

Route 12
Frederick, Md. 21701
August 13, 1976

Mr. John R. Dugan, AUSA
Room 3136-C
U. S. District Court Bldg.
Washington, D. C. 20001

Dear Mr. Dugan:

How thoughtful you are - and how thankful I am for it!

After six months of promising to send me duplicates of the papers you file, six months in which you never once did it; six months in which this, because of the distance between me and my counsel, prevented me from making full and timely response; six months in which you blamed a careless secretary or claimed to have been too busy yourself, now for the first time you do it.

Twice, too, on successive days.

Yesterday's batch included an order for the judge to sign, too.

Of course, it is only coincidence that you did not file these papers until you knew for sure I would be without counsel and would be for four weeks.

Naturally, with a six-month record of forgetting to authenticate forgetfulness, you just forgot - to the very day - when my counsel would be on the opposite side of the world before you could hear from me.

And, of course, Michael Ryan who in my presence Mr. Lesar asked to remind you of his coming absence also just forgot.

Mr. Lesar did receive the papers late yesterday morning, just as he was leaving to file others in several courts. He did phone me. I did ask him to arrange temporary counsel. He was unable to reach me again before he left Washington. He did get a minute between planes in New York but he had so little time he did not tell me whether he had been able to see the judge's clerk, as he had hoped to so he might ask for an extension of two weeks from the time of his return. He did tell me he had not been able to reach the lawyer with FOIA experience I had asked him to seek as temporary counsel for me.

Thanks to your extreme thoughtfulness, I am without counsel and you have a motion and order pending. Under the circumstances, I have no choice. I have to ask the clerk for an extension. I will enclose the letter.

After speaking to Mr. Lesar by phone, I have had a chance to read your papers. I do not believe two weeks after his return will be enough time. He has other obligations. I know one is to prepare a petition cert to the Supreme Court by order of the Sixth Circuit Court of Appeals. I also know of others. Having read what you have filed after so long a delay - the most recent attachment is a month old and the earliest goes back to May - I know how much time preparing responses for Mr. Lesar will require of me. I tell you frankly that I expect the drafts to require all four weeks and to be of book length. From this Mr. Lesar will select what he wants. He may also want what I may not anticipate. Before he can ask this of me, he will have to read all I will provide. He will then require the time for presenting this in what he regards as proper form. I am confident this will include eliminating anything he regards as not necessary, a judgment I cannot make for him.

Under these circumstances I believe I must ask that he have about a month. Given the uncertainty of the date of his return, which he expects to be around the middle of the second week of September, I shall ask the clerk to give him until the end of that week of October, Friday the 17th.

Because I do not believe that the law is served or justice is achieved by games or tricks rationalized as the practice of the adversary system, I tell you what I plan in the event I am able to obtain temporary counsel in Mr. Lesar's absence and if this counsel agrees. I will oppose your requests and ask that they be dismissed as incomplete, evasive, nonresponsive and falsely sworn, and I will attach proofs.

I note that you have yet to certify compliance with the request of April 15, 1975, and that, were your filings complete and accurate, they do not certify full compliance with the amended complaint.

I will inform Mr. Lesar by a carbon of this letter sent to his Singapore address.

Sincerely,

Harold Weisberg