

9/25/74

Mr. Ron Nessen, Press Secretary
The White House
Washington, D.C.

Dear Ron,

Congratulations on your fine first statement. I hope in a couple of months you'll still be able to welcome congratulations of the honor.

You've gone a long way since you took pictures of geese and sick kids playing with their eggs!

However, I write for two purposes connected with your new responsibilities. Had I any doubt about the sincerity of your statement I would not write.

You should know that behind the scenes there has been dirty-work having to do with proposed amendments to the Freedom of Information law, in part because of the corruption of it by Justice in one of my suits. This is specific in the Senate debates. The government lies with regularity to the courts, so don't expect them not to lie to you. What has been done, with or without the President's understanding, amounts to a clever double-cross in conference for which he will receive full credit when it is understood that the net result is to write suppression into a law of opposite intent.

I have been trying for more than a year to obtain copies of two documents publicly introduced into evidence in federal prosecutions and well-publicized, including by partial reproduction in facsimile. Understand, court evidence. Public information. The runaround began with Silbert's office. They referred me to the Office of Special Prosecutor. There it has held that evidence already published and introduced into court records was "investihatory files for law enforcement purposes." (Once before when this happened I went to court and got a summary judgement against Justice. You haven't heard of many. It was C.A.718-70) I was told to appeal to the A.G, so while regulations indicated appeal to his Deputy, I did. Regulations require response within a few specified days. There has never been any response, I have written two reminders and I have spoken by phone to Sarbe's administrative assistant's office. He never called back. I can go to court again, which will be a drain on me, and I can win without doubt, but I think the result will be an embarrassment to the new administration, the "open" one.

All I asked for was the Cubans' addressbooks introduced into the first Watergate trial's evidence and what I thought was 39 pages of Hunt's grand jury testimony that every reporter knows was released by Judge Byrne. It was a major sensation at the time. Finally I asked a reporter friend in L.A. to see if he could get the latter from the court there. You have no idea what kind of deal it meant. Involving even a judge who was not involved. But I was finally told to send a check for \$21 for 42 pages and it would be sent. Today I have a letter from the reporter friend (Art Kevin, KNPC) returning the check and quoting U.S. Attorney Paul Flynn as saying "that no copies other than bad ones are available here in Los Angeles. He thinks ~~xxxx~~ better ones are back at Justice in D.C.... Judge Byrne did O.K. our request for the materials through his clerk, a Mr. Bronzman." This means illegible copies.

This is typical of the reality that at some point you are going to have to deal with. You will be the captive of your sources and your sources are going to be those who are responsible for this, including a current associate.

Aside from vengeance, because I have sued four times under FOI, the only reason I can think of is an official fear that I will see in this evidence what others did not. Officials know more of my work than you do and can fairly well anticipate what I may know, thus what I may understand.

The cost and trouble to which I have already been put wrongfully greatly exceeds the cost of copying this public information. If you can see your way clear to tell those guys that the law was passed to make public information publicly available and not to play dirty-tricks games with writers, I will appreciate it. By this time they have wasted for me more than the cost of xeroxing and I do frankly feel they owe me copies without xeroxing charges.

If I don't get copies soon and with no more hassle I will go to court and I believe it will be a needless embarrassment for the government. I've almost finished the draft of that book and I can't wait forever.

There is a similar matter at HEW, where they started giving me the public information, apparently learned that continuing might embarrass Nixon, and just stopped and stopped answering letters. The man there is Roberts, their PR man. I asked for copies of the Mullen Agency contracts with HEW. When I wound up telling them what files to consult for what they claimed not to be able to find they stopped responding.

I hope it will be possible for you to be the kind of guy you are and the kind of official I know you want to be.

Thanks and best wishes,

Harold Weisberg