

3/4/71

Dear Senator Ervin,

Enclosed are copies of my most recent exchange with the Army. You will recall that I sent you copies of the earlier letters going back to last year.

When I was out of town, during the limited time I had access to TV, your excellent hearings were getting the attention they so richly warrant.

The official arrogance displayed in this correspondence, even when your hearings are going on, is incredible to me. The Freedom of Information law requires promptness in response to requests, most of all for the regulations with which the applicant must comply. Mr. Boulanger had my request in front of him when he wrote, but he did not even refer to this. The intent to frustrate the law is obvious, as is the intent to wear me down and thus deny me my rights under the law and the law a chance to work. As the correspondence shows, my December request for these regulations is still ignored in March.

When these hearings are over, there is another aspect of official denials of constitutional rights I would like to be able to discuss with you. I have in my possession pretty much all the information you would require for a hearing and probably most of the evidence you would need. What you might want in addition I can either provide or lead you to, if you are interested.

It is a matter that I believe is worth the attention your hearings are now getting and, I think, has a reasonable chance of achieving it.

Should you desire to have one of your staff go into this earlier, I will be glad to go to your office on my next trip to Washington, to make a special trip for that purpose, or to welcome your representative here, where what I could not carry with me would be readily accessible.

And if you regard as a constitutional right the right of a citizen to obtain public information from his government, the enclosed is but a very minor sample of what I have accumulated on that. If this is not a constitutional right, what right is vested in the First Amendment? The record of the present administration, as reflected in my own files alone, is beyond belief. Lies are the rule rather than the exception; delays are without exception, and those of six months not rare; and I believe there are not fewer than two cases of overt perjury - official perjury.

I hope all concerned citizens share my appreciation for the fine public service you and your staff and fellow members are rendering.

Sincerely,

Harold Weisberg

2/4/72

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

Dear Mr. Boulanger,

Your letter dated February 25 arrived when I was out of town. With my experiences of the past, I presume there are parts of the Army to which this may not be news.

First of all, I resent and protest the inference that I am a liar, contained in your words, "I have attempted to locate your earlier letter of December 25, 1970, which you claim to have sent to Secretary Agong." There is neither cause nor justification for such sneering language, least of all under the existing circumstances. I enclose a copy. If you doubt it was written when I said it was, I am confident several members of the Senate have dated copies.

That you cannot find a copy now I have no way of challenging. That it reached the Army I am certain. My envelopes have printed return addresses on them. With your own omissions, I do not believe any disappearance is accidental.

In my letter to Mr. Jordan, which it took you a month to getting around to, I began by asking to be put in a position to make formal request for public information under 5 U.S.C. 552. To this you make no response. That did not require that you have the allegedly non-delivered earlier letter. Ought it be necessary for a private citizen to remind the assistant to the general counsel of the Army that the primary obligation imposed upon him by this law is promptness? My first request for the information and any regulations you require for use of this law was written in December. It is now March. It is a disgrace that the overblown Army, contemptuous for the law and a law unto itself, has the raw power to get away with such transgressions against the law and the rights of citizens under it.

You must be aware that with so long a delay I could have gone to district court under the law. Must citizens create more scandals to get what the law defines as public information from their government, even to get the sense of complying with the regulations?

I must also protest the cavalier conclusion of your insulting letter, that after you get a copy of my December letter you will then "consider" my request for the information and regulations required to be sent me, properly, I suggest, automatically. Your words are, "...taken under consideration".

I expect this information immediately. If there is any delay in its reaching me, I will consider going into district court. And I think that with regard to the other requests, going back to December -last year- somebody in the Army ought to be getting ashamed enough to be fairly prompt.

Sincerely,

Harold Weisberg