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Harold Weisberg  
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Dear Harold:

Enclosed is a copy of Sirica's order which I got from Bud late this afternoon when I had to go to his office to proof a settlement brochure which Marc Feldman and I are working on.

Bud and I discussed a few problems that might crop up and I made a couple of suggestions. One of the good things about Sirica's order is that it calls for the CIA to produce a justification of each withheld item submitted in camera and the justification is to be made available to Bud. I have suggested to Bud that he: 1) seek to employ Florence, and 2) depose you after you have had a chance to read the justification. (He did say he would send a copy of it up to you immediately.) Bud expressed a concern that Sirica would react badly to you and I think if he uses you at all, he would prefer to do it in affidavit form. He did suggest sending a court reporter or stenographer up to Frederick to take down your comments so they could be put in affidavit form.

I anticipate a problem which Bud doesn't, or which he thinks Sirica has already taken care of; namely, that the CIA will move to submit the justification only to Sirica. A variant of this which did not occur to me while I was talking with Bud would be that the agency will only appeal the part of Sirica's order requiring the justification to be made available to Bud. This is the only ground I can see any possibility of the CIA's winning an appeal on. On the issue of in camera review per se, there is absolutely no chance of winning on appeal, since this is a matter of the district court's discretion, and Sirica has not abused his discretion on this issue.

I didn't read Bud's press release until I got home. The best we can do is hope it doesn't get used. It's about as crappy as anything I've seen Bud do. When Bud gets too busy to write his own press releases, we may indeed move a giant step forward.

Best,

  
Jim