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Unsealed 6/10/13 Rcf

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE: PETITION OF LUKE NICHTER	)	Action No. 12-mc-74 (RCL) (UNDER SEAL)

EX PARTE ORDER

Now before the Court is the petitioner's Motion [1] to unseal records associated with *United States v. Liddy*, District Court docket number 1827-72. Upon consideration of the Motion [1], the government's Opposition [10], petitioner's Reply [11], the government's *ex parte* Surreply [notice of submission at docket entry 14], the applicable law and for the reasons set forth in the Court's accompanying Memorandum Opinion issued this date, it is hereby

ORDERED that the government docket its sealed Surreply along with all attached exhibits; it is

FURTHER ORDERED that the government shall, within 30 days, prepare a redacted version of its Surreply for public release; it is

FURTHER ORDERED that the Clerk of Court will release the redacted and unsealed version of the Court's accompanying Memorandum Opinion, attached hereto; it is

FURTHER ORDERED that the Affidavit of Kevan T. Hunt (Box 1, Folder 1)[1], the daughter of E. Howard Hunt, found behind Tab A of the government's Surreply shall be unsealed. However, as this document contains personal information relating to the Hunt family, the National Archives and Records Administration ("NARA") shall make appropriate redactions to protect the personal privacy of living individuals within thirty days; it is

[1] The Box and Folder numbers represent the archival label for the described document, and describe the original location of the documents in the boxes held by the National Archives and Records Administration.

FURTHER ORDERED that the Transcript of Grand Jury Proceedings Dated [redacted] (Box 1, Folder 2) found behind Tab B of the government's Surreply shall remain sealed; it is

FURTHER ORDERED that the Letter to the Honorable John J. Sirica from Charles E. Law, Sr., M.D. (Box 1, Folder 3), found behind Tab C of the government's Surreply, which has already been unsealed and redacted by NARA to protect the Hunt family's privacy shall remain redacted until such a time as NARA deems it appropriate to remove the redactions; it is

FURTHER ORDERED that the January 5, 1973, Transcript of Proceeding (Box 1, Folder 6), found behind Tab D of the government's Surreply, which has already been unsealed but has been redacted to remove contents of the illegal wiretap, shall be modified in the following manner: consistent with the Court's analysis, the names of those overheard on the wiretap shall be made public, but no other information constituting "content" as defined by 18 U.S.C. § 2510(8) shall be released; it is

FURTHER ORDERED that the June 17, 1973, Transcript of Proceeding (Box 1, Folder 8), found behind Tab E of the government's Surreply, will remain partially redacted. The transcript of the *in camera* hearing with Judge Sirica addressing the motion brought by aggrieved parties to the illegal wiretap to quash the government's subpoena contains information related to what Mr. Baldwin overheard during the illegal wiretap. However, the redactions shall be modified in the following manner: consistent with the Court's analysis, the names of those overheard on the wiretap shall be made public, but no other information constituting "content" as defined by 18 U.S.C. § 2510(8) shall be released; it is

FURTHER ORDERED that the June 17, 1973, Exhibits B and C[2] (Box 1, Folder 9), found behind Tab F of the government's Surreply, submitted in connection with the *in camera*

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[2] Exhibit A, a six-page summary of Alfred Baldwin's testimony in a civil suit brought by the Democratic National Committee, is publicly available on NARA's website.

proceedings of that date, be dealt with as follows: Exhibit B, a partially redacted FBI form documenting an interview with Alfred Baldwin, be unsealed but will remain redacted as it contains information obtained from illegally intercepted conversations. However, the redactions shall be modified in the following manner: consistent with the Court's analysis, the names of those overheard on the wiretap shall be made public, but no other information constituting "content" as defined by 18 U.S.C. § 2510(8) shall be released. Exhibit C, consisting of portions of [redacted] grand jury testimony, shall remain under seal; it is

