

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of:	:	
Residence at xxxxxxxx Road, Frederick, Maryland, owned by Bruce Edwards Ivins, DOB xx/xx/xxx, SSN xxx-xx-xxxx	:	Mag. No. 07-524-m
	:	
2002 Saturn SL1, blue, 4 door sedan, bearing VIN # xxxxxxxxxxxxxxxxxxxx, registered to Bruce Edwards Ivins, at xxxxxxxx Road, Frederick, MD	:	Mag. No. 07-525-m
	:	
1993 Honda Civic four door sedan, bearing VIN # xxxxxxxxxxxxxxxx, registered to Bruce Edwards Ivins, at xxxxxxxx Road, Frederick, MD	:	Mag. No. 07-526-m
	:	
1996 Dodge van, red in color, bearing VIN # xxxxxxxxxxxxxxxxxxxx, registered to xxxxxxxxxxxxxxxx, at xxxxxxxx Road, Frederick, MD	:	Mag. No. 07-527-m
	:	
Safe Deposit Box #48, located at Farmers & Mechanics Bank, Branch #1 1305 West 7 th Street, Frederick, MD rented by Bruce E. Ivins and xxxxx	:	Mag. No. 07-528-m
	:	
Office, Wall Lockers, and Laboratory Space of Bruce Edwards Ivins, inside Buildings 1412 and 1425 of the U.S. Army Medical Research Institute of Infectious Diseases, on Porter Street, Fort Detrick, MD	:	Mag. No. 07-529-m
	:	
Electronic mail stored in account goldenphoenix111[at]hotmail[dot]com, controlled by MSN Hotmail Microsoft Corp., 1065 La Avenida, Building 4, Mountainview, CA 94043	:	Mag. No. 08-082-m
	:	
Electronic mail stored in account kingbadger7 @aol.com, controlled by America Online, Inc. 2200 AOL Way, Dulles, VA 20166	:	Mag. No. 08-083-m

Electronic mail stored in accounts : Mag. No. 08-084-m
jimmyflathead[at]yahoo[dot]com and :
xxxxxxx@yahoo.com, controlled by :
Yahoo!, Inc., 701 First Avenue, Building D :
Sunnyvale, CA 94809 :

Office, Wall Lockers, and Laboratory : Mag. No. 08-429-m
Space of Bruce Edwards Ivins, inside :
Buildings 1412 and 1425 of the U.S. Army :
Medical Research Institute of Infectious :
Diseases, on Porter Street, Fort Detrick, MD :

Residence at xxxxxxx : Mag. No. 08-430-m
Frederick, Maryland, :
owned by Bruce Edwards Ivins :
DOB: xx/xx/xx :

2002 Saturn SL1, blue, 4 door sedan : Mag. No. 08-431-m
bearing VIN xxxxxxxxxxxxxx :
registered to Bruce Edwards Ivins, :
at xxxxxxxxxxxx Road, Frederick, MD :

1996 Dodge van, red in color, : Mag. No. 08-432-m
bearing VIN xxxxxxxxxxxxxx :
registered to xxxxxxxxxxxxxxxxxxxx :
xxxxxxxxxx Road, Frederick, MD :

1993 Honda Civic four door sedan : Mag. No. 08-433-m
bearing VIN xxxxxxxxxxxxxx :
registered to Bruce Edwards Ivins, :
at xxxxxxxxxxxx Road, Frederick, MD :

**GOVERNMENT’S OMNIBUS MOTION TO UNSEAL
SEARCH WARRANTS AND ACCOMPANYING DOCUMENTS,
AND MEMORANDUM OF LAW IN SUPPORT THEREOF**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully moves the Court to unseal portions the above-captioned search warrants and accompanying applications and affidavits in support of the search warrants, as well as corresponding Court Orders, and permit redacted affidavits, warrants, applications, and Court Orders to be filed on the public record.

Introduction

The search warrants captioned above arise out of the government’s criminal investigation of the deaths of five persons, and the injury of dozens of others, resulting from the mailing of several anonymous letters to members of Congress and members of the media in September and October 2001, which letters contained *Bacillus anthracis*, commonly referred to as anthrax. The Court granted the government’s application for these warrants pursuant to domestic terrorism search warrant provisions of Federal Rule of Criminal Procedure 41(b)(3). The search warrants and supporting affidavits alleged acts constituting threats to witnesses in, and obstruction of, a domestic terrorism investigation then pending in the District of Columbia. In each instance, the reviewing magistrate granted the government’s requests and ordered that the search warrants and accompanying affidavits, applications, and court orders, be sealed, and further directed that all records be sealed and entries be delayed on the public docket.

Argument

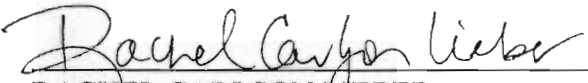
As the government previously explained in support of its motions to seal, this Court has the inherent power to seal affidavits and other documents filed in support of search warrants in order to protect an ongoing investigation and confidential witnesses. Arizona v. Maypenny, 672 F.2d 761, 765 (9th Cir. 1982); In re Sealed Affidavit(s) to Search Warrants, 600 F.2d 1256 (9th Cir. 1979). See Washington Post v. Robinson, 935 F.2d 282, 290 (D.C. Cir. 1991); United States v. Hubbard, 650 F.2d 293 (D.C. Cir. 1980); In the Matter of Search Warrants Issued June 13, 1988 for the Office and Home of William Galvin, Misc. Nos. 87-218, 88-216, reported at 1989 U.S. Dist. LEXIS 5240 (D.D.C. 1989) (“[T]here exists no First Amendment or common law rights of access to search warrant documents during the pre-indictment stage of a criminal investigation.”); Shea v. Gabriel, 520 F.2d 879 (1st Cir. 1975); In re Braughton, 520 F.2d 765, 766 (9th Cir. 1975).

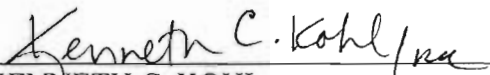
In addition, Federal Rule of Criminal Procedure 6(e) prohibits the disclosure of information obtained during the course of a grand jury investigation, and Federal Rule of Criminal Procedure 49.1 requires that certain personal identifying information be redacted from public filings.

In this case, some of the information contained in the above-captioned search warrants, and accompanying affidavits, applications, and Court Orders, must remain sealed under the pertinent case law and federal rules. However, other information need no longer be sealed or otherwise protected, and thus appropriately should be disclosed and be made part of the public record. The government therefore has prepared redacted versions of the warrants and accompanying documents that the government submits should be made a part of the public record. The government will submit both unredacted and redacted versions to the Court, *in camera*, for the Court to review before ruling on the instant motion.

Respectfully submitted,

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