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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

September 12, 1973

Mr. Harold Weisberg
Rt. 8
Frederick, Maryland 21701

Dear Harold:


Thanks for your letter of September 5 regarding your earlier request for a copy of the hearings being held before the Select Committee on Presidential Campaign Activities.

I have, again, contacted the Committee and have been assured that a copy of the first half of the hearings has been mailed to you, and that your name has been placed on a list to receive all further publications relating to the hearings.

Unfortunately, copies of the two exhibits you mention in your letter will not be made available until the completion of the hearings and they become a part of the record and report which will be presented at that time. I regret that I can't be more helpful in securing them.

With best wishes and kindest personal regards,

Sincerely,


Charles McC. Mathias, Jr.
United States Senator

C M/d

Rt. 8, Frederick, Md. 21701
9/14/73

Dear Mac,

Thanks for your letter of the 12th. The first volume of the Ervin committee hearings did come yesterday.

I have trouble understanding your last paragraph, which says that copies of the exhibits will not be made available "until the completion of the hearings and they became a part of the record and report." The two I requested were made exhibits and were released and the longer one was extensively reprinted in big verbatim hunks by both the New York Times and the Washington Post. However, there were deletions and there were typographical errors, hence my desire to have xeroxes of what did go into the record.

Unless the Senate has changed its rules since the time I was responsible for the keeping of a very extensive record, once something is made part of the public record at a public hearing it may not be denied anyone. This is separate from executive sessions and what is not incorporated in the record.

Were these documents not part of the record, I think it is improper and discriminatory to make copies available to the daily press and to deny exactly the same documents to others.

Moreover, regardless of the seeming propriety of any intent, I believe it is wrong, bad policy and suggestive of ulterior purpose to insist that the public record of public hearings can't be seen by writers until after the committee reports. I've spent years on that, as you know. One inevitable consequence is that almost all pieces of evidence get lost in the mass and the sensation. And another is that any except the official interpretation becomes a practical impossibility. This is hardly the way for a representative society to function and it one that impedes its functioning.

I regret it is not unique. I went to the U.S. Attorney's office to see and perhaps get copies of evidence introduced in the trial and released to the press, which used parts in facsimile. They told me Cox had all of it. Repeated phone calls got only a brushoff so I made formal request under 5 U.S.C. 552. Cox rejected the request, personally. He referred me to Richardson for appeal. I filed it promptly, the time for mandatory action under the Department's regulations is long since past and there hasn't even been acknowledgement. I have written well past the point at which I need access to this official evidence and I have delayed writing the parts for which I want these Ervin Committee exhibits. If the last thing I want to do is drag Cox into court in a context of suppressing official and public evidence, I also have troubling feelings about a man who is this authoritarian. There is no doubt about the law. It is precisely faithful to the situation in which I got a summary judgement against the Department.

The exhibits I requested were promised me July 11. They are not and never have been in any sense secret. If it is not asking too much, would you please have one of your staff make the request again? It would take some time to get the date of publication of the letter, but the series of documents on the domestic-intelligence plan were printed June 7 and 27 by the Times and Post. The Post used a page in facsimile. Can these have been any more public?

I haven't seen The Sayings of Chairman Sam yet, nor have I heard that fine old gentleman recall what Jesus said on the stoning of the prostitute. I do regret the apparent relevance. In seriousness, aside from the impediment to me, I am troubled by all of this, more so because I know some of what is being suppressed. If you remember what I was trying to get others interested in when I sent the Judiciary committee my correspondence with Dean, you know how solid my work is for that has since emerged, if by accident rather than Senate diligence. Thanks whether you get this or not. Our best,