

ADDITION TO PLAINTIFF'S ADDITION in C.A.# 2569-70

Defendants' latest communication to plaintiff requires <sup>this</sup> plaintiff's new addition to the foregoing papers. It may serve a purpose other than imposing excessive length in ~~plaintiff's papers~~ in that it may illuminate to the Court what plaintiff believes is defendants' perfidy and, ~~on the basis of what would appear, to the best of plaintiff's possible knowledge,~~ to be deliberate trickery.

The communication referred to is a letter to plaintiff, dated February 11, 1971, <sup>stamp-</sup> from ~~the~~ Assistant Administrator for Administration of GSA. It was received by plaintiff February 13. It could not have been received earlier and, in fact, reached plaintiff more expeditiously than <sup>has</sup> most mail from Washington <sup>o</sup> reaches plaintiff. Now the date of receipt is not a normal working day, being Saturday. Sundays there is never any mail, Monday is a holiday on which there will be no mail, and the following ~~next~~ day is the last on which these papers may be filed by plaintiff. As is well known to those who have dealt with him, which includes defendants, when plaintiff, who lives in a rural area served by a rural carrier but once a day, goes to Washington, he has to leave before <sup>delivery,</sup> his mail is delivered. It follows that if defendants had planned for this letter not to ~~have reached~~ plaintiff until too late for him to do anything about it, they could not have designed it better.

What this letter relates to is the essence of the ~~present~~ instant case. It <sup>is</sup> ~~alleged/corrects an innocent error of about five months earlier.~~ <sup>defendants'</sup> ~~It was a month~~ <sup>it relates to Defendants</sup> ~~after plaintiff's letter that he received it.~~ <sup>Exhibits 1 and 2</sup>

Were this to be innocent, the normal working of an inefficient and uncaring bureaucracy little concerned about the law, the courts and the rights of citizens, as is possible, the context in which plaintiff must view it is one he feels impelled to make a matter of official record and to call to the attention of the Court in some detail. It stretches even a willingness to <sup>do so</sup> believe to believe that all of what plaintiff will report is entirely innocent, particularly in a case in which plaintiff, a non-layer, represents himself.

Having no knowledge that defendants were about to file their instant motion, <sup>and</sup> on the very day thereof, still hoping to avoid encumbering this Court without need, plaintiff

wrote the Assistant Administrator of Administration of GSA, Mr. W.L. Johnson. <sup>quite</sup> It had then been ~~some time~~ since plaintiff had filed his Motion for Summary Judgment and plaintiff had heard from neither defendants nor this Court. A copy of plaintiff's letter is <sup>V</sup> attached hereto. Aside from that to which plaintiff in particular directs this Court's attention, there is in this correspondence what also relates to these matters addressed in ~~the~~ <sup>these</sup> instant papers ~~submitted~~ <sup>massively</sup> ~~and~~ <sup>much</sup> prepared ~~on an~~ earlier date. One of these is whether plaintiff had, in fact, exhausted his administrative remedies with what by now might be regarded as <sup>flippancy</sup> ~~some~~ ~~what~~ ~~trivially~~ described by defendants as "available". ~~By~~ the foregoing, plaintiff represented to this Court that defendants' allegation is neither serious nor truthful, that plaintiff did, with some care and effort, comply with all requirements, including by proper ~~the~~ appeal that was officially rejected. Nowhere in defendants' motion is there acknowledgement of the fact of this appeal <sup>of</sup> or its rejection <sup>of</sup>, and there is only what plaintiff categorized as deception.

Twice in the first paragraph of plaintiff's letter of January 13, 1977, to Mr. Johnson there is reference to plaintiff's "appeal", that word being used, and to its official rejection. Despite <sup>defendants'</sup> ~~the~~ ~~misrepresentation~~ <sup>made to this Court</sup> that plaintiff believes is deliberate, made exactly the same day that plaintiff wrote, nowhere in Mr Johnson's letter does he dispute this description, that plaintiff did appeal and was rejected.

And Mr. Johnson, the Court will recall, is the identical person to whom, under the GSA's own regulations, plaintiff's appeal was required to have been automatically forwarded not later than about five months ago. It is defendants' argument that because Mr. Johnson has not <sup>p</sup>complied with law and regulations, plaintiff has not "exhausted his available administrative remedies."

