This is an action under 5 U.S.C. 552, the so-called "Freedom of Information" act. What Plaintiff has already filed in this action is extensive, made so by defense pleadings and his concept of the requirements for the protection and pursuit of his rights and the obligations he feels, to see to it that on what is inherent in the action, the sanctity of the institutions of government, official compliance with the law, and the dependability of the official investigation of the assassination of an American President, has no new official misrepresentation.

There are now these motions before this Court: Plaintiff's for Summary Judgment, filed in November of last year; and the subsequent Motion to Dismiss or, in the Alternative, for Summary Judgment, by Defendants.

There are three relatively recent decisions by the U.S. Court of Appeals for this jurisdiction that bear on the issues as Plaintiff presents them and that draw accurately and perceptively on the intent of the law and its legislative history. These are:

American Mail Lines v. Gulick, No. 22091;
Bristol-Myers v. Federal Trade Commission, No. 22277; and
Soucie v. David, No. 23573.

Parenthetically, Soucie directly addresses one of the alleged defenses, the claim that the National Archives and Records Service is not a suable agency. Plaintiff assumes that it is not here necessary for him to repeat what he has already filed in writing, and he has no desire needlessly to burden this court with repetition. However, Soucie was decided two months after Plaintiff filed his last papers. In its decision, the Court of Appeals quoted the definition of "agency" under the law, in precisely the relevant sense, that of a suable agency: "an agency is any authority of the government of the United States, whether or not it is within or subject to review by another agency." The only added test, in the words of this decision, is "any administrative unit with substantial

independent authority in the exercise of specific functions." (pp.7-8) Defendant National Archives is covered by the language of the law and the definition of the decision, as official documents and Dr. Rhoads' affidavit establish beyond question. It thus is a suable agency.

The signing of this law was [redacted] the occasion of what literally are Fourth of July political speeches by the President and the Attorney General. They are printed in the beginning of the Attorney General's Memorandum on this law. They glow with patriotic fervor, saying nothing but the national defense is paramount to the right of the people to know. The Attorney General is specific in saying the right to know is entirely uninhibited except for the nine specific exemptions of the law. Both accurately reflect the intent of the Congress and the purposes of the law. Neither is consistent with subsequent government practice, and neither could be more at variance with all official actions, decisions and statements in this case.

Nothing could be more Orwellian than this record that, to the degree he could, Plaintiff has established before this Court. From official misrepresentation to what Plaintiff believes may be perjury, a consistent effort has been made to becloud everything, from what is really at issue here, what Plaintiff really seeks, to the language and intent of the law, to the relevant regulations and definitions. Despite the lucid and incontrovertible language of the Canons of the American Bar Association, we have the use of the "Memory Hole," and this is not the only instance.

In arguing their motions, Defendants pretend to have given this Court all the relevant law and regulations. They did not. They cited neither either accurately or fully. They omitted entirely those that are the most specific, the most relevant, as shown by what Plaintiff has already filed. Yet the Canons, under DR 7-106, titled "Trial Conduct,"

he has no counsel, of the existence of evidence, known to the prosecutor or other government lawyer, that tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the punishment.

DR 7-104 Communicating With One of Adverse Interest.[74]

(A) During the course of his representation of a client a lawyer shall not:
  (1) Communicate or cause another to communicate on the subject of the representation with a party he knows to be represented by a lawyer in that matter unless he has the prior consent of the lawyer representing such other party[75] or is authorized by law to do so.
  (2) Give advice to a person who is not represented by a lawyer, other than the advice to secure counsel,[76] if the interests of such person are or have a reasonable possibility of being in conflict with the interests of his client.[77]

DR 7-105 Threatening Criminal Prosecution.

(A) A lawyer shall not present, participate in presenting, or threaten to present criminal charges solely to obtain an advantage in a civil matter.

DR 7-106 Trial Conduct.

(A) A lawyer shall not disregard or advise his client to disregard a standing rule of a tribunal or a ruling of a tribunal made in the course of a proceeding, but he may take appropriate steps in good faith to test the validity of such rule or ruling.

