

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....:
HAROLD WEISBERG, Plaintiff :
V. :
U.S. GENERAL SERVICES ADMINISTRATION :
and :
U.S. NATIONAL ARCHIVES AND RECORDS :
SERVICES, Defendants :
.....:

C. A. No. 2569-70

SUPPLEMENT TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Plaintiff has filed a Motion for Summary Judgement, to which were attached a "Statement of Material Facts as to which there is no genuine issue" and a "Memorandum of Points and Authorities."

Prior to filing this instant action and pursuant to applicable regulations, Plaintiff filed the requisite appeal on June 20, 1970. When it went unanswered for several months, Plaintiff proceeded to file this instant action.

About a month subsequent to this filing, Plaintiff received a letter from the proper official of Defendant General Services Administration, Richard Q. Vawter, under date of September 17, 1970, attached hereto as Exhibit A.

Upon rereading of this letter, it is apparent to Plaintiff that Item "(5)" in the second paragraph of this letter constitutes a complete admission of the allegations set forth in Plaintiff's Statement of Material Facts, that "there is no genuine issue", and more, that Defendants have nullified their arguments and set a precedent contrary to each and every one of their arguments in doing for the Columbia Broadcasting System even more than Plaintiff properly asked and was refused, improperly.

This item reads, "permission for you to examine the photographs taken with CBS/by the Archives staff." This letter further states, in the third paragraph, that these photographs taken for the Columbia Broadcasting System do exist, and that, in fact, copies thereof are in the National Archives, in the possession of the Defendants who simultaneously argued that any such photographs would be sensational or undignified. It is obvious that Defendants' arguments are not genuine but are spurious and that, in fact, prior to Plaintiff's requests, the Columbia Broadcasting System was given access to the Warren Commission Exhibits of the late President's clothing and that a large number of photographs of this said clothing were taken for the Columbia Broadcasting System by the Defendants, with the full knowledge that these said photographs would be given what was, in fact, the most extensive exposure on commercial television. Moreover, the commercial organization was given a right not even asked by Plaintiff, the right to use its own equipment.

It thus becomes apparent not only that there is no genuine issue as to the facts but that Defendant General Services Administration's attached letter certifies and proves that there is not and never was and that, as a matter of fact, what Plaintiff requested is its established practice.

Wherefore, Plaintiff again moves this Court for summary judgement in his favor, as heretofore set forth.

HAROLD WEISBERG, pro se
Route 8, Frederick, Md. 21701
January 13, 1971

I hereby certify that I have served Defendants with this Supplement to Plaintiff's Motion For Summary Judgement by mailing two copies today to Robert M. Werdig, Jr., Assistant U.S. Attorney for the District of Columbia.

HAROLD WEISBERG

Admitt A

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, D.C. 20405



SEP 17 1970

Mr. Harold Weisberg
Coq d'Or Press
Route 8
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in response to your letter of June 20, 1970, addressed to the Director of Information in regard to your appeal from the alleged denial of the National Archives and Records Service to furnish you access to certain archival materials in connection with the assassination of President Kennedy.

Your letter appears to request five items: (1) a copy of the photograph taken by the Archives staff showing the front of the President's shirt; (2) a photograph of the knot of the President's tie; (3) a photograph, made from the negative prepared by the Archives, of the back of the President's shirt with the top of the collar included, showing the area of damage; (4) an enlarged photograph of the back of the shirt, not including the collar area, prepared from the negative for Warren Commission Exhibit 394; and (5) permission for you to examine the photographs taken with CBS equipment by the Archives staff.

After consultation with the Archives staff, it has been determined that items 2, 3 and 4 above have never been denied to you by the Archives and that item 1 has been denied to you only in terms of furnishing you a personal copy of the photograph. The Archives has specifically indicated it will allow you to examine the photograph indicated in item 1 in the National Archives Building. In addition, the Archives has indicated a willingness to prepare and to allow you to examine the photographs in items 2 and 3 in the Archives Building, to supply you the photograph in item 4, to allow you to examine item 5 photographs in the Archives Building, and to furnish you prints of the item 5 photographs.

It is hoped that the above disclosure procedures will satisfy your requests. We do not consider this in any way a denial inasmuch as we have endeavored to make each requested item reasonably available to you.

Sincerely,

RICHARD Q. VAWTER
Director of Public Affairs

1/13/71

Clerk, U.S. District Court for the
District of Columbia
U.S. Courthouse
Washington, D.C.

