

Memo on conversation with Asst U.S. Atty Robert Werdig, 1/18/71, re CA 2569-70

I phoned Werdig late this morning, from Jim Lesar's office and in his presence, to ask about the need for and the means of obtaining a delay in responding to his long and technical, belated motion for dismissal, because it had been six days before I got it and could read it, because it is detailed and technical, requiring some time for proper preparation prior to drafting response, and because of the limitations imposed by the bursitis and low-back pain.

When I first called he was not in. I left a message with his secretary, and my home number in the event he was not in when I phoned again. She was not and he then was. But he claimed there was no message for him. He told me I need make no formal application, just to get it done when I could and send it in. I asked if there were not some time limitation, and he said there isn't. I told him I wanted to avoid what had already happened to me when I had responded in what I considered a reasonable time in CA 718-70 and wanted to avoid any such possibility. He then said to phone the judge (which I preferred not to do), so I asked about a secretary. He then gave me her name, Miss Doris P. Brown (426-7451), and suggested I ask if there is any present indication where the judge has this on his calendar so I can see if there is enough time.

I phoned her and learned the judge is now preparing his calendar for Feb and March, and I suspect that without this call, there'd have been an action on this government motion. It turns out there is, as I'd suspected, a 10-day period for response. Miss Brown said that she believed a letter would be adequate under the circumstances and that when it reached her she would discuss it and my phone call with the judge.

There is a fairly clear inference that if I'd accepted Werdig's kind assistance I'd have lost my options and would not have been able to respond.