

Route 3
Frederick, Md. 21701
June 18, 1975

Mr. Philip Geyelin
Editorial Page Editor
The Washington Post
1150 15th St. NW
Washington, DC 20005

Dear Mr. Geyelin:

If in the smallest way my unsuccessful effort to get through to you about the current federal campaign to gut the Freedom of Information law contributed to Robert O. Blanchard's piece, I'm glad.

Despite its errors and their congeniality to the cop-out press.

And despite the fact that, with the help of the unreporting press, the law is again being gutted. Nonreporting is the first line of offense of officials whose misdeeds require secrecy.

Blanchard's conclusion that "the courts should not be overburdened" with FOIA requests because they are "a political issue" for which the "primary responsibility" rests with Congress is childish. Congress can pass laws. But it can't enforce them or make officials honest and law-abiding.

Those who enforce laws are the major violators.

A "primary responsibility" rests with the press whose longtime avoidance of these suits, most of all the political ones, is more responsible than any other single factor for the rewriting of the law in the courts by the executive agencies.

All that was wrong with the 1966 law is that the professional liberals of the law and the press shunned it and all efforts to give it life and meaning. My own experience is painful and in point.

Before it was possible to change the character of the courts - before the law became effective in 1967 - I tried to interest the ACLU in filing suit to end suppression on a political issue, the JFK assassination. I scared the hell out of a prestigious lawyer with what I showed him, he supplied me with another ACLU lawyer to spring to my defense if the feds took after me, and there it ended.

Except that precedents were set later, helped by the silence of the press.

Much as we are all indebted to Nader and not alone for his fine FOIA efforts, the most important of "the more recent amendments" came not from him but in spite of him. This is the investigatory files exemption. He and others were conned by the deal Ford offered. I discussed this with his nonbelievers whose concern was consumerism only. There are other significant questions in our national life. And it is not to his credit that the deal to which his people agreed was not the form of the enacted law.

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A reading of the debate of May 30, 1975, not reported in the Post, and of the conference report might be informative to you.

If the amended law is gutted the Post and other major papers will be the cause because they have again copped out.

They have and indulge their hangups.

This is three-monkeys journalism.

You can't undo your pasts. You persist in reliving them. The rest of us will join you in paying for it. Given the differences, you will pay less.

Aside from this past from which no editor can take comfort, there is the present. If you think I speak idly, read first the law, then the record in my C.A. 226-75. Transcripts and other filed papers.

Between them the government and the judge have already turned the meaning of the law around. The government has filed perjury and the judge has accepted it. The only question is will my again putting my head on the block deter or prevent it.

My adversary is the prosecutor and I have sworn to my filings.

The Post was not helpful to "freedom of information" or to giving the law strength and muscle when it suppressed the Warren Commission executive session transcript of 1/22/64 or when it failed to report my beating the government on its invocation of a spurious "national security" defence (in C.A. 2052-73). If you believe "suppressed" is too strong, read that transcript. You have it. And if there is precedent for the proving of the negative or for prevailing over the "national security" defense, I am not aware of it. Naturally, this makes it not newsworthy.

There is no personal gain in any of this for me. It increases my debt and takes time from other work. Nobody pays me a salary. If as I'd like at 62 I live another 20 years I don't have to do any more research or suing to stay busy working a very long day. But there can be a gain to the press in its meeting of its traditional responsibilities.

Sincerely,

Harold Weisberg

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