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March 7, 1973

Mr. Harold Weisberg  
Route 8  
Frederick, Md. 21701

Dear Mr. Weisberg:

Mr. Lyerly is now assigned overseas, so your letter to him of February 9, 1973, was referred to me.

You will appreciate that with the lapse of as many years as referred to in your letter, it becomes difficult to verify what has happened without extensive record checks into long-retired files. On the basis of more readily available information, it is my current impression that you were discharged under the authority of the so-called McCarran Rider to the State Department Appropriation Act of 1947, Public Law 490. As a result of procedural irregularities, one or more discharges under that Rider were reversed by court action, but that does not necessarily invalidate all discharges under that Rider.

A more basic question, however, is that to which you yourself allude -- the statute of limitations. If that has indeed run, as it probably has, this Department, and the United States Government is without authority to compensate you. We cannot pay unless there is a legal obligation to do so, and the expiration of a period of limitations cuts off any obligation.

Therefore, if you wish to pursue this matter, you should obtain legal counsel to advise you on this central issue.

Sincerely yours,

K. E. Malmborg  
Assistant Legal Adviser for  
Management and Consular Affairs

Concurrence:

PER - *Gelfe* Mr. Mitchell

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