(B) In presenting a matter to a tribunal, a lawyer shall disclose:[78]
  (1) Legal authority in the controlling jurisdiction known to him to be directly adverse to the position of his client and which is not disclosed by opposing counsel.[79]
  (2) Unless privileged or irrelevant, the identities of the clients he represents and of the persons who employed him.[80]

(C) In appearing in his professional capacity before a tribunal, a lawyer shall not:
  (1) State or allude to any matter that he has no reasonable basis to believe is relevant to the case or that will not be supported by admissible evidence.[81]
  (2) Ask any question that he has no reasonable basis to believe is revelant to the case and that is intended to degrade a witness or other person.[82]
  (3) Assert his personal knowledge of the facts in issue, except when testifying as a witness.
  (4) Assert his personal opinion as to the justness of a cause, as to the credibility of a witness, as to the culpability of a civil litigant, or as to the guilt or innocence of an accused;[83] but he may argue, on his analysis of the evidence, for any position or conclusion with respect to the matters stated herein.
  (5) Fail to comply with known local customs of courtesy or practice of the bar or a particular tribunal without giving to opposing counsel timely notice of his intent not to comply.[84]
  (6) Engage in undignified or discourteous conduct which is degrading to a tribunal.
  (7) Intentionally or habitually violate any established rule of procedure or of evidence.

DR 7-107 Trial Publicity.[85]

(A) A lawyer participating in or associated with the investigation of a criminal matter shall not make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that does more than state without elaboration:
  (1) Information contained in a public record.
  (2) That the investigation is in progress.
  (3) The general scope of the investigation including a description of the offense and, if permitted by law, the identity of the victim.
  (4) A request for assistance in apprehending a suspect or assistance in other matters and the information necessary thereto.
  (5) A warning to the public of any dangers.

(B) A lawyer or law firm associated with the prosecution or defense of a criminal matter shall not, from the time of the filing of a complaint, information, or indictment, the issuance of an arrest warrant, or arrest until the commencement of the trial or disposition without trial, make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that relates to:
  (1) The character, reputation, or prior criminal record (including arrests, indictments, or other charges of crime) of the accused.
  (2) The possibility of a plea of guilty to the offense charged or to a lesser offense.
  (3) The existence or contents of any confession, admission, or statement given by the accused or his refusal or failure to make a statement.
  (4) The performance or results of any examinations or tests or the refusal or failure of the accused to submit to examinations or tests.
  (5) The identity, testimony, or credibility of a prospective witness.
  (6) Any opinion as to the guilt or innocence of the accused, the evidence, or the merits of the case.

(C) DR 7-107 (B) does not preclude a lawyer during such period from announcing:
  (1) The name, age, residence, occupation, and family status of the accused.
  (2) If the accused has not been apprehended, any information necessary to aid in his apprehension or to warn the public of any dangers he may present.
  (3) A request for assistance in obtaining evidence.
  (4) The identity of the victim of the crime.
  (5) The fact, time, and place of arrest, resistance, pursuit, and use of weapons.
  (6) The identity of investigating and arresting officers or agencies and the length of the investigation.
  (7) At the time of seizure, a description of the physical evidence seized, other than a confession, admission, or statement.
  (8) The nature, substance, or text of the charge.
  (9) Quotations from or references to public records of the court in the case.
  (10) The scheduling or result of any step in the judicial proceedings.
  (11) That the accused denies the charges made against him.

(D) During the selection of a jury or the trial of a criminal matter, a lawyer or law firm associated with the prosecution or defense of a criminal matter shall not make or participate in making an extra-judicial statement that a reasonable person would expect to be disseminated by means of public communication and that relates to the trial, parties, or issues in the trial or other matters that are reasonably likely to interfere with a fair trial, except that he may quote from or refer without comment to public records of the court in the case.

(E) After the completion of a trial or disposition without trial of a criminal matter and prior to the imposition of sentence, a lawyer or law firm associated with the prosecution or defense shall not make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by public communication and that is reasonably likely to affect the imposition of sentence.