Plaintiff, who had neither knowledge <sup>of</sup> nor any way of knowing that on that very date defendants were going to file their instant Motion, also addressed other matters that are essential in these papers. For example, of defendants' refusal to provide copies of the pictures requested:

"Its position has been that if refused my request because not to do so would

result in sensational or undignified use of the evidence I seek and seek to study."

The proper GSA official, the Deputy Administrator for Administration, in ~~no~~ <sup>no manner</sup> way, ~~anner~~ or form disputes plaintiff's representation of defendants' <sup>alleged</sup> basis for ~~his~~ refusing plaintiff's requests. <sup>That they and plaintiff's appeal were in fact refused.</sup>

Identically the same is true of <sup>falsely contrived</sup> plaintiff's representation of what he really seeks, as distinguished from the improvisation <sup>he had no</sup> erected to mislead this Court. Plaintiff, ~~again~~ <sup>he had no</sup> emphasizes, ~~without any way of knowing~~ that his requests were at that very moment being misrepresented by defendants, described them in this sentence:

"I asked only for the pictures you already have and for <sup>you</sup> me to take pictures for me ~~with~~ with your own equipment."

<sup>Stamp -</sup>  
Mr. Johnson's complete silence on this, too, in his letter dated February 11, 1971, plaintiff submits, is acknowledgement of the truthfulness and accuracy of plaintiff's representations to this Court and, conversely, of the falseness and the deliberate falseness of what defendants have presented to this Court ~~and~~ in its own way thus reinforcing <sup>ing</sup> plaintiff's claim that there is ~~no~~ <sup>never was any</sup> ~~genuine~~ <sup>the</sup> issue as to ~~any~~ material fact.

Plaintiff's letter to Mr. Johnson, although written for other reasons, is a clear <sup>proof</sup> reflection that it was not plaintiff's desire needlessly to burden this Court. <sup>Its</sup> ~~The~~ chief purpose is set forth explicitly in two paragraphs, reading:

"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 ~~me~~ access to this public information to me, that any use would be sensational or undignified, the Archives, <sup>did</sup> prior to my repeated requests, permit to CBS that which it denies me, permission to examine the clothing, and more than I requested, the right to use their own equipment in taking the pictures denied to 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~~ 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 in fact.

<sup>John</sup>  
~~And here~~ plaintiff informed Mr. Johnson of plaintiff's intention to amend his Motion for Summary Judgement to <sup>inc</sup> incorporate this admission by defendants.

Now it happened ~~that~~ that on exactly the date stamped on Mr. Johnson's letter, at a little before 1 p.m., plaintiff received ~~an unsolicited and entirely voluntary~~ telephone call from the Assistant United States Attorney whose name is signed to ~~the~~ *Mr. Robert Werdig, Jr.* instant defendants' Motion and who seems to be handling the case, *Mr. Werdig's* (To this conversation, plaintiff will return. Here he asks the Court to note only that with his knowledge of the serious problem for plaintiff in completing these papers within the time set and with his knowledge that, in fact, plaintiff was preparing these papers, Mr. Werdig made no mention of Mr. Johnson's letter, *or of its contents,* which could not be more relevant to plaintiffs defendant's earlier papers and to any response by plaintiff. The letter from Mr. Vawter is Defendants' Exhibit 2 attached to defendants' instant motion. Mr. Johnson's letter, which could not possibly be expected to ~~reach~~ *reach* plaintiff prior to the date on which these papers are due in this Court, *at this very late hour -* suddenly claims Mr. Vawter's letter is in error.

Mr. Werdig could telephone plaintiff and not mention this? And Mr. Johnson, the responsible official of Defendant GSA, could not telephone plaintiff? The Archivist, head of Defendant National Archives, could not telephone plaintiff?

