Plaintiff's response to defendants "Motion to Dismiss" and to "Defendant's Opposition to Plaintiff's Motion for Summary Judgement".

1. Plaintiff was forced to bring Civil Action No 718-70 because Defendants refused to comply with Public Law 89-487; 5 U.S.C. 555, because Plaintiff ~~Department of Justice~~ falsely alleged it did not have the documents Plaintiff properly sought, and because of a firm ruling by the Deputy Attorney General made earlier and in this instance repeated, that the documents sought "are exempt from disclosure under the provisions of 5 U.S.C. 552 (b)(7), which Defendant ~~Department of Justice~~ quoted incompletely and inadequately. (Plaintiff's Exhibits C,E and G).

2. Defendant ~~Department of Justice,~~ in violation of the spirit if not the letter of the law, ignored Plaintiff's request for these documents until almost three months, Plaintiff engaged counsel. Defendant thereafter delayed inordinately in making any response at all.

3. Plaintiff , through counsel, appealed to the Attorney General, under date of February 2, 1970. When the Attorney General did not respond to the Plaintiff's appeal by March 11, 1970, on that date Plaintiff filed Civil Action No. 718-70.

4. Thereafter Defendant ~~Department of Justice~~ sought and was granted delay in hearing this case based on its claim it required time for the collection of affidavits.

5. With the filing of this action, made necessary by the failure of the Defendant ~~Department of Justice~~ to act upon or even acknowledge Plaintiff's appeal, there is no basis for belated pretense the appeal is being acted upon. The only basis remaining is in response to this action under the law under which this action ~~had to be~~ was brought.

6. The letter of the Attorney General to Plaintiff's counsel (May 6, 1970) attached to Defendant's Motion to Dismiss pretends to be what it cannot be and pretends this suit does not exist. It makes no reference to this action, is not addressed to Plaintiff, is not addressed to Plaintiff's counsel as counsel for Plaintiff, but pretends the action was

renumber paragrpahs when retyping

6A What purpose is served by pretending there is no Civil Action 718-70 under the "Freedom of Information" law? Surely a man as well versessed in the law and as eminent as the Attorney General of the United States knows when his Department is Defendant in a cause at action, as do those so well rounded in the law as to qualify as his deputies and trusted assistants. One purpose alone, in Plaintiff's belief, is served, and that is to pretend the Government is not yielding to the will of Congress and the people embodied in this law. Plaintiff's long experience with ~~the various~~ agencies of government concerned with varying aspects of the lamentable assassinations ~~that have~~ recently ~~become~~ tragically common in the United States is that suppression of what is inconsistent with that which officials want believed is not accidental. and there is never less than extreme reluctance and usually refusal to comply with this law except under threat of court action under this law. Defendant has made numerous requests for information of Defendant going back to May 23, 1966, and where there has been response of any kind, which is rare, there has been misrepresentation, ~~almost with exception,~~ and there has not once, as of this moment, been the production of any one of the documents Plaintiff has requested. Defendant has carried his refusal to make what ~~should be~~ the right of every citizen, notebly that of a writer in a society such as ours, to an incredible extreme. For a year Defendant has not responded to ~~his application~~ Plaintiff's request to be able to examine the transcript of a court action in the city of Washington, where the decision was adverse to Defendant. Plaintiff, in ~~his~~ sincere and diligent effort to discharge the responsibilities of a writer, sought to study that part of the transcript in which Defendant presented his side of this case. Even ~~the~~ Defendant has neither done nor ~~even~~, by remotest indirection, acknolwedged. In short, Defendant, in Plaintiff's belief, based on long and unpleasant experience, is that Defendant wilfully, as a matter of policy, violates the Freedom of Information law so that it may suppress that which it desires not to be known to the people. Plaintiff respectfully calls this

6A, continued

honorable court's attention to the gross and bald misrepresentation and mistatement embodied in the second paragrpah of Exhibit C, that the documents sought in this action are not in Defendant's files. When, knowing this to be utterly and completely false, defendant having been the originator of said documents, and in an excess of caution and kindness Plaintiff directed his counsel to correct Defendant (Exhibit D), Defendant curtly and brazenly persisted in this misrepresentation and this falsehood, declaring, "we adhere to the views expressed in our previous communication" (Exhibit E). Plaintiff believes this represents the callous disregard of and contempt for this law that characterizes Defendant's every attitude toward it in Plaintiff's long experience. It is obvious that were Defendants statements under oath it would be of criminal nature. In this connection, Plaintiff respectfully asks this honorable court also to note the care with which the Attorney General, in his letter of May 6, 1970, avoids the false statement by his deputy that would be criminal were it under oath. In said letter, the Attorney General himself misrepresents the basis for Defendant's action, embodied and communicated by this Deputy false statement, to wit, the false claim that there are "No such documents in the files of the Department". In both of Defendant's motions to which response is here made, this is openly acknolwedged to be a false statement, although any alluison to its character is studiously avoided, Any apology for or regret over it is conspicuously missing.

what is untrue, that

counsel was acting pro se, not on behalf of his client. It offers counsel, not Plaintiff, "access" to the documents.

