

**FILED**

NOV - 2 2012

Clerk, U.S. District and  
Bankruptcy Courts

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

\_\_\_\_\_  
IN RE: PETITION OF LUKE NICHTER )  
\_\_\_\_\_)

Action No. 12-mc-74 (RCL)

**ORDER**

Now before the Court is the petition of Luke Nichter [1], a professor at Texas A&M University, who asks the Court to unseal certain records associated with *United States v. Liddy*, 354 F. Supp. 208 (D.D.C. 1972). The Department of Justice filed a Response [10] to Mr. Nichter's petition agreeing that certain files should be unsealed but requesting that the Court not lift the sealing order as to documents which fall into three categories: (1) presentence reports and other personal documents implicating the privacy of living individuals; (2) documents reflecting the content of illegally obtained wiretaps; and (3) grand jury information. Mr. Nichter filed a Reply [11] asking the Court to (1) immediately unseal all uncontested materials and order the National Archives and Records Administration to expeditiously review and release those records, (2) hold in abeyance ruling as to those documents whose unsealing and release the government has objected to, and (3) to order an investigation into the extent of the breach of grand jury secrecy by Washington Post reporters during the Watergate era. Upon consideration of the Petition, the government's Response and the petitioner's Reply, it is hereby

**ORDERED** that all records in *United States v. Liddy* sealed by the District Court, except (1) presentence reports and other personal documents implicating the privacy of living individuals; (2) documents reflecting the content of illegally obtained wiretaps; and (3) grand jury information, are henceforth unsealed; it is

**FURTHER ORDERED** that the National Archives and Records Administration shall, within thirty days, review and release those materials in accordance with its longstanding practice with respect to providing public access to Watergate related records; it is

**FURTHER ORDERED** that the Department of Justice shall, within thirty days of the date of this Order, submit to the Court, under seal and ex parte, copies of all District Court records that the Government argues should remain under seal and submit a surreply summarizing each document, stating the reasons that each document should remain under seal, and responding to each of Mr. Nichter's arguments in his Reply. The Court will hold in abeyance its decision regarding the unsealing of the contested documents in this case until after it has received the ordered surreply; it is

**FURTHER ORDERED** that the Department of Justice shall, within thirty days of the date of this Order, provide the Court with a list of documents, if any, that remain under seal by order of the Court of Appeals for the District of Columbia Circuit; it is

**FURTHER ORDERED** that the National Archives and Records Administration shall make all documents associated with *United States v. Liddy* available to attorneys for the Department of Justice for the purposes stated in this Order; and it is

**FURTHER ORDERED** that Mr. Nichter's request to have the Court order an investigation into the extent of the breach of grand jury secrecy by Washington Post reporters during the Watergate era is hereby **DENIED**.

**SO ORDERED.**

**Signed by Chief Judge Royce C. Lamberth on November 2, 2012.**