(F) The foregoing provisions of DR 7-107 also apply to professional disciplinary proceedings and juvenile disciplinary proceedings when pertinent and consistent with other law applicable to such proceedings.

(G) A lawyer or law firm associated with a civil action shall not during its investigation or litigation make or participate in making an extrajudicial statement, other than a quotation from or reference to public records, that a reasonable person would expect to be disseminated by means of public communication and that relates to:
  (1) Evidence regarding the occurrence or transaction involved.
  (2) The character, credibility, or criminal record of a party, witness, or prospective witness.
  (3) The performance or results of any examinations or tests or the refusal or failure of a party to submit to such.
  (4) His opinion as to the merits of the claims or defenses of a party, except as required by law or administrative rule.

  (5) Any other matter re
  with a fair trial of t

(H) During the pendency of
  ing, a lawyer or law firm
  not make or participat
  other than a quotation f
  records, that a reasonab
  be disseminated by mean
  if it is made outside the
  ceeding and relates to:
  (1) Evidence regarding
  tion involved.
  (2) The character, credib
  a party, witness, or
  (3) Physical evidence or
  of any examinations
  failure of a party to
  (4) His opinion as to th
  fenses, or positions
  (5) Any other matter rea
  with a fair hearing.

(I) The foregoing provisions
  clude a lawyer from repl
  duct publicly made again
  ing in the proceedings of
  or other investigative bo

(J) A lawyer shall exercise r
  his employees and associ
  judicial statement that he
  making under DR 7-107

DR 7-108 Communication
  Jurors.

(A) Before the trial of a case
  with shall not communi
  to communicate with a
  member of the venire fr
  selected for the trial of t

(B) During the trial of a case
  (1) A lawyer connected
  municate with or cau
  with any member of
  (2) A lawyer who is not
  not communicate wit
  municate with a juro

(C) DR 7-108 (A) and (B)
  from communicating wi
  the course of official pr

(D) After discharge of the ju
  tion of a case with which

1. "The right to be heard w
little avail if it did not compre
by counsel. Even the intelliger
small and sometimes no skill in
v. Alabama, 287 U.S. 45, 68-69,
55, 64 (1932).

2. *Cf.* ABA CANON 4.
"At times . . . [the tax law
some arguments and he should
phasize the arguments which in
to be persuasive. But this pro
rather than moral attitudes.
aside private disagreements with
policies. His own notions of p
of what the law should be, a
trusted to him by his client is
ability to protect his client's
process of promoting a better
need not accept his client's ec
but the client is paying for techn
concentration upon his affairs.
performance unfettered by hi
social predilections." Paul, *Th*
25 ROCKY MT. L. REV. 412, 41

3. *See* ABA CANONS 15 and
ABA Canon 5, although on
of crime, imposes a similar obli
lawyer is bound, by all fair ar
sent every defense that the law
end that no person may be de
by due process of law."
"Any persuasion or pressure
him from planning and carryi
basis of 'what, within the fra
for my client's interest?' inter
represent the client fully withi
"This obligation, in its fulle
adversary process. Each attorn
and seeks that which in his juc
within the bounds authoritativel

read,

> (B) In presenting a latter to a tribunal, a lawyer shall disclose: (1) Legal authority in the controlling jurisdiction known to him to be directly adverse to the position of his client and which is not disclosed by opposing counsel.

What does control are the cases cited above, the withheld portions of the law, Defendants' own entirely withheld and directly-bearing regulations, and the language of the Attorney General's Memorandum. These relate most vitally to what is at issue today. Plaintiff has asked for a Summary Judgment in his favor on the ground that, as is truly the case, there is no genuine issue as to any material fact. On the other side, Defendants have made the same allegation, and have additionally asked that the case be dismissed. For Defendants to prevail, in the words of the Bristol-Myers decision, the factual allegations of the complaint must be "controverted" and Defendants must "establish that there could be no triable issue of fact with respect thereto." On both counts Defendants failed.

