

Rt. 12, Frederick, Md. 21701  
8/7/77

DAAG-MRB-S (2A 77-137)

Col. Ross B. Smyth, Dir., Adm. Sgt.  
Office of the AG and the AG Center  
Department of the Army  
Washington, D.C. 20314

Dear Colonel Smyth,

While I can understand that one who depends on those under his for information (and in the case of the letter of August 5 did not even sign it himself) can be handicapped and misinformed, in the light of the prior correspondence on this I find your concluding paragraph needless offensive.

You begin it with assurances of "my desire to be as helpful as possible" ~~and~~ yet you are totally unresponsive about those leads I have provided and are several months later in acting on what has been referred to the Army and I presume your part of the Army by another agency.

You refer to "voluntaneous correspondence" without addressing whether or not the correspondence itself is in fact responsive. And of course without regard for the abuse of me in regarding much more and entirely unpaid time of me. ~~I~~ Fold those wings, colonel. I pay you; you do not pay me.

Then you get really insulting in telling me "we cannot by law create new records except when we continue to search our files for papers that do not exist."

You refer also to the kind efforts of the office of the Secretary, DoD, to be helpful. Well, I have an idea of how you can inform yourself and that office: shake your members up a bit and get the letter to the Army (and all other services) from the Civil Division of the Department of Justice and read it and give Mr. Hinkle a copy and then write me in the despicable manner.

As long as you keep searching wrong files and avoiding right files you will come up with nothing. I have given you and others in the Army all they need to do one of two things: produce copies of records I know exist or proof of their destruction. Not that false proofs of destruction have not already been provided me. If you have records out of your files you have, in my understanding the Army, the obligation to retrieve them and provide copies. This you can do and you have not. ~~Here~~ I have specific references to your ~~be~~ regarding Mr. Powell. There are other instances.

The titles you cite in your ~~me~~ are utterly meaningless to me and in fact because I know and am not telling you of at least something a good-faith search with due diligence will produce. Here the Army can do one of two things: It can tell me that when its commander in ~~the~~ was killed it did absolutely nothing, did not generate a single piece of paper, or it can provide me with proof and justification of the destruction of those records. Or, of course, find and produce them. ~~Can~~ you believe the Army did not generate a single piece of paper on this?

Perhaps if you had a different attitude you might have something produced. I take additional offense that you or anyone else in the military would describe such a frightful thing as the assassination of a President as an "incident."

The Army has records provided by other sources. You have made no reference to any.

The only thing truthful in your telling me that "On July 20 July 1977" I was written that a copy of my military record had been sent to me ~~was~~ true. The actuality is that I was told that the records were destroyed in the fire. I do not have my military records. If they were not destroyed you certainly can obtain a set and satisfy me both on this.

Obviously I do not know who has responsibility for what in the Army and I do not pretend to. But I do know that with regard to your office I did have conferences and conversations with ranking officials, colonels and generals, on a matter in which the Secretary of Defense had taken a personal interest. He also issued orders that certain things be done and these also involved the office of which you are part. I have seen some such records.

As a matter of fact there was a major conflict involving your office in this matter, one area important to your office was when the federal torts claims act and when the military claims act applied or could be used.

There was litigation, twice. The first set a precedent very unfavorable to the fly boys. There were Congressional hearings on this.

And on all of this you have ~~nothing~~?

Can you believe it?

If you stop pretending that you are a thing unto yourself, totally divorced from anything else in the Army, you'll find existing records that will give your searchers all they need. Some have been provided to me by other than you.

Not only do I resent your language and the flagrant refusal to do what the Acts require, I resent the situation in which you seek to put me and in which the situation does put me. I am getting along in years. For several <sup>1</sup> have been seriously limited by ~~asthma~~ thrombophlebitis. Recently further complications have developed. I am limited in what I can do and in time. I am not imagining the existence of records. I have given the Army ample leads on them. It once provided some of them. I was to have been given copies under discovery but was not. I have provided descriptions of others. The Department of Justice has sent it copies for action, months ago.

Shame on you for writing me as you have and for whipping me around like this!

If your people can't provide any copies of the Powell records, why don't you get back what your people let the FBI have? They are still Army records. I am entitled to them and I do want them.

Sincerely,

Harold Weisberg