

2/20/72

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

Dear Mr. Boulanger,

In and of itself, your letter of the 16th is incredible, especially coming from a man in your position. Aside from proper requests to which you have, after a year, yet to make proper response, you say, on the one hand with regard to my request under 5 U.S.C. 552 for the public information provided by James Powell of Army Intelligence, "Mr. Powell did not file a report, picture or other information with Army Intelligence" and then refer me to "those agencies which you believe might have custody of the documents in question."

Were this not bad enough, you then misinterpret the language of the Attorney General's Memorandum on this law which I cited to you from page 24 to say that all it does is require "referral of an improperly addressed request to the proper agency" (emph. added). There is no such language nor any that can be tortured into such a meaning. It says, to the contrary, that if an agency to which the request is made is not the one "whose interest in the record is paramount", then the agency to which the request is made should make referral to that which in its opinion does have this "paramount" interest. The Army is the originating agency. I think this means it is the agency of "paramount" interest. Thus, and particularly to avoid the year-long delay to which I have been subjected despite the clear language of the law, I made my request of the Army. If you for reasons not apparent feel you are no longer the agency of paramount interest, the law places the responsibility for referring my request squarely on you. The language you so grossly distort further specifies that you are prohibited under the law from "encumbering" my "path with procedural obstacles", and on this this legislative history is more specific still. The applicant has no way of knowing such things as where all copies have been deposited, where they have been stored, etc.

If you cannot cite the law correctly, on what can your word be taken? Either you or some subordinate simply is untruthful. Mr. Powell first reported to his superiors by phone, then "worked with the Sheriff's Deputies" and then "submitted a report of his activities" which, as owing to the Secret Service report from which I quote, "will be available to this office upon request." The person quoted is Mr. Powell. Was the Army going to give the Secret Service a non-existent report? The FBI was given Mr. Powell's picture or pictures by Lt. Col. E.E. Boyd, Region 2, Army Intelligence, the superior to whom Mr. Powell made delivery. Mr. Powell used a 35mm Minolta camera loaded with Kodachrome X film which was "processed at the Cardinal Card and Camera Store", according to FBI reports I have.

Will you please see to it that the lies are stopped and that the law is at long last complied with and that I am given promptly that for which I have been waiting for more than a year? Or must I resort to the courts and expose all of this sorry record there just to get public information somebody thinks he'd like to suppress?

With regard to the spying on me, you are evasive and unpersuasive. Your language hinges upon the meaningless words, "those personnel presently available", further qualified by an interpretation made by undescribed personnel of no cited competence to make the decision, "who might have some knowledge" (emph. added).

What does presently available mean? Not in the United States? No longer in the service? There is nobody not presently available to you but the dead, so I again renew my request, with what I hope is not the forlorn hope, that the Army, having so seriously transgressed against any concept of law, freedom and decency, will at last make an effort to purge itself.

Presently available to you, for example, are all former employees or agents of Army intelligence who conducted this kind of anti-American spying on private citizens. When you tell me that you have had them questioned, especially those who, sickened at what they had been directed to do, spoke out about it, and that each one says he has no knowledge of it, there will be better basis for crediting anything you say.

As of now, you are incorrect in saying "there appears to be no basis and little reason for further inquiry", for as of now, there is little reason to believe that the Army has done anything but sham an inquiry. Together with the utterly false representations made to/and/or by you in the Powell matter, there is, in fact, a more reasonable basis for assuming your choice of evasive and inconclusive language is not accidental, and that the Army can come up with the definitive response you have yet to make.

Sincerely,

Harold Weisberg