Dear Sir,

Attached hereto are the original and a copy of my Supplement to Plaintiff's Motion for Summary Judgment", with Exhibit A, a copy of my letter to the General Services Administration, and a copy of my letter to Mr. Werdig.

As these letters show, it is my desire to protect my own interests while at the same time seeking to avoid unnecessary embarrassment to the Government. In a previous case, where I believed there was not an unreasonable time in my filing papers, there was a decision before these papers reached the judge. While I do not want this to happen again, I would also like to extend what I regard as a proper courtesy to the Government. Accordingly, I am mailing these papers to you in an effort to protect my rights and so that there will not be a decision without their consideration, while at the same time hoping it is possible for you to keep the option open for the Defendants to comply with what is sought in the Complaint, whereafter I would move to dismiss upon compliance.

I am having to act pro se, so I apologize if, through ignorance of the proper forms, I have departed from them.

If there is no alternative to the formal filing of these papers upon receipt that will protect my rights, then I ask that they be so filed. Mr. Werdig will be aware of this because I am also sending him a copy of this letter and that to the GSA.

Thank you very much.

Sincerely,

Harold Weisberg

1/13/71

Mr. Robert M. Werdig, Jr.
Assistant U.S. Attorney
U.S. Courthouse
Washington, D.C.

Dear Mr. Werdig,

Herewith I enclose two copies of a supplement to my motion for a summary judgment in C.A. No 2569-70, with attached Exhibit A, a copy of my letter to GSA and a copy of my covering letter to the clerk of the court.

My purpose is as stated, to provide the Government an opportunity to avoid embarrassment. I think it also provides an opportunity to avoid unnecessary litigation, which should serve every interest.

At the same time, I do not want to jeopardize any of my rights, as my letter to the clerk states.

If there is any technical flaw in what I seek, to extend a courtesy to you and your client, I hope you will not undertake to take advantage of me, for I am ignorant of procedures and the law.

Should you want to speak to me about this, I will be in Washington Tuesday for medical reasons. I will phone or see Mr. Fensterwald, 347-3919, and can thus receive any message.

Sincerely,

Harold Weisberg

TK BF HERB
PH GRS

1/13/71

Mr. W.L. Johnson, Jr.
Assistant Administrator for Administration
General Services Administration
Washington, D.C. 20405

Dear Mr. Johnson,

This letter relates to my Civil Action No. 2569-70, to the extensive relevant correspondence, and most particularly to Mr. Vawter's letter to me of September 17, 1970. Mr. Vawter's letter was in response to my June 20, 1970 appeal. It was not written until a month after, having heard nothing from this appeal, I filed this action. All of this relates to permission to see and to have photographs of the President's clothing, in evidence before the Warren Commission.

In this suit I am my own lawyer. I have not been able to seek the full rights that I have because of the pressure of other matters and somewhat impaired health. Thus I have not, as I may, moved that this action be set at the head of the docket. During these months I have hoped that the Government would re-examine its position. Its position has been that it refused my request because not to do so would result in sensational or undignified use of the evidence I seek and seek to study. It may not be known to you, but identically the same spurious reason was given for denying me the Kennedy family-GSA letter agreement, which was then made available to a writer of known sycephantic predisposition, a writer not familiar with the details of the evidence, one who might be assumed to write in a manner congenial to the Government's interpretations.

If you will examine Item "(5)" in Mr. Vawter's letter, you will see that it reads: "permission for you to examine the photographs taken with CBS equipment by the Archives staff." And if you will think of this for a moment, you will understand that what this really says is that, contrary to the representation made to me in order to deny access to this public information to me, that any use would be sensational or undignified, the Archives did, prior to my repeated requests, permit to CBS exactly that which it denies me, permission to examine the clothing, and more than I have requested, the right to use their own equipment in taking the pictures denied me. I asked only for the pictures you already have and for you to take pictures for me with your own equipment.

I realize it is not my obligation to call this to your attention, but unlike the clear record of the Government, I have no desire needlessly to burden the courts, and I do not regard the law as a game to be played, involving whatever tricks a litigant thinks he can get away with. I regard this acknowledgement of having done for CBS - and for the largest possible audience - precisely what it refuses me for my research and writing, which can never reach so vast an audience, the Government has invalidated all of its alleged reasons and eliminated any question of fact.

Because of the delays in this case, not of my requesting, I intend to amend my motions to include this admission by the Government, unless I hear from you immediately that you will honor my requests, in which event I will move for dismissal, the questions then being moot. My phone is listed above.

Sincerely,

Harold Weisberg