

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 22-cr-15 (APM)
	:	
ELMER STEWART RHODES III,	:	<u>UNDER SEAL</u>
KELLY MEGGS,	:	
KENNETH HARRELSON,	:	
JESSICA WATKINS,	:	
ROBERTO MINUTA,	:	
JOSEPH HACKETT,	:	
DAVID MOERSCHEL,	:	
THOMAS CALDWELL, and	:	
EDWARD VALLEJO	:	
	:	
Defendants.	:	

UNITED STATES OF AMERICA	:	Case No. 21-cr-28 (APM)
	:	
v.	:	<u>UNDER SEAL</u>
	:	
DONOVAN CROWL,	:	
SANDRA PARKER,	:	
BENNIE PARKER,	:	
LAURA STEELE,	:	
CONNIE MEGGS,	:	
WILLIAM ISAACS,	:	
JAMES BEEKS, and	:	
MICHAEL GREENE,	:	
	:	
Defendants.	:	

UNITED STATES OF AMERICA	:	Case No. 22-cr-14 (APM)
	:	
v.	:	<u>UNDER SEAL</u>
	:	
JONATHAN WALDEN,	:	
	:	
Defendant.	:	

**UNDER SEAL NOTICE REGARDING  
POTENTIAL VIOLATION OF PROTECTIVE ORDER**

The United States of America submits this under seal notice to alert the Court to recent media reporting that may reflect a violation of a protective order issued by the Court.

On November 8, 2022, a New York Times article reported previously undisclosed details regarding a Federal Bureau of Investigation (FBI) Confidential Human Source (CHS) who is a potential witness to the charges currently pending before this Court against these defendants. *See* “Informant Likely to Testify as Defense Witness in Oath Keepers Sedition Trial,” *available at* <https://www.nytimes.com/2022/11/08/nyregion/oath-keepers-trial-january-6.html>. According to the article, the information was provided to the NY Times by “two people familiar with the matter.” *Id.*

Based on the content of the article, it appears that the reporting is based on government records and information that are not publicly available but that were produced to defense counsel in these cases, *in camera*, pursuant to a protective order addendum, ordered by this Court, on July 8, 2022. The information reported in the NY Times was information about a confidential human source, where disclosure of such information could compromise sensitive law-enforcement techniques and witness safety.

The government has no further information as to how the NY Times learned that Greg McWhirter, who has been discussed on the public record solely as a witness, is a CHS for the FBI, or the details of his reporting to the FBI. Because both of these details were disclosed to defense counsel in this case as “highly sensitive” material subject to the protective order addendum, the government asks this Court to inquire of defense counsel whether they or anyone on their defense teams disclosed this information to the NY Times, pursuant to the Court’s power to enforce its own protective orders. Undersigned government counsel are willing to answer the same inquiries

from the Court.

The government asks the Court to take these steps because of the substantial security and health concerns triggered by the premature leak of Mr. McWhirter's status as a CHS. Even prior to this disclosure to the NY Times, Mr. McWhirter conveyed to the government tremendous anxiety about his status as a confidential informant being publicly revealed. Yesterday, Mr. McWhirter suffered medical distress upon boarding a plane to travel to Washington, DC, to testify for the defense, and was thereafter hospitalized. Security concerns formed part of the basis for the Court's granting the government's request to disclose this information pursuant to the protective order addendum.

For all these reasons, the government asks this Court to inquire of defense counsel concerning the provenance of this leak of protected information to the NY Times, and to take any necessary steps to address violations of the protective order based on the results of this inquiry.

Respectfully submitted,

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By: /s/

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/s/

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