And can it be believed that after plaintiff, with motives that certainly cannot be questioned, was frank and forthright with defendants on just this point, after (and so long after!) plaintiff did amend his Motion for Summary Judgement, neither defendant notified their counsel, Mr. Werdig, or anyone else in the Department of Justice or the Office of the United States <sup>Attorney</sup> for the District of Columbia? *(indicating earlier typing thereof)* Before directly addressing Mr. Johnson's letter ~~and~~ stamped February 11, 1971, plaintiff reminds this Court that despite the contrary certification, defendants did not serve upon plaintiff the attachments to their instant Motion; that after plaintiff's first request therefore they did not provide these attachments, which include Mr.

Vawter's letter; ~~and~~ that on the occasion of plaintiff's second request, these *That plaintiff then make a third request;* exhibits had not yet been copied; and that they did not reach plaintiff until

February 8, which is but three days prior to the date stamped on Mr. Johnson's letter.

It seems reasonable to assume that long before these exhibits were so belatedly



sent to plaintiff, defendants were aware of the "error" they now allege is in their rejection of plaintiff's appeal.

Can it be believed that it required a month, which is the approximate time between plaintiff's letter of January 13 and defendants' of February 11, to learn that so serious an error had been made? *Or that it was not and should not have been learned in the four previous months following filing of plaintiff's complaint?*

Can it be assumed that a Court is allegedly so grossly misinformed as is now claimed by defendants and the Court is not promptly informed thereof?

Rather than helping defendants, this alleged "correction" is their petard on which they hoist themselves. Further, this letter perpetuates what has become a Government tradition, not ever writing plaintiff without *falsehood* and misrepresentation. Knowing this letter would reach the Court, plaintiff alleges it had the added purpose of misrepresenting and intending to deceive this Court, as he will explain.

Mr. Johnson ~~writes~~ writes:

"I have been informed by the Archivist of the United States that CBS personnel were not permitted to see or examine President Kennedy's clothing, and that no photographs or motion pictures film of that clothing ~~was~~ were taken ~~for~~ by or for CBS.

This is all that in any way addresses plaintiff's letter of January 13. Plaintiff has no independent proof of its truth or falseness, but plaintiff did understand that such photographs were taken for CBS, which is precisely what plaintiff's appeal of June 20 1970 says.

For the purpose of misrepresentation to this Court, *and* whether or not truthful it is being entirely irrelevant to plaintiff's requests *to* and his letter, this *follows* sentence

~~is~~ next in Mr. Johnson's letter:

"Photographs of the following exhibits were taken by the National Archives staff with CBS equipment: Commission Exhibit 319 <sup>CE 142</sup> (rifle), CE 399 (bullet), CE 567 (bullet fragment), and CE 569 (bullet fragment). <sup>(bag)</sup> As indicated by Mr. Vawter's letter of September 17, 1970, to you, these photographs will be shown to you in the National Archives on request, and copies of any you select will be furnished to you for the usual prices."

Now the Court can see for itself that the last two sentences *deception,* are not the subject of plaintiff's request, not the subject of his appeal, and are in no way mentioned or in any way referred to in Mr. Vawter's letter. That was in response to this language in plaintiff's appeal: *(Defendants' Exhibit 1):*

This, the only possible interpretation, permeates defendants' instant motion and attachments. Under Memorandum of Points and Authorities, it is included in "1)". Under "Argument" it is explicitly quoted in identically this manner and with the identical excerpt, " to allow you to examine item 5 <sup>photo</sup> photographs..., to furnish you prints of the item 5 photographs." (p.6). Here again, under the argument that "Plaintiff Has Failed to Exhaust the Available Administrative Remedies".



Insert on 7 a

Is not the entire thrust of defendants' argument about the family contract that it absolutely precludes the providing of any such photographs of the clothing under any circumstances to anyone?

Insert as 7B

How perfectly this shows the spuriousness of <sup>defendants' knowingly</sup> ~~the~~ false interpretation of this contract <sup>National</sup> when nobody at all, from clerk through Archivist at the Archives and through all the appeals mechanisms at GSA, including the office of the general counsel and that of the Deputy Administrator for Administration; when nobody at the Department of Justice and no one in the office of the United States Attorney, doubted for a single instant that such pictures were taken for CBS or even questioned that they had been! And yet they tell this Court that the contract prevents this?



the represent to this Court, "there is no genuine issue as to any material fact and, therefore, defendants are entitled to judgement as a matter of law."

