

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN THE MATTER OF THE SEARCH OF A)
)
RESIDENCE AT [REDACTED])
[REDACTED] FREDERICK, MARYLAND, AND)
ASSOCIATED BASEMENT STORAGE)
ROOM, and a)
)
STORAGE LOCKER [REDACTED], WITHIN)
[REDACTED])
[REDACTED], OCALA, FLORIDA,)
and)
)
a 2000 BLACK CHEVROLET CAMARO)
bearing VIN [REDACTED] registered)
to Steven Jay Hatfill who resides in the)
DISTRICT OF COLUMBIA and DISTRICT)
OF MARYLAND)

Misc. No.

UNDER SEAL

**GOVERNMENT MOTION FOR AN
ORDER TO SEAL SEARCH WARRANTS**

The United States of America, by and through the United States Attorney for the District of Columbia, respectfully moves this Honorable Court, for entry of an Order sealing the Search Warrants issued in the above-captioned matter, as well as the search warrant applications, the supporting affidavit signed by Special Agent Mark Morin, and sealing this Motion and this Court's Order sealing these matters, and in support thereof states as follows:

Background

The Court has granted the Government's application for a search warrant for an apartment and an automobile in Frederick, Maryland, as well as a storage locker in Ocala, Florida, pursuant to Section 219 of the USA Patriot Act of 2001, enacted on October 25, 2001 (amending Rule 41(a) of the Federal Rules of Criminal Procedure). The search warrants and

supporting affidavit alleged violations of domestic terrorism or international terrorism as defined in 18 U.S.C. § 2331, and was issued by this Court in the District of Columbia because activities related to the terrorism offense occurred in the District of Columbia. The affidavit in support of the search warrant described the mailing of several anthrax letters from Hamilton Township, New Jersey in September, 2001, and October, 2001, that killed five people and infected 17 others. Two of the anthrax letters were mailed to congressional offices located within the District of Columbia and were delivered by mail to locations within to the District of Columbia, causing the death of two postal workers within the District of Columbia.

The current search warrants relate to an apartment in Frederick, Maryland, an automobile registered to an address in Frederick, Maryland, and a storage facility in Ocala, Florida. The affidavits in support of each search warrant relies in part upon information provided [REDACTED]

[REDACTED] The investigation is ongoing, and release of the search warrant to the public or providing the text of the affidavit to Mr. Hatfill could [REDACTED] [REDACTED] and will in other ways jeopardize the ability of federal authorities to proceed with this investigation.

Moreover, the affidavit in support of the search warrants sets forth certain information as to why Steven Hatfill is a person of interest to the Grand Jury's and FBI's investigation of the terrorist anthrax mailings. There are and have been other persons situated similarly to him as persons of investigative interest. It is premature, however, to characterize Mr. Hatfill's status as being a target, subject, or even a suspect. Disclosure of this application, however, would undoubtedly lead to widespread perception to the contrary. The adverse consequences to Mr.

Hatfill (and to [REDACTED]) are obvious. Accordingly, the government respectfully requests that this application and any resulting order be maintained under seal.

Authority

This court has the inherent power to seal affidavits in support of search warrants to protect an ongoing investigation and confidential witnesses. State of Arizona v. Maypenny, 672 F.2d 761, 765 (9th Cir.); Matter of Sealed Affidavit(s) to Search Warrants, 600 F.2d 1256 (9th Cir. 1979). See also Shea v. Gabriel, 520 F.2d 879 (1st Cir. 1975); United States v. Hubbard, 650 F.2d 293 (D.C. Cir. 1980); Washington Post v. Robinson, 935 F.2d 282, 290 (D.C. Cir. 1991); In re Braughton, 520 F.2d 765, 766 (9th Cir. 1975).

WHEREFORE, the United States of America prays that this Honorable Court issue an Order sealing the Search Warrant issued in the above-captioned matter, as well as the search warrant application, the supporting affidavit signed by Special Agent Mark Morin, and sealing this Motion and this Court's Order sealing these matters until further order of this Court.

Respectfully submitted,

ROSCOE C. HOWARD, JR.
United States Attorney

By: _____

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