

Postscript to Mr. Kinkle

7/16/77

I have had access to some of my notes relating to the civil action.

This includes some information on the discovery material I have referred to.

It was about eight inches, rather than the nine inches I recalled. It was received from the Army by AUSA Herbert Better in the Office of the U.S. Attorney for Baltimore about 2/27/73. All services provided some records.

My notes contain references to two Air Force files on me, AFCJA-13 and AFJCA-15. These make me wonder about AFJCA-14.

There were three sets of files in the office of the staff attorney of DoD general counsel assigned to look out for our interest, Walter Herbert Morse. When we sought access to them he had become general counsel of Selective Service. He said there was nothing in them we were not entitled to have. He had been replaced by a lawyer named Briggs, I do not recall whether in service or civilian. He searched and said those records had been transferred in connection with the case. They were not provided under discovery.

(We met Mr. Briggs once. He impressed us as a good person. We had more contact with Mr. Morse. We regarded him as an exceptionally fine man. I am confident that if he said there were three files they were.)

There appears to have been a separate Army JAG files provided.

Many JAG names appear. At one point there is a reference to a General Williams in the sense of his approval being required for a settlement.

All of this and much more was referred back from Justice quite some time ago but I'll include the names in these notes and others I recall. Army JAG Col. Taylor, Tyrell and Haefele (approx.). AF JAG, Col. Baugr. Second Army JAG Col. Blackmarr and Col. Van Voris (both approx.) They were from Fort Meade. Army Claims, Ft. Holabird, Col. Leahy and Thompson.

At Ft. Detrick there was a retired Colonel named Cjocka who as a civilian still used his rank and title of colonel in connection with his employments. He actually threatened to have my wife ~~threatened~~ ^{threatened} as a common nuisance when she reported helicopter overflights to Ft. Detrick, as directed by Mr. Morse. I cite this as an example of the embarrassing because the files held not only this fact but instructions to him from Second Army that he do as he did in making the threat. This was when if we saw a helicopter flight regulations were being violated and after the decision in the first suit.

There are countless other such possible motives for withholding. My purpose is to inform and illustrate. Aside from the records not yet provided that were referred back long enough ago for them to have been provided these leads will enable you to satisfy yourself whether there was either due diligence or good faith in all this very long time.

All these people, including all JAGs, have denied having any record or even a record of a record. None would use the leads I provided. One phoned me to ask for further information or guidance. I note this in connections with your letter and attachments, which I do appreciate. There certainly is something wrong with procedures, the words I think you used or suggested, when with requests prior to the de-trust period, if any, all those who responded did so negatively. There was a helpful Air Force response. It included a list of some 30 different AF addresses to which I might address requests.