But in order to give the appearance of having done so, Defendants have so misrepresented what is at issue and what plaintiff really seeks that it is not recognizable from what they have filed in this Court.

In Defendants' papers, at one and the same time, the Court will find the claim that Plaintiff has not made the requests required by the law - and under oath, as this is, could anything be more material? - and simultaneously, in their "Answer", the admission that he did. One finds, simultaneously, the claim that Plaintiff has not exhausted his administrative remedies and quotation of Plaintiff's appeal by which he did. One finds even representation of Plaintiff's written requests, made by the same Defendants who deny the requests were made.

Other examples have heretofore been set forth by Plaintiff. These should suffice to make the point that there is no fidelity in Defendants' representations to this Court. And this is part and parcel of what the

Congress addressed in enacting this law. Congress said that government seeks to hide public information from the people, contriving various invalid reasons to this end.

In American Mail the appeals court said, "... the premier purpose of the Act was to elucidate the availability of Government records and actions to the American citizen ..."

On Page 8 of Bristol-Myers, the appeals court cites the language of the House Report, under "The Need for Legislation." It there said that this need existed because the superseded law had "been used as authority for withholding, rather than disclosing information." This Court, at the same point, also cited the much stronger and here quite relevant language of the Senate Report, that the superseded law "is cited as statutory authority for the withholding of virtually any piece of information that an official or an agency does not wish to disclose."

American Mail goes even further, holding that not even "lack of need" can be used as a basis for withholding.

Here the records of Defendants and their counsel, the Department of Justice, become relevant. Among other things, they bear on the dependability of the given word, the intent to violate the law and the purpose of Congress by suppressing that for which there is not and cannot be legal justification; and on wiillingness to do what is necessary to accomplish these improper ends.

In this instant case, one of the allegations is defense of the right to privacy. Yet simultaneously defendants and their counsel have declassified and made freely available what is entirely irrelevant to any proper study of the records of the Warren Commission. These range from about 40 pages of FBI reports dealing with the pregnancy of Marina Oswald to page after page of the medical records of a mentally-ill man,

replete with intimate details of his sexual history.

While rejecting Plaintiff's formal application under this law for suppressed pages of FBI reports relating to one aspect of Plaintiff's work of long duration, Defendants were actually engaged in declassifying them. At exactly the moment the Department of Justice wrote Plaintiff these pages were exempt because they are, allegedly, investigatory files for law-enforcement purposes, they were being or had been declassified. Thereafter, because Plaintiff had a four-year-old standing request for precisely these identified papers, the National Archives sent Plaintiff what it represented as all those declassified pages, as regulations require and as the Archivist had written would happen upon declassification. It required but the quiver of a sensitive nose to smell out those not provided Plaintiff, about equal in volume and much greater in significance.

With regard to alleged rights of privacy, which should be respected, there has never been a moment when FBI reports alleging homosexuality where it is utterly irrelevant have not been freely available, even officially published. In the past, Plaintiff, not Defendants, protected this genuine right to privacy by deleting all identification from those documents he published. Currently, Defendants have freely provided identically this exempted kind of defamatory information about countless people, allegations of their homosexuality, despite the fact that such information is clearly within one of the nine proper exemptions.

As in this instant case, where Defendants seek to deny access to public ~~information~~ evidence of an official proceeding and a published one at that, they have designated as secret that which, in fact, they had already made available. There are numerous such cases, and should this court desire it, Plaintiff will provide it with a detailed study on precisely this point. Here Plaintiff cites one case from his own publishing history, what is listed by Defendants as of today as still

secret and withheld, yet was made freely available to him more than five years ago and was by him published as, incredible as it may seem, it was earlier by the Commission itself.

The Commission designed its files "Commission Documents", or CDs. CD 945 is identical with its official exhibit, No. 2943. That is published in its Volume 26 on pages 402-5. And it never, by any concept of any regulation, qualified for withholding on any grounds.

Could anything more closely parallel the language of the Senate Report quoted from Bristol-Myers, the misuse of the law "as statutory authority for the withholding of virtually any piece of information that an official or an agency does not wish to disclose"?

