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**Subject:** Updates

We received unofficial, but reliable, confirmation today that the CIA will be appealing 16 documents from the January 5 meeting. All documents involve the same generic issue. We received similar confirmation that the FBI will be appealing, at a minimum, 2 documents from the January 5 meeting. Six additional documents are also under consideration. The FBI documents involve foreign counterintelligence matters. The Staff's assessment is that our response to the FBI appeals will be much easier to support than the CIA appeals-- although we need to see how the CIA-FBI appeals look before we know for sure. As you have already heard, New Orleans heated up a little today on the contempt proceedings for the Grand Jury records. The reason that I have been urging a very cautious approach with regard to the Grand Jury records (i.e., not sending them to the Archives until their legal status is clarified) is that I did not want the Board (or Staff ) to be put in the position of Angelico or Raymond. With regard to our subpoena to Connick, there have been a few developments. On January 15, Connick made the decision to go to Federal Court in New Orleans to quash our subpoena. (Because our subpoena was not self-executing, it would have been more intelligent for him not to go to Court but just to notify us that he did not intend to comply. This would have required us to seek enforcement.) Judge Livaudais issued a somewhat confused order that, nevertheless, told Connick to give us the records. Today I received a letter from Connick's attorney saying that the Judge was confused and did not intend to say what the order says. Today we formally requested DOJ to represent us in the enforcement proceedings. (The ARRB does not have independent litigating authority.) I drafted the response to Connick's attorney, which is being sent on DOJ letterhead over the signature of Art Goldberg, who is representing us. The letter requested that Connick comply with the Court's order. We are not expecting that he will. DOJ is preparing papers, presumably to be filed next week.

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