

Mr. Tim Ingram, Staff Director
Gov't Information & Individual Rights Subcommittee
Rayburn House Office Bldg., B-349-B-8
Wash., D.C. 20515

Dear Tim,

In my response to your letter of December 3 I reminded you that none of the original I loaned your committee had been returned and that I'd appreciate getting them and forecast developments would be coming to a head and could be of interest to your committee. This has happened in several ways. In one we can use your help.

At the time Of Rhoads testimony Jim asked for a copy and was refused. This surprised me because it was public record, public domain, reported in the papers and in no way secret. When I worked for the Senate, before the days of xerox machines, it was one of my responsibilities to make that public record available to the public from the time we received transcripts. Once the testimony was in galleys, I always had extra galleys for people prior to the printing of the hearings. When Jim asked for a copy of Rhoads' testimony he was turned down.

He also asked for a copy of the Archives' compilation of FOIA requests and was turned down. So, we used FOIA and got it from the Archives, with the waste of time that prevented the doing of other things all of which at some point might be of value to your committee and as our record shows, would be fully available to you at the saving of your time if not the helping of your work.

The compilation is unclassified. Can you imagine how embarrassed you all would have been if I'd leaked this to say Lea Whitten: that the FOIA subcommittee does not practise freedom of information?

We now need xeroxes of Rhoads' testimony for court use. I do not want to be in the position of saying in court that we can't attach copies of the pertinent parts because you refused them. How will I answer if I'm asked the obvious question? How will it look? Jim was at the hearing. He can execute an affidavit, which is not as good and will raise questions in the judge's mind if not in the U.S. Attorney's mouth. I don't think it will look good for the subcommittee.

We are both pressed for time on this because we both have to be away and I am still limited in what I can do. Jim will be away from today until some time next Sunday. I will be leaving Thursday to return Sunday night late. We have a ~~six~~ calendar call in another case with only two days intervening. Only then can we get to this matter, one in which I'm sure in the end you'll be interested.

It would be good if we could each go over a copy but neither of us needs it before the mail delivered Saturday January 17. I do hope you can see your way clear to letting us have xeroxes by then so that we may use spare minutes to prepare. I still spend parts of days with my legs elevated and could read in them.

I learned of this need only after dark last night. I don't know whether Jim had time to write before leaving today. Please believe me it is important and it is for use in court where you will probably wind up again wanting copies of our papers.

Thanks for anything you can do.

Sincerely,

Harold Weisberg