

Harold Weisberg

SAVE ROY MEACHUM!

Roy Meachum's pen being mightier than Excalibur, there is a city-wide conspiracy to "get even" with him. E'er the yawning gates of durance vile clank with him inside, his friends, particularly the numerous anonymous ones wited in his "Fences" column of March 25, ought start a defense fund.

Where oh where is the American Civil Liberties Union when he wnd he alone struggles against evil politicians on behalf of all of us, in his own wife's own words, "How can they take away our constitutional rights?" ~~to give meaning to her life~~
~~to give~~ The right ~~to~~ "to keep the picket fence Sharon wanted all her life."

That I do not recall mention of fences in the constitution does not mean that there is none to picket fences. The closest I could come in pondering this deep thinking was to walls, "Something there is that does not love a wall," but that is poetry, not law. Besides, some 30 years ago I did establish, in federal court, that the property owner owns the air above his property to the point required to enjoy his property, which is a constitutional right. Fences being more solid than air, who can say that picket fences are not a constitutional right?

He needs a defense fund, from his own words, because after so ^{extensive} magnificent a career in print and electronic journalism, including, again from his own accounts, executive positions and network employment, in addition to employment by local TV stations, the Meachums are not liquid: "she is remaining her 'dream house' with borrowed money."

There were more than the three recent columns on this picket fence, ^{and they should have paid for lots of pickets} this, he says, ^{this, he says,} being the last, so, a practical suggestion might be to continue this lengthy series because he gets paid for each column and with these ^{as} are a fair sample, it isn't all that difficult to knock them out.

Yet others should rally to his side, many others from his account, the owners of those "hundreds of ^{re/} Frederick homes" that an order to remove a fence "should throw a chill into."

That I have not seen any illegal fences in Frederick does not mean there are none. He says hundreds, so hundreds it must be. Not counting those that ^{existed before} ~~are immune~~ to the 1964 ordinance which, as usual, has a "grandfather" clause making them ^{legal} ~~immune~~.

His observation of "hundreds" is ^{as} ~~an~~ undoubtedly ~~as~~ dependable as his allegations of a political conspiracy: "Friends have suggested that I should have been warned the mayor would ^{get even."}

^{Do} Do not ask questions about only unnamed "friends" ^{cited} as an authority because just as any writer ^{not make this up and nobody is the wiser,} can resort to this old trick, so also can it be true. Its truth is fortified by the fact that "four different attorneys ^{all unnamed,} declined our case" because they don't want "to get on the wrong side of ^{the mayor} city hall."

^{And} Where, again in his modest account, everybody ^{in City Hall} hangs on his every printed word.

They may have a lawyer, though, and to protect him his name ^{also} is not mentioned.

^{But} ~~Again~~ there must be something ^{here} I do not see because lawyers file all papers in their own name and assume responsibility for them. Well, maybe there can be an anonymous lawyer in the courts of law. We'll see. Maybe.

omitted

I've had a few experiences with lawyers and judges and I wish them ^{meachums} no harm, certainly not when ^{tears of frustration} Sharon ~~cried~~ ^{cried} when she learned that the law applies to her and him, as it does to others, ^{martyr} ~~cried~~ "twars of frustration." So, based on these experiences I make a few suggestions that just might be helpful because lawyers can get in trouble if they say in court what is even a little bit twisted, real trouble if it is not true, ^{and it can be perjury} but ~~not a serious deal~~ as if a witness states what is not true. ^Q ~~And~~ can the Meachums sue without appearing as witnesses, under oath?

First and foremost, I suggest what he may recall from the past, strict accuracy ^{of language} and precision. From this column a few examples of the opposite that can mean so much trouble in court and under oath:

There is a "barrage of ⁴ public jokes" and "City Hall ⁴whispers and blatant charges that her husband had been caught red handed in an illegal act." It is not the charges that are blatant, an indication of how helpful editing can be, but the "illegal act". It should have read, " caught redhanded in a blatant ¹⁴illegal act." Accuracy and precision.

The Meachums' fence "was impossible to miss, simply because of the public nature of my work." The fence was impossible to miss because it is not like air and was very visible, ^{no body could miss it, it was there} particularly to those familiar with the ordinance. It was talked and laughed about long before the obvious violation was charged.

It is a nice touch that he admits, a rarity, that something "was dumb on my part," but I don't think an unbiased judge would appreciate being told that his "dumbness" was merely "allowing a company to put up a fence" when he ordered it himself or that he should have "allowed" this "without checking for permit" when in fact he had to ^{and get} seek a permit that he knows very well could not and would not have been issued.

