Date received: 9/11/74

Examination requested: Document

Result of Examination:
1.  Chain in the two or more Doc. indicate indicates that the doc. was part
   group on the letter employed in the group group #2. The fact that spec. Doc. is a
   photocopy, lacking some of the details of an original document, indicates no
   opinion is being reached in this regards.

2.  It was not possible to determine spec. Doc. #1 + #2 were a were not
    group by this time individual or at the, appear some time period.

3.  The submitted files have returned, search - keep photo.

Honorables
Photocopy of a five-page typewritten letter dated 10/15/69,
and attachment, addressed to Richard W. McLaren, Assistant Attorney General,
Antitrust Division, United States Department of Justice, Washington, D.C. signed.

Ke.  One page typewritten letter dated June 11, 1970 addressed to the Federal
Trade Commission, Bureau of Connecticut, Division of Consumer Credit

Photographed 9/7/74
<table>
<thead>
<tr>
<th>QC1</th>
<th>TAR</th>
<th>nW</th>
<th>yE</th>
<th>S</th>
<th>F</th>
</tr>
</thead>
</table>

1/2/69

Prepare on a date later than the date of prep. of your QC1 or QC
prepare from a reissuing of a Carbon copy on which to sign if he is the owner of the K or QC1, it is more efficient than on the original QC1.

Date Letter

6/4/69 - R^A, YK
1/14/69 - A^RLN
3/5/69 - A^KxR^H
4/2/69 - A^KxR^H

IBM Myers政协委员 520,929 times in 1974
approach 15% of which we estimate versus
with an approach. 15% the executive times
are equipped with documentary style

3/5/69 - A^KxR^H
4/2/70 - A^KxT

6/11/70 - TI A^RLW S\hat{A}^h H/ K^F

Conservative estimate of chance of there being another war
are 1:91,036,806.

\begin{align*}
T &= \frac{1}{2} \\
A &= \frac{1}{4} \\
R &= \frac{1}{4} \\
W &= \frac{1}{3} \\
S &= \frac{3}{5} \\
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K^F &= \frac{1}{3} \\
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\end{align*}

Ranks of the number of ways in which an event might recur in any form.

Executive times make up 15.7% of IBM typewriter
machines. These, equipped with executive modern
Typewriter makes up 2.8% of the total typewriter machines.
Laboratory Work Sheet

Re: Retail Credit Company
Docket No. 8920

Examination requested by: Federal Trade Commission
Washington, D. C. 20580 L. 9/11/74

Examination requested: Document

Result of Examination:

Specimens submitted for examination

Qc1 Photocopy of a five-page typewritten letter dated 10/15/69, and attachment, addressed to Richard W. McLaren

Qc2 Photocopy of a two-page typewritten memorandum from [redacted] entitled "PROSPECTIVE PURCHASERS OF CBL-W"
REQUEST FOR RETURN RECEIPT

□ Duplicate □ After Mailing

Requesting office—Fill in items 1, 2, 3 (4 or 5), and 6.

1. DATE OF MAILING
9-18-74

□ AIRMMAIL

3. CONTENT IF KNOWN

2. THE ARTICLE WAS ADDRESSED AS FOLLOWS:

F.B.I. LABORATORY
WASHINGTON, D.C. 20535

4. DUPLICATE (If restricted in delivery, see 5)

Show delivery record information and check block 1a on return receipt.
Show address where delivered in space provided on return receipt.

5. AFTER MAILING OR RESTRICTED DELIVERY

Obtain signature of addressee. If addressee is not available or declines to sign, show delivery record information and check appropriate blocks (1a—and b or c, whichever applies) on return receipt.

Postmaster
F.B.I. Building
Wash. D.C. 20535
Postmaster,

For return receipt after mailing attach 25¢ postage in this space and cancel.
EVIDENCE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.
On September 24, 1974, Special Agent was called by Bureau of Competition, Federal Trade Commission, Washington, D.C., to testify in a hearing before the Honorable Montgomery K. Hyun, Administrative Law Judge. The testimony resulted from a Laboratory examination of typewritten documents furnished by in which it was determined that they had been prepared on the same typewriter.

Although this matter was not explained in full to the Laboratory, it is understood that the hearing is the result of a request by the Retail Credit Company to merge with several other companies, one of which is a solvent company. It is the understanding of the Laboratory examiner that for the Retail Credit Company to merge with a solvent company is against the law.

Direct testimony required three hours. Cross-examination was deferred to a later date, allowing the respondent's attorney to obtain his own expert who, with all the materials including testimony exhibits prepared by the Laboratory examiner, will render a separate opinion and furnish the respondent's attorney with questions for a comprehensive cross-examination.

RECOMMENDATION: None. For information only.