That is today's issue.

What Plaintiff seeks in this action is no more than pictures of official evidence that is part of the Commission's public and published record and not another thing. The misrepresentation of this by Defendants could not be more gross nor more deceptive. Aside from what was published as this evidence in Volume 17 of the proceedings, where nothing but the most sensational and the most undignified use is or could be made, for exactly the same improper purposes identical pictures were officially caused to be given the widest public distribution. Yet in denying Plaintiff's proper request for pictures that are not subject to such wrongful use and can be used only in a proper, reasoned study, the defense here made is that the intent of withholding is to prevent such undignified and sensational use. As the existing record shows, in an excess of caution, Plaintiff challenged Defendants and the designee of the estate of the late President to show how the officially-published pictures could be used for any but this improper purpose or how those carefully described as what he wants by Plaintiff could in any way be

used for such purpose - for any purpose but serious study.

As the record shows, neither party responded to this challenge, in itself the most eloquent refutation of Defendants' current and spurious claims.

A further defense is that an allegedly valid contract between these parties precludes the taking and providing of the pictures Plaintiff seeks. As the record shows, this is directly opposite the relevant provisions of that contract, which stipulate, in fact, that such pictures be taken.

Still another defense allegation is that Plaintiff seeks somehow to endanger this official evidence by handling it or in some other way jeopardizing it. The claim is made that "plaintiff desires to inspect and photograph" the clothing himself, with the implication that this is something horrendous. What Plaintiff here asks is such inspection as is necessary to the supervision of the taking of pictures, and his request on the taking of the pictures could not be more specific. He has asked only that it be done by Defendants, even specifying which of Defendants' cameras Defendants' use. Plaintiff believes Defendants' intent here is to impose upon the Court. However, were it true, as it is not, Defendants' own regulations - among those withheld from this Court - make provision for precisely this, the taking of pictures with personal cameras. As the record shows, this is also the practice, as in the case of the Columbia Broadcasting System.

In a printed booklet entitled "Regulations for the Public Use of Records in the National Archives and Records Service," under "copying services," it says, "With the permission of the director, researchers may use their own copying equipment." It is also here explicit that copies of records will be provided, as Plaintiff alleges. So, the implications of some unprecedented and dangerous design by Plaintiff are invalid.

This is further explicit in Title 41, Chapter 105, which says, under "copying," "GSA will furnish reasonable copying services." The word is "will," consistent with every regulation and applicable law.

Under this same title, section 105-60.105-2, entitled "exemptions," it is clear that, were all the spurious allegations made by defendants other than of this character, the defense that Plaintiff states a claim upon which relief cannot be granted is without warrant. While nowhere do Defendants claim this law is not applicable and controlling, in itself a fatal defect, justifying the granting of Plaintiff's Motion for Summary Judgment, here, under "exemptions," the question of applicability of the nine exemptions of the law is addressed:

> However, authority for non-disclosure will not be invoked unless there is a compelling reason to do so. In the absence of such compelling reason, records and other information will be disclosed although otherwise subject to exemption.

Again the word is "will." What Plaintiff asks is required of Defendants, and not only "records" but "other information" as well.

Surely, when Defendants do not even claim applicability of any of its exemtions, 5 U.S.C. 552 must apply. And the law is clear and explicit.

But even if Defendants had laid claim to exemption, which they have not, they would still have to meet these two requirements laid out in Bristol-Myers:

> In order for an exemption to prevail (1) said records must be specifically stated in the exemption section in "clearly delineated" language and (2) the agency has the burden of providing that its claim to the exemption meets the standards.

On these counts, too, Defendants fail.

All that is required of Plaintiff is that he make a request, that it be for "identifiable records" or "other information" and that, if rejected, he appeal. All these things Plaintiff did do. In order to contrive a claim that Plaintiff failed to exhaust his administrative

remedies, Defendants allege to the contrary while in the alleging they actually admit it all, quoting Plaintiff's requests as well as their own denial of his appeal.