With typical modesty he attributes the name I've never heard of "Frederick's great fence war" to a former Washington Post colleague.

Anonymity is not very welcome in some courts, as some of this language might not be to some local judges, particularly if they are not fond of exaggeration:

"What did that guy (mayor) Young do, threaten to burn down the (News-Post) building?"

Name-dropping isn't always well received and irony ought not be stated as fact:

"A friend from my television years wants me to send the stories, editorials and my columns to '60 Minutes.' 'It's a natural,' he said, 'and you know/Don Hewitt.' ^(executive producer)

I do."

When he and he alone started all of this ^{if you} and wrote those many columns, it might not be well accepted if he says again that "neither Sharon nor I have any desire to expand the furor" that they alone caused ^{and expanded because} and interesting "'outside' media might find an 'angle' that would reflect unfavorably on Frederick," which, of course they love. Unfavorable reflection is, of course, ^a possibly, ^{city} but not necessarily on the city which has done no more than ask that he observe the laws. Calling what is no more than law enforcement "the whims of City Hall" might not go over so well with judges who see to it that the laws are enforced. They might not like having their decisions referred to as "whims."

On the other hand, despite the ^{NOBLE} ~~praising~~ and stated selflessness of the Meachums' interest in going to court, he says, ^{anyway}, I don't think it will, for many reasons.

^{more than these}
~~in addition to a few selections from this~~ ^{one} column. ~~Having more than spelled out this~~ ^{Mr. Meachum suggests}
~~monster conspiracy against him going up to and including the mayor, aside from being~~ ^{So, he can expect to have this}
~~asked about some of the above he can expect to have all his~~ ^{and other} columns examined by the
 lawyer for ~~this consiracy~~ ^{he sees}. Credibility of a witness is always a suitable ^{subject}
~~topic of questioning.~~ ^{to} and the files of the papers also include letters and commentaries
^{criticizing} ~~addressing~~ ^{as written} his columns. If the Meachums do get a lawyer and do pursue this matter in
 court, he won't be much of a lawyer and he won't do them much good if he does not
 warn them that the lawyer for this alleged conspiracy will be reading excerpts from
 his columns and asking a simple question, "Are those ~~by~~ ^{and} your words?" followed by,
 "are they true?"

No, I don't think it will get to that point.

But on the off chance that it does, his friends, anonymous and other, ought
 start a fund to "save Roy Meachum." ~~If they do this their ownly problem will be to~~ ^{how they could}
~~save Roy Meachum from himself,~~ ^{is a difficult and much more difficult matter.}
 Saving Roy Meachum ~~for~~ from himself will not be easy

Roy Meachum

3/25/88

Fences



(Last of a series)

My wife cried.

The night that the city's Board of Zoning Appeals (BZA) rejected our request for a variance to keep the picket fence Sharon had wanted all her life, we returned home, to the property she is remaking into her "dream house" — with borrowed money and lots of hard, dirty work — on her part.

Neither of us made a move to leave the car. Through tears of frustration, in a bitter tone, my wife asked: "How can they take away our constitutional rights?" The fence bothers no one. It gets in no one's way. How can they tell us what we can do, that far (18 feet) inside our own property line?"

As last week's News-Post story reported, Sharon's fence has become the target of a barrage of public jokes, City Hall whispers and blatant charges that her husband had been caught red-handed in an illegal act.

The simple truth had been presented publicly before the BZA in December: We assumed Long Fence had the permit when its workers showed up. The company took for granted that we had permission from City Hall. This honest chaos, however wrong, scarcely amounted to Frederick's Crime of the Century.

To his credit, Long's local manager, Tom Ritter, had raised the point that our house's age might demand permission for the fence from the city's Historic District Commission (HDC). But, as former residents on East Fourth Street, we knew the move out North Market had taken us outside HDC territory.

However, from no one did we receive an alert that a 1964 city ordinance prohibits any fence or hedge and virtually all structures, including flag poles and rose trellises, in Frederick front or "street side" yards.

According to old-timers in town, the law was meant to protect public safety and the integrity of neighborhoods, although the ordinance, as written, offers no stated purpose or guidelines.

Furthermore, the law's enforcement over the years has been "spotty," at best. A drive around the city easily turns up violations against the ordinance. Many, but not all the fences and structures, are "illegal." Some received building permits from the city planning office which has relied on liberal interpretations, rather than attempting strict enforcement to avert the wrath of taxpayers.

As a result, the power for permitting

front or street side fences and structures rests with the discretion of city officials, almost entirely.

