

0249

JL- Opposition to Motion ^{To} Reconsider in 0249 HW 3/27/79

Odd how the Government can always arrange for mailings to intrude the weekend and delay my receipt of copies. Your copy of the 3/22 Motion is in today's mail.

I believe they have set themselves up for something I believe is overdue - allegation by me of fraud upon the Court. I want to do this. I hope you will agree. Their motion, which reflects having read my affidavits and attachments, is their petard. I want them to hgit themselves on it.

I alleged that they made fraudulent claim to national security for what they knew they had put into the public domain and what was already in the public domain earlier. I also allege that I have even newer proof and continue to get this proof of the knowing and deliberate falsity of the affidavits because they are by the same component.

They ignore this sworn evidence. They do not even deny it, *in pleadings (I put to learning)*

Now Government lawyers also are officers of the court. They are not mere partisans. They therefore have a responsibility, either to disprove my attestations and their attachments or to acknowledge that they provided false affidavits to the Court.

If I swore falsely I am subject to punishment and should be punished. Make this as a challenge, with them to be subject to punishment if they provided false affidavits. If you can't find a legalism to cover it ignore any basis except common sense and common honesty and decency. Of course there is always the Act's burden of proof provision and questions of material fact. Smith has made this the most material of facts, therefore the best issue for a perjury inquiry. I do want it or they'll waste the rest of my life this way. If you are uneasy pin it on my insistence and even disown if it you feel you must.

On page 2, ^Nline 6 up, there is false representation of my affidavit. My affidavits address the factual representation, not "defendant's legal positions." ^{his}is followed by further ^{false} representation by counsel, that the "new evidence" was "exhaustively discussed and probed by the Court during oral argument."

They repeat this 8 lines down ff on p. 3, claiming that everything in my affidavits was "both stale and well past due." On the former, it is new. On the latter, I didn't have some of what ~~I~~ know have and had asked for time to provide the proofs. But again the attachments from the underlying records are lied about ("raised, addressed and considered by the Court") as is the new evidence, which I hadn't even seen when the judge granted their Motion without my knowing it at first.

They make a serious mistake in the face of proof of perjury to ignore those proofs and insist of their perjury that by it the decision is "well supported by the record and well supported on the face." Followed by proof of perjury is not what "compels persuasively to the contrary."

Whatever Smith does I want this in the record for appeals. It is in accord with what Howard did in 1107 for remand. *i.e. fraud upon the Court.* *M. I.*

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