

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.

Civil Action

No. 2569-70

OBJECTION OF DEFENDANTS TO "PLAINTIFF'S OPPOSITION
TO DEFENDANTS' MOTION TO DISMISS OR, IN THE
ALTERNATIVE, FOR SUMMARY JUDGMENT"

The defendants by their counsel, the United States Attorney for the District of Columbia, object to plaintiff's opposition to the motion of defendants to dismiss the action or, in the alternative, for summary judgment on the grounds plaintiff has presented in his opposition of 46 single spaced pages and the 28 "exhibits" allegedly filed therewith redundant, immaterial matter and statements in argument and under oath which are both impertinent and scandalous.

By the instant action, plaintiff seeks, pursuant to the provisions of the Public Information Act, 5 U.S.C. § 552, to examine and photograph at his expense, certain articles of clothing worn by the late President Kennedy on the day of his assassination. On January 13, 1971 defendants' counsel mailed to plaintiff the motion of defendants to dismiss the action or, in the alternative, for summary judgment, together with a memorandum of points and authorities in support thereof and 3 exhibits attached thereto.

On February 16, 1971, plaintiff hand-delivered to defendants' counsel a 46 page document indicating the inclusion of 28 exhibits in opposition to the defendants' motion. Within this

pleonasm, cited as exemplification but not limitation of matters indicative of the totality of its objectionable nature, is included:

"Factual disagreements exist because they have been contrived by defendants.

"The record allegedly cited is carefully distorted.

"The citations of law and regulations are neither complete nor accurate; all being an attempt to deceive the court . . . to the end that the court be misled and the law converted into an instrument for illegal suppression."

"Each . . . [claim and allegation] in defendants' said motion is false.

"Defendants seek to perpetrate a fraud upon plaintiff and this court." [Emphasis added.]

The statement of material facts submitted by plaintiff is inter alia, dehors the record, is argumentative, and is conclusory. By way of example, plaintiff's paragraph numbered 2 of his statement of material facts reads:

"Defendants do not deny that these garments are, in fact, part of the official evidence of the [warren] Commission"

In response to plaintiff's paragraph numbered 5 of the complaint it is explicit:

"The defendants deny the material was . . . 'evidence'".

In paragraph numbered 8 of the complaint plaintiff alleges:

"Prior to August 6, 1967, Plaintiff verbally requested that he be allowed to examine the President's clothing . . . and . . . has requested in writing that he be granted access to said clothing."

Yet, in his memorandum, plaintiff asserts:

"He desires to examine, without handling, these official exhibits"

A cursory review of the prolix document submitted by plaintiff indicates its redundancy, the injection of immaterial argument and conclusion, and impertinent and scandalous material.

Conclusion

WHEREFORE, in view of the foregoing the defendants respectfully request the Court to entirely disregard plaintiff's opposition to the motion of the defendants to dismiss the action or, in the alternative, for summary judgment and the exhibits attached thereto.

/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 Objection of Defendants to "Plaintiff's Opposition to Defendants' Motion to Dismiss Or, In the Alternative, for Summary Judgment" has been made upon plaintiff by mailing a copy thereof to Harold Weisberg, Route 8, Frederick, Maryland 21701, on this _____ day of March, 1971.

/s/

ROBERT M. WERDIG, JR.
Assistant United States Attorney