The pictures sought are, without any reasonable doubt, of the official records of the Warren Commission, having been introduced into [redacted] evidence on March 16, 1964. Aside from all the official definitions of "records" already supplied by Plaintiff but withheld from this Court by Defendants - and they include pictures and objects, regardless of physical form or characteristics - there is more in possession of Defendants and their counsel that was also withheld and is also relevant, being, among other things, expositions of policy and law.

On April 19, 1965, before any alleged transfer of any kind, the White House, through McGeorge Bundy, approved a memorandum prepared for the White House by the Department of Justice and signed by the Attorney General. More than a year later, he spoke for the estate for purposes of the alleged contract. The entire memorandum is five pages long. Plaintiff quotes a few excerpts, asking the Court to bear in mind that these are the words of both the Attorney General of the United States and the representative of the estate of the late President:

> Under normal regulations governing access to materials deposited in the National Archives, materials are available to any competent adult with a definite, serious reason for requesting access, unless there is in effect an overriding restriction on disclosure or disclosure would violate obvious requirements of public policy or propriety. (P.1)

Bearing on this is the desire of the Chief Justice who was the Chairman of the Commission:

> According to the Chief Justice, the Commission assumed that these determinations would be made in the light of "the overriding consideration of the fullest possible disclosure." (p.2)

The Chief Justices's words are repeated again on page 4, in consideration of what does apply here, reason for non-disclosure, for what

Plaintiff seeks is merely pictures of what had been disclosed:

> Where one of the above reasons for non-disclosure may apply, the agency involved should weigh such reason against the "overriding consideration of the fullest possible disclosure" in determining whether or not to authorize disclosure.

Bearing in mind that the evidence of which Plaintiff seeks pictures was published by the Commission, and used in its Report, there is this language from page 3:

> All unclassified material which has been disclosed verbatim or in substance in the Report of the President's Commission or accompanying published documenss should be made available to the public on a regular basis.

Under another ruling by the Department of Justice, dated August 17, 1966, the Defendant National Archives is designated "the receiver and custodian of the records of the Commission," with all the legal obligations of the Commission. Aside from addressing Defendants' responsibility to provide that which Plaintiff seeks, this again refutes the claim that the National Archives is not the responsible agency, is not suable.

All of the foregoing adds point to this sentence from page 32 of the cited Bristol-Myers decision:

> Historically, Government agencies whose mistakes cannot bear public scrutiny have found "good cause" for secrecy.

Pertinent to the Chief Justice's words on the "overriding consideration of the fullest possible disclosure" and the fact of the inclusion of what Plaintiff seeks in the Commission's official evidence and publication by the Commission, if there ever existed any basis for withholding what Plaintiff seeks, and there did not, that was waived by these public and published uses. In American Mail the Court of Appeals held that even the slightest reference to what otherwise had exemption under the law constituted a complete waiver of that exemption and "became a public record, one which must be disclosed."

If the Government, in the words of Bristol-Myers, "cannot bear public scrutiny" of pictures other than those published of this evidence, perhaps examination of the published picture, which I have, will inform the court.

But this much is clear: Plaintiff has fully and completely complied with all the conditions imposed upon him by law and regulation. All representations to the contrary are refuted, in one form or another, by even that which Defendants have filed. All allegations that he has not are contrived to pretend a basis for Defendants' motions and are not "genuine" issues as to "any material facts."

All of Defendants' other allegations are similarly without basis and are similarly contrived to lay a false basis for these motions. Incredible as it may seem, in their extremity and their overriding ambition to suppress, without ever claiming this law is inapplicable, Defendants [redacted] simultaneously claim this court is without jurisdiction. Yet the provision that begins with the statement that the intent is to make

> clear beyond doubt that all the materials of government are to be available to the public unless specifically exempt from disclousre,

which in no way applies to what Plaintiff seeks and is not even claimed by Defendants, also says,

> Upon complaint, the district court of the United States in the district ... in which the agency records are situation shall have jurisdiction to enjoin the agency from withholding agency records and to order the production of such agency records improperly withheld from the complainant.

