

Ref. com.

Rt. 12, Frederick, Md. 21701
4/29/78

Editor, News Media and the Law
Reporters Committee for Freedom of the Press
1750 Penna. Ave., NW
Washington, D.C.

Dear Editor,

As it relates to me, your p. 19 story in the April issue is close to totally inaccurate. The inaccuracies also make it unfair. Had you made any effort to check the facts you'd have known better than you wrote.

It is no insignificant accomplishment to be unfair to the Government, especially the FBI, in FOIA matters but you succeeded.

Had you called my lawyer or me, and we have both wasted too much time going to your offices and writing letters you never answered, you'd have known the fact. If you had spoken to George Gardner, who wrote an accurate story, at the least you would not have been unfair.

"First, the Federal Bureau of Investigation gave a writer (sic) a free copy of the more than 80,000 documents released (sic) on the Kennedy assassination, but charged the wire services and other news groups \$9,000 ..."

In this you say that voluntarily if not also arbitrarily the FBI just gave to any writer other than you of the self-proclaimed journalistic nobility what it viciously and unfairly soaked you for.

Not so. I sued, with much more at issue than your than-your simplistic if not also unfair and distorted citation of law. I was before a judge who on the two earlier occasions on which I was before him ruled against ~~me~~ me in FOIA matters. He was hardly prejudiced in my favor.

The entire transcript, which I received only today and have not read, is available to you. But with a test case in court, where were all of you who really do think that the Act was passed for the wealthiest of the press who really act, think and write as though there is no other "press"?

Where were you, in fact, when the rough, tough and costly battles for the saving of the Act were fought? (See my unanswered letter to you of 7/8/75, for example.) Not only this judge - the Department of Justice, which had rejected my request for fee waiver - stated that had it not been for me and my persistence there would not have been the 1974 amendments and the availability of investigatory files under some conditions.

Who of you reported that then, when it happened, or when it was recorded in court?

By and large there has been no major-media FOIA reporting except when the major media sought to serve its own interests. I mean selfish interests.

What would your position be if the Government had to provide free copies - which could come to mean of a very large percentage of Government files - to the AP or UPI and charged private citizens or college professors?

Do you regard a Government subsidy of the major media (only) as consistent with the independence of the press?

With regard to almost all the reporting on the JFK releases (two Kennedys were assassinated, you know, not the one of your story) there is a substantial question about whether the reporting did in fact serve "the public interest." It was sycophantic, unquestioning reporting save for the flailing of the ghost of The Founding Director.

Does it serve the public interest for the major media to repeat without question the self-serving paper created by the Hoover most of you dared not tangle with when he was alive?

How many of you fought him all the way to the Supreme Court when he was alive, as "a writer" did? How many of you have his successors in court now? "A writer" does in more current cases than he can remember - not one case reported anywhere except for a couple of Washington Post stories over the past three years.

You report that the releases were no more than a completely voluntary FBI act. Actually, the FBI says there were about 50 requests under FOIA for varying amounts of those files. As of the time of the releases not less than half of these - some a decade without compliance - were by "a writer."

You do write of the poor wire services. But you do not say that any wire service was in any way responsible for any of the releases. Can you?

If you can't, can you explain a position in which the wealthy claim the right to pick up the chips of the poor? (Not that one wire service has not falsely claimed an exclusive release to it of what "a writer" had ^{spent} spent nine years, more than two of them in court, blasting loose. (There were about two dozen court sessions, all totally unreported.)

It is always a time for the casting of notes. While you are doing that you might try to screw your big heads on straight. And be less inaccurate, less prejudiced in your sour grapes, aka reporting.

Sure there are wrongs in administrative practices under FOIA. Maybe there would have been fewer if the major media had not almost totally ignored all the struggles for the Act and its preservation, struggles of which it was not a real part. Maybe things would be better if it had not ignored virtually all the significant cases except where it was involved. Only a slight journalistic interest in reporting the cases developed after the 1974 amendments. (Again see my letter to you of 7/8/75.)

Sure "a writer" who has no regular income or subsidy does not like having to pay as much as 25¢ a page for some records. But where were you when that battle was being fought? Where in fact were you when in the decision you pretend was not handed down this ~~1975~~ issue of actual costs was raised? Where is this in your "reporting" on page 19 of this April issue?

Come to think of it where were your holinesses when "a writer" suggested that you might file a brief amicus curiae in the case that turned the rewriting of the Act around, the case that even the Department of Justice admits opens to you those files you can now get?

Sincerely,

Harold Weisberg