

Office of the Army Staff Judge Advocate
HEADQUARTERS THIRD ARMY
FORT MCPHERSON, GEORGIA

31 May 1957

Mr. Robert K. Bell
Attorney at Law
610-14 Terry-Hutchens Building
Huntsville, Alabama

Dear Mr. Bell:

This is in reply to your letter of 27 May 1957 addressed to the Army Commander, and marked for Major General Garvin's and my attention.

Prior to receipt of your letter, a letter was dispatched from this headquarters addressed to the appointed military defense counsel, Lieutenant Colonel Charles R. Zimmer, advising him that he was authorized to afford you and Mr. Jenkins access to the necessary top secret information. That letter should be in his hands prior to your receipt of this letter.


With respect to Lieutenant Cole's clearance for access to certain special information, I have been advised that Department of the Army authorities will clear him, as well as the assistant trial counsel, Captain Charles H. Taylor, for such access within the next few days.

In connection with this matter of clearance, so far as members of the defense are concerned, the records of this headquarters indicate that you and Mr. Jenkins were authorized access to secret classified information, through Lieutenant Colonel Zimmer, by letter from this headquarters 29 March 1957, the terms of which were similar to the letter referred to above concerning access to top secret information. (Lieutenant Colonel Zimmer, of course, was cleared for top secret long before entering this case.) Lieutenant Cole has been cleared for access to top secret information since the latter part of March. Further, with respect to your reference to Colonel Pratt and the "material that he and his associate had briefed" you on, it is understood that such material has been available to you since on or about 17 May 1957.

Accordingly, it appears that the defense, either through Captain Phillips' office at Redstone Arsenal, or upon request submitted to this headquarters in accordance with previous instructions, has access to all the required information, except insofar as a limited category of information is concerned as to Lieutenant Cole only. As stated above, it is anticipated that clearance will be afforded Lieutenant Cole in the near future.

With respect to the third paragraph of your letter wherein you refer to the subject matter of your special trip to Washington 17-19 April, it appears that you have reference to the suggestion that certain charges should have been dropped in order to avoid the disclosure of sensitive classified information. That suggestion was included in your letter of 28 March 1957, concerning your request for Top Secret clearance, and the reply of this headquarters of 6 May 1957 (a copy of which was furnished you) stated that the "highest clearance necessary for the proper disposition of the case" would be granted. Implicit in such reply is the fact that no change in the charges was contemplated.

Sincerely yours,



C. F. CORDES
Colonel, JAGC
Acting Army Staff Judge Advocate

Copy furnished:

Lt. Col. Charles R. Zimmer
Defense Counsel
Redstone Arsenal
Huntsville, Alabama

Mr. Ray H. Jenkins
Attorney at Law
Bank of Knoxville Building
Knoxville, Tennessee