U.S. Department of Justice



LS:SRMcIntosh 145-12-2590 (202)/FTS 633-4052

Washington, D.C. 20530

April 18, 1988

Ms. Constance L. Dupre Clerk, United States Court of Appeals for the District of Columbia Circuit United States Courthouse Room 5423 Third & Constitution, N.W. Washington, D.C. 20001

Re: <u>Weisberg v. Department of Justice</u>, No. 87-5304

Oral argument in the above-captioned case was held on Thursday, April 14. I would appreciate it if you would present the following record reference, which relates to a question asked during oral argument, to the members of the Court who sat on the panel (Chief Judge Wald and Judges Robinson and Starr).

During rebuttal, the Court asked counsel for the appellant if anything in the record showed whether the FBI had made an effort to clarify the scope of the appellant's December 1975 FOIA request prior to the execution of the August 1977 stipulation between the parties. The Department would like to refer the Court to the deposition testimony of FBI agent John Hartingh (December 7, 1979), at pages 191-192. The referenced testimony relates directly to the question posed by the Court. A copy of the relevant pages of Mr. Hartingh's testimony, with the pertinent testimony underscored, is attached.

A copy of this letter and the attachment is being served by hand on counsel for the appellant in this case. I would appreciate it if you could bring this information to the Court's attention as soon as possible. Thank you for your attention to this matter.

Sincerely yours,

Scott R. McIntosh Counsel for Appellee

cc (w/encl): James H. Lesar, Esq.

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	R : 535		1734
		1	IN THE UNITED STATES DISTRICT COURT
		2	FOR THE DISTRICT OF COLUMBIA
		3	
		4	HAROLD WEISBERG,
		5	Plaintiff, :
		6	: : : : : : : : : : : : : :
		7	2
		8	THE UNITED STATES DEPARTMENT : OF JUSTICE, :
		9	
		10	Defendant. :
			X
		11	Washington, D.C.
		12	Friday, December 7, 1979
		13	Continued deposition of JOHN HARTINGH, taken on
		14	behalf of the plaintiff in the above-entitled action, pursuant
		15	to recess, at the offices of James H. Lesar, Esq., Room 600,
		16	910 16th Street, Northwest, Washington, D. C., before Joseph
		17	D. Rogers, a notary public in and for the District of Colum-
		18	bia, when were present on behalf of the respective parties,
		19	beginning at 10:15 a.m.:
k		20	APPEARANCES :
		21	On behalf of plaintiff:
-		22	JAMES H. LESAR, Esq.
	-	_23	Room 600 910 16th Street, NW
1	HOOVER REPORTING CO. INC.		Washington, D. C.
	320 Massachusetts Avenue, N.E. Washington, D.C. 20002		
1 (202) 546-6666		

1 try to develop by reading books, which he did, and by reading 2 all these documents, a knowledge of the cast of characters in 3 this case and in all cases he was processing. One person was 4 doing it. One person can only do so much at a time, and, as 5 we discussed previously, our first goal was the complete 6 processing of the Headquarters King assassination file. That 7 took quite a bit of time and wasn't finished until the summer 8 of 1977. 9 As we went along in response to these letters, I 10 did meet with you two on a weekly basis, if not more frequent-11 lv. 12 BY MR. LESAR: 13 You met with us on a weekly basis? 0 14 I delivered documents to you almost every week. A I 15 came to the building. I called you on the phone. I talked 16 to Mr. Weisberg on the phone on occasion. 17 MR. WEISBERG: Not often. 18 MR. COLE: Excuse me. 19 Now, this is still going to be, I trust, in the 20 form of a deposition rather than in a free-for-all discussion 21 between a number of people. 22 Mr. Lesar, I trust you will do your best to keep it 23 in that form. CLIORTING CO., INC. its Avenue, N.E. D.C. 20002

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response to Mr. Weisberg's request that he be given a reason 53 Aue eyes not prp--escouser ur--tue eret sen 0 22 constatency. A 12 tried to guide them and review their work for uniformity and 50 expedite the processing. Again, Mr. Harp stayed with it and 61 with od noved boomsooon of beits an and 1562 to ver Lithur **3**8 -- zettem sidt otal esos ton bib enippit bas eldod 21 What about Goble and Higgins? Õ 91 this case is totaling over 50,000 pages. SI files. He can only do so much at one time. The volume in ۶Ī researcher, and he was still processing the Headquarters 13 Lanoisselord a ton si en deuonals , epesivons emos naix 15 person was processing these for uniformity, consistency and Π . Do bentaloys even I bud . 1791 to farsk at JI ¥ 10 Mould you take a look at the date? 6 . TTel 10 Jaupun at 8 I vould say we responded to this with a stipulation Z Let me ask you a question for the record--6: 9 . . BY MR. LESAR: S tried to locate what you wanted. ₽ over and over to identify what you wanted in this case. 3M 3 the our oral response in the letter, we sat down, as I stated, 2 bus guissopord shi ni besestgord sw af : SRENTIW HHT Ι

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