The stated policy for tagging violations can be summed up: The planning office acts only upon complaints. But that was not the case with Walter Rooney. His 1985 post-and-rail fence caught the eye of an official "who happened to be in the neighborhood." I was told, by the official, he was surprised later to discover the fence belonged to Mr. Rooney, with whom he was working at the time, and seeing frequently, on another zoning matter.

However it happened, the order to tear down the Rooney fence should throw a chill into hundreds of Frederick homes. It demonstrates City Hall's potential to strike out at long-standing fences and structures, erected over the years in innocence of the ordinance's strict prohibitions, therefore, without permits.

In fact, the Meachums' violation was impossible to miss, simply because of the public nature of my work. For that very reason, we would have both been gold-plated idiots had we attempted to conspire to throw up the pickets with the hope that no one would notice, as critics charge. The opposite was true.

Twice in this column, I "advertised" our plan to grace this old farmhouse with pickets out front — before Long Fence started the job.

Based on past evidence of City Hall's close attention to this space, logic would suggest that someone in an official capacity must have been aware of the Meachums' intention to "break the law." The second, and final, "notice" about the fence, appeared in the column on Monday, Oct. 5, four days before the fence went up, shortly after the annual county fair.

The column, "New bride, old house," related our preparations for marrying off daughter Shawn the following month, including having the fence up. After the city planning director visited to confirm the order to tear down, I wondered about

his departing remark: Don't worry, Roy, your fence will still be there for the big wedding."

How could he have known about the impending marriage and not about our plan to build an illegal fence? Both facts appeared in the same column.

The reason for mentioning the county fair is because in a piece dedicated to relating the particular pleasures I had found at the fair, there was mention, brief and buried, of Mayor Ronald Young's plan to open a restaurant downtown.

Breaking the story caused the mayor to accuse me of "outright lying." He charged the paper with a lack of ethics for printing the column, which suggested Mr. Young practiced "full disclosure" about backing for the new place.

I accused the mayor of nothing. My suggestion was meant to avoid the flap which developed when Mr. Young had opened a convenience store without providing financial information.

The mayor's blast against me appeared six days before the column dealing with the upcoming wedding and its mention of the fence. This column's readership within City Hall almost certainly ran higher than usual immediately after the mayor's attack. Wouldn't you think?

Mr. Young's charges made the News-Post front page. Friends have suggested that I should have been warned the mayor would "get even." Certainly, allowing a company to put up a fence less than two weeks later — without checking for permit — was dumb, on my part. I plead guilty.

On the other hand, in dealing with an existing fence, Sharon and I decided to follow the appeals process available to all citizens caught in our circumstances. Why this decision offended some people, I have no idea. But there is much about what a former *Washington Post* colleague calls "Frederick's great fence war" I do not understand.

A friend advised us to get a lawyer to plead our case before the BZA. He called me a "damned fool" for believing our case would win on its merits. In any event, obtaining legal counsel turned out to be more complicated than simply

picking up the phone.

When Sharon and I decided last week to pursue further the fight to keep her "dream" fence four different attorneys declined our case. "Frankly," one lawyer said, "I do too much business with the city to get on the wrong side of the mayor."

Nevertheless, we have been the recipients of sympathetic guidance from the legal community. And finally we found a lawyer who considered our case, and on its merits is exploring grounds for appealing the BZA decision to the Circuit Court. In light of our earlier experience, I will withhold our attorney's name, for the time being.

Meanwhile, the fame of the "fence war" has slipped into metropolitan newsrooms. An unknown *Evening Sun* editor red-circled last Wednesday's News-Post headline and attached the story to a memo, suggesting the paper's columnist Dan Rodricks might want to check out the story.

A morning Sun reporter called. "Two front page stories plus editorials?" he asked. "What did that guy Young do, threaten to burn down the (News-Post) building?" He was reminded of ex-mayor William Donald Schaefer's putting the squeeze on other journalists.

A friend from my television years wants me to send the stories, editorials and my columns to "60 Minutes." "It's a natural," he said, "and you know (executive producer) Don Hewitt." I do.

But neither Sharon nor I have any desire to expand the furor. "Outside" media might find an "angle" that would reflect unfavorably on Frederick and this is too special a community to take that chance.

We simply would like to find a legal way to keep my wife's picket fence. We obviously hope to win before the Circuit Court. In that happy event, we will be able to fight for a text amendment in the present ordinance with "clean hands." The suspicion of selfish motives will be clearly removed.

However, if in the end, the fence must come down, I will persevere in my efforts to change the law that has given us so much misery. Whatever it takes. Sharon and I don't want other homeowners left vulnerable the way we were to the whims of City Hall.