

12/15/71

Mr. Raymond E. Boulanger
Assistant to the General Counsel
Department of the Army
Washington, D.C. 20310

Dear Mr. Boulanger,

This long delay in responding to your letter of October 14 is not from lack of interest but rather because other requirements have kept me from finding the time I'd like to have to make a more complete response than this letter can now be.

Although it is not relevant to what I seek and have sought, I do welcome your statement of reformed policy as a step in the right direction. If the possibility of evasion is obvious, so also is a better policy.

I do hope you will take the time to review this correspondence, for you have never responded to one request I made and in this letter you ignore another. You address the third, but I believe inadequately. It is not enough to say to me "you were [not] the subject of Army surveillance". This falls short of saying the Army did not have me under surveillance of which I may not have been the subject of record. I recognize the problem the best-intentioned people in the Pentagon may have in tracing out such matters when the operating people upon whom they have to depend for information are themselves involved in such improprieties. But you do not pretend to have done more than search or have searched those repositories parts of which have been destroyed. The obvious thing I have asked of you - and I acknowledge the law does not require it - is that you cause inquiry to be made of the office that may have been involved and of former employees or agents. They may not tell you the truth, but you will, I think, have done a bit more to ascertain whether or not a writer making an appearance in public and conducting an investigation was spied upon by or on behalf of the government. I would like to believe that you personally and the Defense Department would regard such spying as reprehensible.

On the Powell matter, your response has been evasive and entirely inadequate. If you have been told what it is difficult to believe, that the Army has destroyed its records in this matter, you have still fallen far short of what the law requires of you. This is set forth on page 24 of the Attorney General's Memorandum on the freedom of information act. You are required to consult with any other agency or agencies and to provide what I seek. This you have not done, and I do have in my possession official records proving beyond any question that the report was made and exists. The same is true of pictures. Therefore, I herewith renew my request for access to all reports and pictures. I do hope you will now comply with my request promptly, for it is not encompassed by any of the exemptions of the law.

Sincerely,

Harold Weisberg