The false pretense, seriously addressed to this court, that plaintiff had ~~not~~ exhausted the administrative remedies available to ~~him~~ <sup>of species.</sup> thus becomes so fragile it would not sustain a dessicated, subinvertebrate butterfly. And on this basis, as he has properly represented to this Court, plaintiff would be entitled to judgement in his favor, there being no possibility at all of any genuine issue as to <sup>any</sup> ~~any~~ material fact.

On the other hand, if, as plaintiff cannot disprove, it is true that the Archives did not take such photographs as plaintiff seeks for CBS, what then is the situation? What then can be said of the <sup>honesty</sup> seriousness with ~~which~~ which defendants represent to requests for <sup>public</sup> ~~public~~ information? The ~~official~~ official attitude toward appeals under the law and regulations are this <sup>y</sup> portrayed in what light? And ~~so far as the~~ <sup>with regard to</sup> uniform application of regulations, the impartiality <sup>y</sup> access, the seriousness with which these who operate the Archives and care for this irreplaceable archive, ~~regard~~ <sup>is concerned,</sup> what does this show? <sup>And what of their concern for the provision of the family contract?</sup>

Did anyone throw up his arms in horror at the thought that such photographs were taken for CBS? From defendants' own representation, would this not be the next thing to an unimaginable national catastrophe, a serious offense at the <sup>very</sup> least? But someone in authority did affirm that such pictures as plaintiff seeks were taken for another, and nobody in authority did for a single instant question it? Not even when plaintiff filed the instant complaint and, presumeably, before making any representation to this Court, defendants and their eminent, learned and experienced counsel looked into the matters involved?

<sup>INSERT 7B</sup> This one incident ought <sup>this</sup> persuade the Court what plaintiff's unhappy experience has been, that in order to suppress the vital evidence ~~being exhibited and represented~~ of the President's assassination from any unofficial examination, there is nothing of which the Government is not capable, no lie too outrageous to tell, no trick too demeaning to pull, and ~~no~~ interference in independent research not worth trying. The <sup>very</sup> least that can be said of this is that defendants' word can be taken for nothing and that

when caught in one lie, that merely is inspiration for immediate improvisation of another.

It is immaterial whether the lies are to an unimportant person like plaintiff or to a Court of law. Government makes them, and to them there is no end. Plaintiff has long experience with them, including, as this <sup>Court</sup> ~~Chief~~ knows, from the false swearing proven by examination of ~~the~~ Defendants' Exhibit 3 and from earlier litigation.

When a President is cut down in broad daylight <sup>on the streets of</sup> ~~and in~~ a major American city, when that assassination is investigated by the Federal Government and that investigation leaves the most enduring and disturbing doubts, do not those who, at great personal cost, are willing to undertake to examine the evidence (and have in this endeavor the sanction of the law and regulations and rights under both), have any hope of the protection of their rights <sup>by</sup> ~~from~~ the courts? Is Government, are defendants, to be permitted indefinitely to frustrate the clear meaning of the law, to ~~frustrate and do whatever it~~ <sup>within</sup> is in their power to do to interfere with any independent study on this subject?

Can there be any public trust in the official investigation in the face of this official attitude and <sup>such a</sup> record?

And is there no authority in American society that can compel an end to official falsehood, ~~deception~~, misrepresentation and, plaintiff believes, perjury, just to block any independent study of the President's assassination and its official investigation?

Can any Federal actions bring ~~either the Members of that Commission or the bereaved~~ survivors into greater disrepute, now or in history? Almost without exception, the members of that Commission, all eminent men, were already over-committed to the public service. ~~THEIR~~ Their's was a thankless, painful assignment from which none could profit personally. Has any family had greater, more public anguish and <sup>4</sup> suffering? It is not possible for Government more to besmirch those eminent men or this so-bereaved family than by the suppression of evidence, legally-speaking, public information, and that by so many deviousnesses, misrepresentations, distortions, falsifications and, as best a non-lawyer can, <sup>M</sup> plaintiff alleges the possibility

of perjury, official perjury, for the purpose of converting the Court into an instrument of suppression -and that not for the first time.

