UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, Plaintiff, v. U. S. GENERAL SERVICES ADMINISTRATION, et al., Defendants.	Civil Action No. 2569-70

A N S W E R

First Defense

The complaint fails to state a claim upon which relief may be granted.

Second Defense

The Court lacks jurisdiction of the subject matter.

Third Defense

Plaintiff has failed to exhaust his administrative remedies.

Fourth Defense

The defendant denominated "U.S. National Archives and Records Service" is not a proper party defendant and the complaint should be dismissed as to it.

Fifth Defense

Answering specifically the allegations contained in the complaint the defendants by their counsel, the United States Attorney for the District of Columbia, state:

1. The allegations contained in paragraph 1 of the complaint are jurisdictional and require no response.

2. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the complaint.

3. The defendants deny "The National Archives and Records Service" is a proper party defendant. The remaining allegation is introductory and jurisdictional thereby requiring no response.

4. The defendants admit that some materials relating to the assassination of President Kennedy are now in the Archives. The remaining allegations contained in paragraph 4 of the complaint are conclusory and argumentative thereby requiring no response.

5. The defendants admit a letter agreement dated October 29, 1966, was signed by Mr. Burke Marshall and the Administrator of General Services Administration pursuant to which some materials relating to the assassination of President Kennedy were given to the Federal Government. Further responding to paragraph 5 of the complaint the defendants deny the material was "entrusted" or "evidence."

6. The allegations contained in paragraph 6 of the complaint are admitted except the description of the material is not conceded to be "evidence."

7. The letter agreement filed as Exhibit A to the complaint is admitted and the document is the best evidence of the material contained therein.

8 and 9. It is admitted that plaintiff has requested in writing access to the clothing; the defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraphs 8 and 9 of the complaint.

10 and 11. The allegations contained in paragraphs 10 and 11 of the complaint are denied.

12 and 13. The allegations contained in paragraphs 12 and 13 of the complaint are conclusory and argumentative thereby requiring no response; however, should response be required the allegations are denied. Further answering the allegations in paragraph 13 of the complaint, permission granted plaintiff to examine the clothing of Lee Harvey Oswald is irrelevant and immaterial to these proceedings.

14. The allegation in paragraph 14 of the complaint is admitted.

15 and 16. The allegations contained in paragraphs 15 and 16 of the complaint are conclusory and argumentative requiring no response and strict proof is demanded of all factual allegations contained therein.

17. The defendants admit the letter agreement which is the best evidence of its contents. Further answering paragraph 17, particularly the second sentence, the descriptions regarding relevancy and absence of FBI Exhibit No. 60 are legal arguments, require no response.

18. There is no paragraph denominated 18 in the complaint.

19. The defendants admit the administrator has authority to deny plaintiff access to the materials he seeks but are without knowledge or information to form a belief as to the truth of the allegations relating to the correspondence alluded to in paragraph 19 of the complaint.

20. The allegations of paragraph 20 of the complaint are legal argument and require no response.

21 through 24. The allegations contained in paragraphs 21 through 24 of the complaint are conclusory and argumentative requiring no response; however, should response be required, each allegation is denied and strict proof demanded of all factual allegations contahed therein.

25 and 26. The allegations contained in paragraph 25 and 26 are prayers for relief and conclusions of law which require no response.

/s/
THOMAS A. FLANNERY
United States Attorney

/s/
JOSEPH M. HANNON
Assistant United States Attorney

/s/
ROBERT M. WERDIG, JR.
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing Answer has been made upon plaintiff by mailing a copy thereof to Harold Weisberg, Pro Se, Route 8, Frederick, Maryland, on this 27th day of October, 1970.

/s/
ROBERT M. WERDIG, JR.
Assistant United States Attorney