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December 27, 1979

Mr. William G. Cole
Attorney
Civil Division
U.S. Department of Justice
Washington, D.C. 20530

Re: Weisberg v. Department of
Justice, C.A. No. 75-1996

Dear Mr. Cole:

Last summer depositions in this case were postponed several times. Initially, this was done to accommodate the vacation schedules of FBI deponents. A further delay occurred when Ms. Betsy Ginsberg took her vacation in Europe. After she returned from her trip to Europe, Ms. Ginsberg suddenly informed me that she was leaving the Department of Justice for the University of Wisconsin and would no longer be handling this case.

When I learned that you were to be her successor, I immediately contacted you. I was keenly aware of the previous delays and sought an early resumption of the depositions. When you demurred, stating that you would need several weeks to become familiar with the case, I suggested that Mrs. Lynne K. Zusman, who was already familiar with the case, represent the Department at the depositions. In this connection, I advised you that Judge Green was clearly impatient with the pace of this case.

Because you remained adamant on the need to become familiar with the record in this case, and because of the desirability of having Departmental counsel familiar with this case, I ultimately acceded to your request for a delay in the resumption of the depositions.

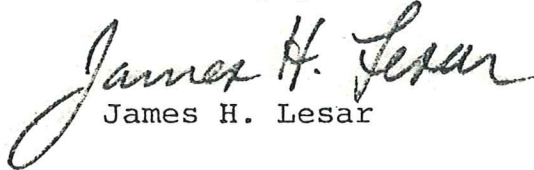
It is apparent, however, that you are still not familiar with the record in this case. Throughout the depositions you objected that matters are not in the record of this case when they in fact are. At the status call on December 20th, misrepresentations were made which I can only hope were due to a lack of familiarity with the record and not to a deliberate attempt to mislead the Court.

For example, at the status call you told the Court that Mr. Weisberg's information requests did not include "indices." In regard to this particular misrepresentation, I direct your at-

tention to Item 21 of Mr. Weisberg's December 23, 1975 request, which asks for: "Any index or table of contents to the 96 volumes of evidence on the assassination of Dr. King." (A copy of this request is attached to the Amended Complaint. More recently, as you will recall, it was also made Exhibit 1 to the deposition of FBI Special Agent John Hartingh taken on December 6, 1979.)

Because such misrepresentations make it more difficult to bring this case to a conclusion quickly, much less justly, I trust that in the future you will exercise greater care in the statements you make to the Court.

Sincerely yours,

James H. Lesar

cc: Judge June L. Green