Is there nothing within the law or within its powers that this Court can do, besides granting plaintiff the relief he seeks, to end ~~it~~ once and for all, these defamations of the innocent and the suffering ones? How long can the suppression be laid to those not responsible, the Commission, whose last act was to seek to prevent them and the family which engaged in a contract to prevent them? And are now blamed, in effect, by the Government from which we here such alliterative pleas for "law and order", Orwell-style, and so many equally-alliterative complaints about these, especially the young, who reject such dishonesty in national life and face the frustration with which plaintiff is only too familiar in any effort they might make to right wrong?

8 / Does not the record in this instant case taint the processes of justice as they self-characterize those who are its alleged and designated ~~indefendants~~ defenders, defendants' counsel in this matter?

To the catalogue of official infamy here enumerated, plaintiff feels justified in adding trickery, ~~again the the end that he be defrauded.~~ *intended to defraud him.* Further exposition of all the silences of all the officials who knew about this alleged "error" the alleged "rectification" of which was withheld from plaintiff until it could not reasonably be expected to reach him until after the last minute for the filing of these papers, at a time when it could with some certainty be expected to be beyond his physical capacity to in any way address it, ought not be needed. What preceeded it should, plaintiff hopes, be of interest to this Court, which dispenses justice, and should help add still another perspective on what is involved in what began as a simple effort by an ordinary man to obtain public information to which he is entitled under the law.

Plaintiff was <sup>in</sup> twice compelled to be away from his home, <sup>out of town</sup> on business, immediately following the filing of defendants' instant Motion on January 13. He also had a medical appointment in Washington <sup>Tuesday</sup> on January 19. As of then, it had not been possible for plaintiff to read the papers served upon him by mail. <sup>He</sup> had glanced at them, realized <sup>response</sup> any report would require some time and adequate reply extensive effort and a longer

amount of time. Believing, perhaps naively, that the proper function of the United States Attorney is more than that of an ~~advocate~~ <sup>advocate</sup> of one side and feeling that <sup>without consulting him,</sup> it would not be proper to request an extension of time, plaintiff telephoned Mr. Werdig. The secretary took the message and plaintiff said he would await the return of the phone call at the office of the friend from which he placed it. A considerable time elapsed ~~and~~ and plaintiff had to leave for the drive home. He again phoned Mr. Werdig, whose secretary was perhaps then absent, for ~~he~~ <sup>Mr. Werdig</sup> answered the phone. Plaintiff explained that he was not and had not been well, that he had not yet had the opportunity to study Mr. Werdig's Motion, that he wanted the opportunity to make full and adequate response, and sought Mr. Werdig's agreement to a request for an extension of time.

Mr. Werdig assured plaintiff he need make no such request. He explained that the Court had not yet arranged its schedule of cases, that it would be at least a month before the Court could get around to that, and until then there would be no need for <sup>plaintiff to</sup> the request ~~for~~ <sup>for</sup> or the granting of an extension of time.

Plaintiff, not knowing but believing there was a limit and that it was 10 days, obtained the phone number of the Court's secretary and phoned her, thereupon learning that there was, indeed, a time limit and that it had almost expired. Pursuant to this and not knowing the forms, plaintiff wrote a letter to the Court, which <sup>on January 27</sup> graciously gave plaintiff until February 16 to respond.

9 Meanwhile, when the attachment to defendants' Motion were not with the papers mailed him and some time elapsed and they were ~~not~~ thereafter provided, recalling the experience of the unreturned phone call, plaintiff requested a friend in Washington to remind Mr. Werdig that plaintiff had not been provided with the attachments Mr. Werdig had certified to <sup>this</sup> the Court had been served upon plaintiff January 13. Plaintiff's friend, who was a witness to plaintiff's conversation with Mr. Werdig, had the identical experience, his phone call not being return, and the identical experience of Mr. Werdig taking the phone on his next call, with the identical explanation, that his secretary had not given him the message. The continued employment of such inefficient secretaries in the office of the United States Attorney is a mystery to plaintiff. However, Mr.





probability of innocence <sup>or ignorance</sup> in defendants' use of this <sup>sentence and</sup> paragraph or in that ~~file~~ <sup>by</sup> defendants' counsel.

