

Rt/ 12, Frederick, Md. 21701
8/11/76

Mr. John MacKenzie
Newsroom
Washington Post
1150 15 St., NW
Washington, D.C. 20005

Dear Mr. MacKenzie,

Thanks for the good reporting of Dan Schorr's excellent Atlanta speech.

You are not responsible, obviously, for the headline-writer's elitism, "Daniel Schorr on Rights for Reporters." (Emphasis added.) Your copy includes the quote, "and, what's more, individual responsibility."

Schorr is precisely correct. Not only present reporters or former reporters.

He is no less on point, if perhaps fortunate in late learning, in telling the six lawyers that "no economic enterprise shall make rules abridging individual freedoms of speech and press."

In the late 1920s or early 1930s a very decent city editor taught me this in telling me, "Son, Mr. Dupont would not like this." In following his suggestion I became a syndicated feature writer before I cast my first vote. He called me son partly from fatherliness and partly because the copy boy was older.

Schorr's other words remind me of our last exchange: "What has happened to the basic concept of freedom of expression as a freedom of every American." I bracket this with his appropriate reference to "individual responsibility."

Although much has happened to me since I last wrote you with, as I recall it, "individual responsibility" as my text, I do not write you seeking attention and I do not want any attention. I want to do my thing my way. If it is a futility to want to make the system work then it is my futility.

In your busy life you may have forgotten so I remind you. When I told you I had, under oath, charged the Department of Justice with perjury you explained "That isn't done." Yes it is. In my individual responsibility - and on this I am certain I gave you an explanation - I did it. Perjury, as I also reminded you, is a felony. I am certain I also reminded you that not reporting a crime is in itself a crime. So I reported a crime by the prosecutor to the prosecutor. I did it under oath so that the prosecutor could prosecute me if I made a false charge.

As you can see, I do not have a jail as a return address.

And the prosecutor did have to respond. His Response was, I believe, novel. He filed with the court a statement that I could make and prove such charges ad infinitum because I know more about the subject than anyone in the FBI. (Naturally, this, too, was not news.)

It did not end there. It went to the court of appeals, which speeded its decision of July 7, making it coincide with one that, superficially considered, can have the effect of gutting FOIA. In "oral arguments" (quotes because my lawyer did not have to and did not make one) it became apparent that the court had read and comprehended the brief and the record.

It did not tell me what I may do but what I "must" do. Its decision is not limited to what serves my interest as the litigant. The decision is explicit in mandating me to pursue what serves "the nation's interest."

This includes deposing FBI agents. And so far have taken an early retirement in various vain. (News? Of course not!)

Maybe what I do isn't done.

I've sued the federal government none times. I've won eight, from the records. I consider the one case I've lost my most significant victory. It is the first of four cited in the debates on amending FOIA as requiring the amending. This is the case, the first filed anywhere under the amended law, in which I charged and proved official perjury, what just isn't done.

If you read the remand, please also read the same court's decision of the same day in the Hader case. Open America. If after this you'd care to express your opinion on what should not be done as distinguished from what "isn't," I'd be interested.

I'm not asking anything of you. No response is necessary. I don't want a story. I'm trying to inform you only.

Maybe what isn't done needs being done more often and more effectively than, to date, I've been able to do?

My apologies for the typing and the errors. After I wrote you I had a rather severe phlebitis. I must keep my legs horizontal when I type. And this day began more than 19 hours ago.

Sincerely,

Harold Weisberg