There is no genuine [redacted] question about this Court's jurisdiction.

But there is a point Plaintiff feels he must raise: Are these records still "situated" within the jurisdiction of this court or have they been, as Plaintiff has reason to beliefe, physically removed from

the jurisdiction while litigation was pending? Plaintiff asks assurance that they remain within the jurisdiction else, in the words of the Appeals Court's American Mail decision, "Congress would have created a right without a remedy."

Further bearing on whether relief can be granted, Rule 8(a) of the Federal Rules of Civil Procedure require of Plaintiff only that he provide "(1) a short and plain statement of the grounds on which the court's jursidiction depends", which Plaintiff has done; "(2(a short and plain statement of the claim showing that the pleader is entitled to relief," which again Plaintiff has done; and "(3) a demand for the relief to which he deems himself entitled," and Plaintiff has done this, too. In its simplest formulation, relief can be granted by providing the requested pictures, which is the norm in any event.

Rule 12(b) of the Federal Rules of Civil Procedure says that if the defense pleads "failure" to "state a claim upon which relief can be granted" and " matters outside the pleadings are presented," then "the motion shall be treated as one for summary judgment."

This would seem to impart even greater materiality to what Plaintiff believes is false swearing by the Archivist in his affidavit so long withheld from Plaintiff, even though it had been certified as served upon him by Defendants' counsel, who persisted in withholding it until after Plaintiff's third request for it. These are the falsely sworn statements:

> Plaintiff has never specifically requested permission to examine the above-mentioned clothing nor has he specifically requested permission to photograph the above-mentioned clothing. Consequently, the National Archives has never denied such requests.

The falsity of these sworn statements is abundantly established by the existing record in this case, including the rejection of the

requests over the affiant's signature, and even pleadings on his behalf, such as the alleged Statement of Material Facts and the Answer, especially the paragraph denominated "8 and 9."

Still further bearing on materiality of this false swearing is the requirement of Rule 56(c) FRCP:

> Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.

This false swearing is consistent with every effort made to deny Plaintiff the rights he seeks today. This is not an exceptional case. It is part of a coherent pattern of suppression by one device after another, of unending delays when the law requires promptness, of the repeated denial of the existence of that which Plaintiff has sought, yet finally delivered as an alternative to exposure of official falsification in court. Were it pertinent, Plaintiff could prove the destruction of evidence of this investigation of the assassination of a President, which is another way of frustrating the law.

Likewise consistent with this pattern, whether or not so [redacted] designed, are those abuses of Plaintiff by Defendants' counsel of which Plaintiff has complained to this Court. They range from the withholding of papers filed in this action to the belated supplying of contrary allegations to those to which Plaintiff had had to respond until after the expiration of Plaintiff's expectable time for response to them. The executing and filing of false papers, as of false swearing, is a matter Plaintiff hopes this Court will address, for they also are part of an official effort to deny Plaintiff his rights.

In conclusion, Plaintiff submits that none of the alleged basis for Defendants' Motions exist in reality. The facts are not as therein stated. They neither address nor state the real facts. But even with

regard to them as represented, there is genuine disagreement and on this added basis ought be rejected by this Court.

The true facts are as stated by Plaintiff and abundantly supported in the various papers he has filed, all amply supported by the documentation of the record.

In no way have Defendants directly addressed or disputed these real facts, which are, simply, that 5 U.S.C. 552 is properly invoked by Plaintiff, who has properly exhausted his administrative remedies, been refused, and is entitled to the relief he seeks because about these facts there is no genuine dispute. This Court does have jurisdiction. The relief sought is Defendants' normal practice, the supplying of copies of the official evidence of the Warren Commission. It is also the requirement of law and applicable regulation as already presented by Plaintiff.

Plaintiff therefore, renewing his Motion for Summary Judgment, filed in November, asks that this Court direct Defendants to supply copies of the existing pictures of this evidence and take for Plaintiff those required by him for his research.