To this date plaintiff has not received the full version of these exhibits. However, Mr. Werdig did phone plaintiff a little before 1 p.m. on February 11, the date stamped on the aforesaid letter from the Deputy Administrator <sup>for</sup> of Administration of GSA.

If it is possible to explain this long delay in getting to plaintiff <sup>even in complete</sup> these copies of defendants' exhibits certified as ~~XXXXXX~~ having been ~~XXXX~~ served when they were not and when they were not received until after plaintiff's third request, ~~(that being in plaintiff's letter of February 5)~~, what plaintiff has herein shown to be the true meaning and significance make more sense than an allegation of carelessness or bureaucratic error.

<sup>with holding after cert of action and delays were</sup> If the inference that ~~it was a~~ deliberate act <sup>he did</sup> is unwarranted, Mr Werdig could not have done more than to raise this question, especially when these exhibits contain false swearing under oath about what appears to plaintiff to be material and ought so appear to ~~plaint~~ defendants' counsel.

*Mr. Werdig on February 11*

He ~~then~~ informed plaintiff that the copies he had sent were made from his own copies, which plaintiff believes. Mr. Werdig added he would immediately phone the Archives, get them to provide him with the words of the legends and would then provide this information <sup>to plaintiff</sup> by phone. This Mr. Werdig did not do, nor <sup>did he</sup> to ~~his~~ phone to say that he would not or could not.

In the attached copy of Plaintiff's letter of February 8 to Mr. Werdig, <sup>also</sup> the Court will <sup>note</sup> ~~not~~ another comments to which Mr. Werdig has made neither response nor denial, one that is this context seems relevant being this:

It will be impossible for me to make full response within the time I have, which unfortunately, when I talked to you, you did not represent to me with any accuracy."

Plaintiff then said, in anticipation of the possibility it might not be possible to have everything neatly typed for the Court:

"...I will want an extension of time long enough to permit the retyping of what by then cannot be retyped. I presume you will join me in asking for this for me.

<sup>He</sup> followed plaintiff's unchallenged statement, that the long delay in providing

the attachment, consideration of which properly belong in what plaintiff had by then had typed, required an addition and redundancy and that

"Together with the rather considerable extent of ~~irrelevancies~~ irrelevancies I will have to address, otherwise the Court will not be able to evaluate them, this means a considerable addition to the length of what I must file. In turn, this is more than just a problem for me, It means a burden upon the Court that cannot but be prejudicial to my interests. Furthermore, this makes repetition inevitable. I cannot imagine a judge not finding this unwelcome or that you are not unaware of it."

These amount to fairly serious charges. Mr. Werdig neither addressed nor disputed them. If it does not mean he necessarily agrees with them, it does mean he did not ~~accept~~ <sup>or in any way dispute</sup> ~~challenge~~ <sup>(this) ~~infer~~ inferences</sup> of both ~~inapproprieties~~ <sup>encs of both</sup> on his part and that they were deliberate.

When he phoned plaintiff, Mr. Werdig pressed plaintiff to request another extension of time, expressing himself as more than willing. Plaintiff said he preferred not to, fearing the Court might not receive this request well and that the result might be further prejudicial to plaintiff's interest. Mr. Werdig then volunteered that he would speak to the clerk of the Court. When plaintiff asked whether the Judge need not be consulted, Mr. Werdig said approximately, "with this Judge, yes", and he said he would do these things. The conversation closed with Mr. Werdig's assurances that plaintiff had more time. Mr. Werdig kept repeating <sup>ing</sup> another 30 days and plaintiff said that he required any time, it would not be anything like that much, that all he would need was sufficient time for the completion of the typing.

When plaintiff told Mr. Werdig that plaintiff would prefer to present to the Court what was retyped by the day set, Mr. Werdig said it would be better to file all the papers at one time.