7. Moreover, Defendant's "Motion to Dismiss" and "Defendant's Opposition to Motion For Summary Judgement" are inconsistent with the Attorney Geh's ltr of May 6, 1970 (page 5) and are not responsive to Civil Action No 718-70, wherein Plaintiff prayed "this honorable Court for the following relief: that Defendants be ordered to produce and copy or make available for copying the original or copies of all documents filed by the United States with the Bow Stree Magistrate's Court in London, England, in June-July, 1968..."

8 These quotes the Attorney General's letter of May 7, 1970 as saying "plaintiff will be given access to the papers sought herein (emphasis added) and "plaintiff will be given access to the documents sought by this action," whereas said letter pretends this action is none-existent, pretends counsel is plaintiff, not his client, makes no ackowledgement of Plaintiff's existence or the fact that he brough this action, says that it is counsel who "requested access" and says to counsel, "you shall be granted access to them", (Emphasis added.) and that in response to counsel's letter, all right to act upon which Defendant forfeited by refusing to respond to it or even acknolwedge it.

9. Plaintiff cannot ignore the presistent misquotation of his prayer to this honorable Court any more than he can ignore the endless delaying tactics of Defendant, which he cannot view as accidental, it now being a year since he made his initial and unanswered request. This misquotation is identical in all three cited documents, which emply the words "access to" instead of the language of the complaint, quoted in Paragraph 7, above.

10. It is conspicuous that none of these documents makes or suggests any arrangements or means by which Plaintiff will be given "access", whatever Defendant means by this expression. It is also conspicuous that when Plaintiff, through counsel, attempted to effectuate this, Defendant,

through David J. Anderson, who signed the certificate of service, neither responded to Plaintiff's counsel's phone calls nor left any message, thus causing Plaintiff and counsal the waste of a day and Plaintiff the additional cost of a trip to Washington.

11. Defendant's plea that this action becomesmoot on the mere allegation that "access" will be given is in error first, because it is not access that is involved in this action but what is quoted in Paragraph 7, above, and second because it is only performance that is relevant, not promises, som many of which have been made to Plaintiff by the government, including the Defenadant, and thereafter were not kept.

12. It is the Defendant, not the Plaintiff, who wrongfully forced resort to this action under the law, resulting in Plaintiff's needless and wrongful cost, trouble and waste of time, which seems to be Defendant's unvarying intent, as well as the needless burdening of this Honorable Court.

13. However, Plaintiff does not wish to force this issue to unnecessary litigation, has no desire to burden this honorable Court with a case that need not be tried, and ne

14. But it is Plaintiff's position that having been forced to resort to the law and the courts in an effort to get what was, without question, always his under the law, he wants this-neither more nor less-right what he seeks by this action and as a result of this action.

15. He therefore assures this honorable court that upon prompt performance by Defendant of that for which Plaintiff prayed this Honorable Court, quoted in Paragraph 7, above, not evasive and meaningless promises and the pretense Plaintiff was not forced to file this action under the law, Plaintiff will withdraw the action himself, for it will then and only then be moot.

16. Plaintiff also prays this court to order Defendant to cease and desist all evasions, equivocations, pretenses and delays, and to promptly comply with Plaintiff's prayer, rather than Defendant's misrepresentation of it or to set the case for immediate trial.

prays
17. Plaintiff ~~asks~~ this honorable Court to take judicial note of these uncontested facts:
~~fact~~ that it is the clear intent of Congress that the Government act promptly and expeditiously on all requests for information to which the people are entitled; that had Defendant complied with the law this matter would have been amicably a year ago Defendant settled/in the way Defendant wants this honorable Court to believe ~~he~~ is now willing to settle it; that the consequent waste of the taxpayer's money and the Plaintiff's time of his employees as well as the denial of ~~his~~ rights and the wrongful imposition of cost and trouble upon Defendant are solely the responsibility of Defendant, as is the needless cluttering of the docket of this honorable Court; that it is inappropriate and wrong for the Defendant to allege what Defendant knew was (Exhibit C, Paragraph 2); not true, that Defendant did not have that which Plaintiff seeks/ and that it is inappropriate and wrong for the Attorney General of the United States not to seem to act upon a proper and required appeal within a reasonable time, to/offer to another what Plaintiff alone seeks, to pretend that this action does not exist, and to ignore and pretend the non-existence of his Deputy's misstatement of fact that cannot possibly be accidental. Plaintiff believes these impositions this upon ~~the~~ honorable Court and Plaintiff and the serious misconduct in misrepresentation should not go unnoted.