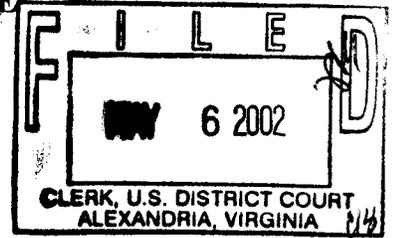


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA)
)
 v.)
)
 JOHN PHILLIP WALKER LINDH)

Criminal No. 02-37-A

ORDER

The matter is before the Court on the government's Motion for Partial Modification of Protective Order Regarding Unclassified Detainee Interview Reports.

By Protective Order dated April 25, 2002, it was ordered that unclassified protected information not be disseminated by the defendant or his counsel to any individuals, organizations or other entities, except that defense counsel was permitted to share such unclassified protected information with (i) members of the defense team (i.e., co-counsel, paralegals, translators and secretarial staff), (ii) investigators or experts retained to assist in the preparation of the defense and (iii) potential witnesses who are not detainees, provided any such individuals read, understand and sign a memorandum of understanding regarding the unclassified protected materials. *See United States v. Lindh*, Criminal No. 02-37-A (E.D. Va. Apr. 25, 2002) (Protective Order). It was further ordered that defense counsel promptly file any such memorandum of understanding with the Court, *ex parte* and under seal, prior to the disclosure of any unclassified protected information to the particular member of the defense team, investigator, expert or non-detainee witness. *See id.* The government now moves to modify the April 25, 2002 Protective Order to require that all individuals who submit a memorandum of understanding in this regard undergo a brief background

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08. 46 + called, CC: B; called counsel to file w/pt. modified.

investigation, performed by law enforcement personnel independent of the prosecution team and reporting directly to the Court through the Court Security Officer.

For the reasons stated from the Bench, and without objection from the defendant, it is hereby **ORDERED** that the government's motion for a modification is **GRANTED**.

Accordingly, it is **ORDERED** that the April 25, 2002 Protective Order is **MODIFIED** to require that all (i) members of the defense team (i.e., co-counsel, paralegals, translators and secretarial staff), (ii) investigators or experts retained to assist in the preparation of the defense and (iii) potential witnesses who are not detainees, who sign and submit a memorandum of understanding regarding unclassified protected information, and who have not previously undergone a background investigation and received security clearance in connection with this case, undergo a brief, basic background investigation, performed by law enforcement personnel independent of the prosecution team and reporting directly to the Court through the Court Security Officer.

It is further **ORDERED** that the results of any such background investigations be disclosed promptly to the Court and defense counsel, but not to the prosecution.

The Clerk is directed to send a copy of this Order to all counsel of record.

/S/

T.S. Ellis, III
United States District Judge

Alexandria, VA
May 6, 2002