FURTHER ORDERED that the Transcript of Alfred Baldwin's interview with the Los Angeles Times (Box 1, Folder 13), found behind Tab G of the government's Surreply, shall be minimally redacted in accordance with Title III. Chief Judge Bryant unsealed the transcript in 1980, but left certain portions redacted. *See United States v. Liddy*, Order, Oct. 3, 1980. The Court now believes many of the redactions to be unnecessary. On transcript page 59, the marked section should only be redacted as follows:

> We had picked up that [redacted] on Friday, we didn't know who but from listening to the conversation we knew it was ---- McCord had it tuned to 118. He said: this is it. He said, you listen for a while and I listened and heard the first indication that whoever was talking was having [redacted].

On page 61, the section marked should only be redacted as follows:

> Everything. Some of the secretaries would get on the phone and say [redacted]. I guess everybody thought [redacted] had the only private phone in the while place ------- after listening to several conversations I immediate [sic] wanted to go across the street and ------- we started as soon as I got up in the morning.

On page 62, the section marked should only be redacted as follows:

> Yes, we were concerned about McGovern because we will get into some other stuff that occurred about the telephone lines----but the main thing, the problem, it is hard to really say because when [redacted] name would be mentioned, you know-------this was in the paper, there was a conflict between McGovern and

> O'Brien------ you see, what I mean -----the information we were getting didn't appear to be, you know, there was some strategy some personal ----- the other unit was shielded and they gave up on that. That is why they went back in June to get that unit.

The redactions appearing on pages 71 thru 72 should be removed; it is

FURTHER ORDERED that the December 15, 1972 Transcript of Proceeding (Box 1, Folder 16), found behind Tab H of the government's Surreply, which is unsealed and open, shall remain partially redacted to protect the privacy of Mr. Hunt's living children; it is

FURTHER ORDERED that the January 8, 1973 Transcript of Proceeding (Box 1, Folder 17), found behind Tab I of the government's Surreply, which is unsealed and open, shall remain partially redacted to protect the privacy of Mr. Hunt's living children; it is

FURTHER ORDERED that the January 9, 1973 Transcript of Proceeding (Box 2, Folder 18), found behind Tab J of the government's Surreply, which is unsealed and open, shall remain partially redacted to protect the privacy of Mr. Hunt's living children; it is

FURTHER ORDERED that the January 24, 1973 Transcript of Proceeding (Box 2, Folder 20), found behind Tab K of the government's Surreply, which has already been unsealed and redacted by NARA to protect grand jury information in accordance with Federal Rule of Criminal Procedure 6(e) shall remain redacted; it is

FURTHER ORDERED that the July 24, 1973 Transcript of Proceeding (Box 2, Folder 24), found behind Tab L of the government's Surreply, shall be—if it has not already been—unsealed, and NARA's proposed redactions, necessary to protect grand jury information in accordance with Federal Rule of Criminal Procedure 6(e), shall remain; it is

FURTHER ORDERED that the September 17, 1973 Transcript of Proceeding (Box 2, Folder 27), found behind Tab M of the government's Surreply, which has already been unsealed

and redacted by NARA to protect grand jury information in accordance with Federal Rule of Criminal Procedure 6(e) shall remain redacted; it is

FURTHER ORDERED that the Presentence Reports and Bureau of Prisons Evaluations (Box 2, Folder 29), found behind Tab N of the government's Surreply, which contains reports on Messrs. Barker, Gonzalez, Martinez, and Sturgis, shall be unsealed and made public. However, NARA shall have 30 days to make appropriate redactions in order to protect the privacy of living individuals; it is

FURTHER ORDERED that the Life Insurance Policy of G. Gordon Liddy (Box 3, Folder 36), found behind Tab O of the government's Surreply, shall be unsealed. The policy was assigned to the court to be applied against the criminal fine imposed as a result of his conviction. However, NARA will make appropriate redactions to protect the privacy of Mr. Liddy, who is still living.

SO ORDERED this 13th day of May 2013.

ROYCE C. LAMBERTH
Chief Judge
United States District Court