

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 ⁱⁿ twice compelled to be away from his home, ^{out of town} on business, immediately following the filing of defendants' instant Motion on January 13. He also had a medical appointment in Washington ^{Tuesday} on January 19. As of then, it had not been possible for plaintiff to read the papers served upon him by mail. ^{He} had glanced at them, realized ^{response} 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~~ ^{advocate} of one side and feeling that ^{without consulting him,} 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~~ ^{Mr. Werdig} 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 ^{plaintiff to} the request ~~for~~ ⁱⁿ 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 ^{on January 27} 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 ^{this} 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 ^{or ignorance} in defendants' use of this ^{sentence and} paragraph or in that ~~file~~ ^{by} 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 ^{for} of Administration of GSA.

If it is possible to explain this long delay in getting to plaintiff ^{even in complete} these copies of defendants' exhibits certified as ~~XXXXXX~~ having been ~~served~~ 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.

^{with holding after cert of action and delays were} If the inference that ~~it was a~~ deliberate act ^{he did} 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 ^{to plaintiff} by phone. This Mr. Werdig did not do, nor ^{did he} 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, ^{also} the Court will ^{note} ~~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.

^{He} 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~~ ^{or in any way dispute} ~~challenge~~ ^{(this) ~~infer~~ inferences} of both ~~inapproprieties~~ ^{encs of both} 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 ^{ing} 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, ^{e. and almost constantly thereafter,} 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, ^{the great depths of} 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, ^{and what is in any event required of him, this} as will be obvious to this Court upon the filing of these papers, when the extent of extra work required by what ~~amounts~~ ^{of plaintiff} amounts to the withholding ^{by Mr. Werdig and the resultant disorganization and repetition} of what he had certified to having served to this Court, ^{will be apparent.}

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), ^{or} is added Mr. Werdig's assurances to plaintiff (undenied when committed to writing) that, had plaintiff heeded them, could have led to ~~plaintiff's~~ default by plaintiff in January; ^{or} and then the failure to provide the attachments certified as having been served; ^{or} and then three requests were required before they were provided to plaintiff; ^{or} and then the most casual examination of them provided reason for one not of paranoid tendencies to suspect this was not accidental; ^{or} and then the ⁱⁿcompleteness of the copies provided is considered; ^{or} 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; ^{or} and then the promise that Mr. Werdig would obtain this added time, even insisting upon more than plaintiff said he'd need; ^{or} and there is, thereafter, no word from Mr. Werdig, confirming or denying, his last word being the assurance that plaintiff had all this time, ^{or} 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 ^{further} consider that, by the time that any lawyer ^{had to} 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 ^{mail or} 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~~ ^{over a holiday weekend} that the letter could not reach plaintiff until he had to
leave to deliver these papers, possibly the Court can understand ^{otherwise} what may appear to
be needless apprehension by plaintiff.

But for plaintiff to be able to dismiss this, in addition to all the foregoing,
^{would also} he have to forget ^(letter of February 8) his having told Mr. Werdig that if his health ~~prevented~~
~~prevented~~ mitigated against the drive to Washington, "I will mail them". ^{for these}
papers to have had any chance of reaching the Court ^{on time} 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 ^{his} 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 ^{is}
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 ^{and prejudicially} 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 ^{can} (does ^{understand that} 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 ^{only} what plaintiff ^{felt} was required of him.

^{or} So that the Court will not be under any ^{good suspect paranoia or over-sensitivity,} misapprehension about plaintiff's
doubts of Mr. Werdig's intentions, plaintiff adds that Mr. Werdig was ^N 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 ^{not} ~~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 ^{action} 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~~ could not then, did not have it then, and cannot have it now. Under the ^(personally arranged,) circumstances he ~~contrived,~~ he made refutation impossible, and thus prevailed.

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 ^{through out} 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 ^{and more general} ~~aside from other~~ representations of the same thought, ^{this is} ~~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 ^{as} (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 ^{it} 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~~ ^{debt} that plaintiff persists in his concentrated study and effort ^{of} ~~now~~ ^{and painful} 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.