From the time of Mr. Werdig's phone call until the end of the working day Friday, the last working day before the day the papers must be filed, <sup>e. and almost constantly thereafter,</sup> plaintiff remained by his phone. Mr. Werdig did not phone. So, plaintiff is left with the impression strongly conveyed by Mr. Werdig, on Mr. Werdig's initiative, that plaintiff will not have to file his papers by February 16. If, from the human kindness that wells from his big heart, <sup>the great depths of</sup> Mr. Werdig has made these generous arrangements, he has not so informed plaintiff. And if he has led plaintiff to believe that he would and did not, and were plaintiff to be

guided by this nobility of spirit (Mr. Werdig went out of his way to say of his office they are all good guys and never press or take advantage of anyone) and did not present this papers within the required time, plaintiff cannot but wonder whether he would be in default and subject to such a judgement.

Plaintiff would have no need for either time or undue rush had Mr. Werdig done what he had certified to the Court that he had done, <sup>and what is in any event required of him, this</sup> as will be obvious to this Court upon the filing of these papers, when the extent of extra work required by what ~~amounts~~ <sup>of plaintiff</sup> amounts to the withholding <sup>by Mr. Werdig and the resultant disorganization and repetition</sup> of what he had certified to having served to this Court, <sup>will be apparent.</sup>

It is not plaintiff's purpose to embarrass Mr. Werdig or to annoy this Court. But when, to the official harrassment and falsifications and numerous impositions and long delays visited upon plaintiff by defendants (only a small percentage of which is of direct relevance in this instant case), <sup>or</sup> is added Mr. Werdig's assurances to plaintiff (undenied when committed to writing) that, had plaintiff heeded them, could have led to ~~plaintiff's~~ <sup>or</sup> default by plaintiff in January; and then the failure to provide the attachments certified as having been served; <sup>or</sup> and then three requests were required before they were provided to plaintiff; <sup>or</sup> and then the most casual examination of them provided reason for one not of paranoid tendencies to suspect this was not accidental; <sup>or</sup> and then the <sup>or</sup> incompleteness of the copies provided is considered; <sup>or</sup> and atop all of this there is first the pressure for plaintiff to ask an extension of time when, clearly plaintiff felt it against his interest to do so; <sup>or</sup> and then the promise that Mr. Werdig would obtain this added time, even insisting upon more than plaintiff said he'd need; <sup>or</sup> and there is, thereafter, no word from Mr. Werdig, confirming or denying, his last word being the assurance that plaintiff had all this time, <sup>or</sup> perhaps the Court can understand why plaintiff is filled with the misgivings honestly set forth above and cannot but wonder about motive.

Now if the Court will <sup>further</sup> consider that, <sup>had to</sup> by the time that any lawyer could anticipate that either plaintiff's work was completed or he was in serious trouble completing it, there comes this letter from the Deputy Administrator for Administration of GSA, with <sup>mail or</sup> no working day remaining prior to the expiration of plaintiff's time and with reasonable



expectation ~~that possible was not in anyone's mind but should have been, with the~~  
~~deadline plaintiff faced~~ <sup>over a holiday weekend</sup> that the letter could not reach plaintiff until he had to  
leave to deliver these papers, possibly the Court can understand <sup>otherwise</sup> what may appear to  
be needless apprehension by plaintiff.

But for plaintiff to be able to dismiss this, in addition to all the foregoing,  
<sup>would also</sup> he have to forget <sup>(letter of February 8)</sup> his having told Mr. Werdig that if his health ~~prevented~~  
~~prevented~~ mitigated against the drive to Washington, "I will mail them". <sup>for these</sup>  
papers to have had any chance of reaching the Court <sup>on time</sup> by mail, they would have had to have  
been mailed at the time plaintiff received Mr. Johnson's letter.

