

2/5/71

Mr. Robert M. Wardig, Jr.,  
Ass't U.S. Attorney  
U.S. Court House  
Washington, D.C.

Dear Mr. Wardig,

This is my third request for the exhibits attached to your motion of January 13 in C.A. 2569-70. I have not yet received them. As you know, I have made two requests by phone. Had they been mailed promptly in response to the second request, I would have had them in today's mail.

Your failure to provide these exhibits, despite the certification attached to your motion, creates additional and serious problems for me. I do not want to ask for another extension of time to respond, but you may have made this essential if I am to be able to make adequate response. As you must be aware, even without these exhibits, the papers you filed are detailed, requiring extensive research that would present time problems to a lawyer of some experience- and I am not a lawyer.

Nor do I have the other facilities of a lawyer's office. I have no typist. After I complete the response, just the single problem of getting my papers typed will be a major problem for me. My wife is now working <sup>hard</sup> and working overtime. The only time she will be able to do any typing for me is parts of weekends. Without these exhibits, this coming weekend is out. That means I will have but a single weekend for getting this done. These papers are due right after next weekend.

It is not your fault that six days elapsed between the time the papers say they were mailed to me and the time I was first able to read them. You may remember that prior to seeking an extension of time I consulted you by phone. You then told me that I did not have to ask for more time, that I had plenty of it, until the time the judge began to organize his calendar, which was then not close. However, it turned out that as of the day we spoke I had but four days in which to respond and that had I heeded your word I would have defaulted.

When I then phoned you, as I told you, I was in Washington for medical reasons. While one of the two of them has improved somewhat, they still restrict the amount of work I am able to do. Since then I have had others, two attacks of dizziness, with a lingering impairment of my sense of balance. Thus, even if you had sent the exhibits promptly in response to my second request, even that delay would have meant a serious time problem for me. I have not driven to Washington since because it would, under the present conditions, be unwise and I suppose anti-social for me to get onto a superhighway in my present condition.

Thus you can see I am the captive of what you said you had done when you had not, said you would do and, apparently, did not. If I do not present this in the form of an accusation, you have nonetheless created a situation in which at the very best I will be severely handicapped in making response within the time I have, which I still hope to do. My response cannot possibly be as well prepared and as organized as I would like, which is an added handicap that in context amounts to the taking of an unfair advantage of me. And, there remains the possibility I cannot complete it in time. If this eventuates, I hope that you will ask for the extension of time for me. Up to this point, this is the one

time I have asked an extension of time in any of the related matters. I have extended this courtesy to the government, included when it was not essential but for personal reasons. While I am still hopeful of completing these papers in the time remaining, even though they may not be as well prepared as might otherwise be the case, and do not want any further delays, all others up to this point not having been my doing, I also want to avoid any suggestion of what might be prejudicial in my having to make this request of the judge.

On this subject, I tell you quite frankly, I very much regret anything such as reported in the foregoing that might, no matter how wrongly, either now or in the future be interpreted as in any way tainted.

I live in the country, where copying facilities are not convenient. My own equipment is old and slow. Because of the time already wasted for me, I anticipate there may not be adequate time for me to provide a complete set of photocopies of the attachments I think may be necessary. In no case will this involve anything of which you should not have copies already, for either they are of government origin or I have already provided them. In every case I will incorporate an adequate identification. However, if you find such copies are not attached to your set and feel you require them, if you will let me know I will provide them as rapidly as will be possible.

Sincerely,

Harold Weisberg

cc: Miss Doris P. Brown