Again plaintiff feels he must apologize for the great length of <sup>his</sup> plaintiff's filing.  
However, he asks the Court, if the Court reads all these papers, to put ~~himself~~  
himself in plaintiff's position, to consider that not a single one of the allegedly  
faithful quotations of anything- law, regulation, contract or even correspondence <sup>is</sup>  
full, accurate and complete; that the most directly relevant language of law and regulation  
had been withheld from the Court by defendants; that this Court was lied to by these  
who should have know they were lying and had to know they were lying; that this Court  
was given false swearing under oath; that plaintiff's compliance with law and regulation  
had been so misrepresented that this Court ~~did not~~ was not told even that plaintiff had  
filed an appeal and was led to believe that he had not; that the nature of plaintiff's  
requests of defendant were <sup>and prejudicially</sup> grossly misrepresented to this Court; and adds plaintiff's  
B deep misgivings about Mr. Werdig's motives and intentions and the seriousness with which  
plaintiff regards his studies <sup>can</sup> (does <sup>understand that</sup> the Court not realize the considerable time and  
effort required for the preparation of these papers - enough to write a book - is  
a representation of plaintiff's sincerity and seriousness of purpose?), hopefully,  
the Court will realize that this length is <sup>only</sup> what plaintiff <sup>felt</sup> was required of him.

<sup>or</sup> So that the Court will not be under any <sup>good suspect paranoia or over-sensitivity,</sup> misapprehension about plaintiff's  
doubts of Mr. Werdig's intentions, plaintiff adds that Mr. Werdig was <sup>N</sup> Government counsel  
in Civil Action 2301-70, heard before another Judge of this Court. Mr Werdig first  
arranged for there to be little time for the hearing by <sup>not</sup> ~~not~~ appearing in that Court

and  
 at the hour set, not informing plaintiff of his counsel that he would not (apparently not informing the Judge, either), That <sup>action</sup> suit represented plaintiff's efforts to obtain what is described as "spectrographic analyses". With little time for argument, knowing better, and producing no showing of any kind thereof, Mr. Werdig argued, ~~substantially~~ (transcript, page 11):

"In this instance,  
 "It is in the interest of the Attorney General of the United States has determined that it is not in the national interest to divulge these spectrographic analyses."

The record shows Mr. Werdig produced no such "determination" by the Attorney General, ~~he~~ <sup>he</sup> could not then, did not have it then, and cannot have it now. Under the <sup>(personally arranged,)</sup> circumstances he ~~contrived,~~ he made refutation impossible, *and thus prevented*

The right of the Government to withhold information on this basis, recognized in the old law, was specifically eliminated in 5 U.S.C. 552. The Court will find this noted and explained <sup>through out</sup> in House Report 1497, 89th Congress, Second Session, entitled, "Clarifying and Protecting the Right of the Public to Information, ~~on pages 2, 4, 5 and 9.~~ The concern of the Congress on this score can be read from the fact that <sup>and more general</sup> ~~aside from other~~ representations of the same thought, <sup>this is</sup> ~~these specific representations appear on a third~~ third of the pages of that report. This report makes clear that such subterfuges were the traditional Government excuse for hiding information from the public, hence were eliminated by the Congress to end improper suppressions.

Moreover, as Mr. Werdig should know and the Department of Justice certainly does know, there is no such exemption in 5 U.S.C. 552. Mr. Werdig cited the Attorney General's Memorandum in his addenda to his instant Motion. He need have read ~~but~~ two things in that Memorandum (but a single sentence if he were familiar with the statute). That single sentence, by the Attorney General himself, and entirely consistent with all the doctrine from the Congress <sup>as</sup> (and in that Memorandum, also from the President, reads (iii):

"It leaves not doubt that disclosure is a transcendent goal, yielding only to such compelling considerations as those provided in the exemptions of the act."

There is no such exemption *in the act.*

Plaintiff deeply regrets even the appearance of "trying the case on opposing counsel". He regrets even more ~~that~~ <sup>that</sup> opposing counsel eliminated any practical ~~alter~~

alternative, ~~may~~ save the unmanly and, if it is not too presumptuous, the unpatriotic, abject surrender and capitulation to wrong. It is not for such purposes that, with no resources save fatigue and ~~his~~ <sup>debt</sup> that plaintiff persists in his concentrated study and effort <sup>of</sup> ~~now~~ <sup>and painful</sup> more than seven very long ~~long~~ years. ~~It~~ Nor is it for such entirely unacceptable purposes that plaintiff was so patient before filing this instant action or in filing it, both representing what for ~~plaintiff~~ plaintiff is and has been enormous and debilitating effort.

However, plaintiff also believes that he has, as a matter of law, established that there is no genuine issue as to any material fact and that he therefore is entitled to judgement in his favor as a matter of law.