

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**THOMAS ANDREWS DRAKE,**

**Defendant.**

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\* **Case No. 10 CR 00181 RDB**  
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**GOVERNMENT’S UNOPPOSED MOTION FOR PROTECTIVE ORDER  
UNDER SECTION 3 OF THE CLASSIFIED INFORMATION PROCEDURES ACT**

The United States of America respectfully moves this Court, pursuant to Section 3 of the Classified Information Procedures Act, 18 U.S.C. App. 3 (2006) (“CIPA”); the Security Procedures established pursuant to Pub. L. 96-456, 94 Stat. 2052, by the Chief Justice of the United States for the Protection of Classified Information (reprinted following CIPA Section 9); Rules 16 and 57 of the Federal Rules of Criminal Procedure; the general supervisory authority of the court; and to protect the national security, to enter the attached Protective Order regarding the disclosure and dissemination of classified national security information and documents. In support thereof, the government states as follows:

Defendant THOMAS ANDREWS DRAKE (hereinafter “defendant”) has been indicted for Illegal Retention of Classified Documents, 18 U.S.C. § 793(e); Obstruction of Justice, 18 U.S.C. § 1519; and False Statements to a Federal Agent, 18 U.S.C. § 1001. During this case, the defendant and his counsel will be provided access to certain United States government documents and information that have been classified for reasons of national security. Such documents and information will be classified at the “Confidential”, “Secret”, and “Top Secret”

levels. “Top Secret” information is information the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security. Exec. Order 13292, § 1.2(a)(1), 3 C.F.R. 13292 (2004). “Secret” information is information the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security. *Id.* at § 1.2(a)(2). “Confidential” information is information the disclosure of which reasonably could be expected to cause damage to the national security. *Id.* at § 1.2(a)(3). Accordingly, it is necessary that there be no disclosure or dissemination of classified documents or information except as provided by order of this Court.

The Court is advised that the undersigned counsel and other government counsel identified in paragraph 6 of the proposed Protective Order hold United States government security clearances which authorize them to have access to the classified information involved in this case. The Court is further advised that the persons listed in paragraph 5 of the proposed Protective Order are Department of Justice Security Officers who also hold “Top Secret Sensitive Compartmented Information” United States government security clearances and who are also authorized to have access to the classified information in this case.

The Court is further advised that, in connection with his previous employment by the United States government, the defendant held “Top Secret” security clearances. In that connection, he has previously signed Classified Information Nondisclosure agreements. These agreements are referenced in Paragraph 7 of the Order. As a consequence of these Agreements, the defendant has a continuing obligation to the United States government not to disclose to any unauthorized persons classified information he possesses as a result of his previous employment by the United States government.

WHEREFORE, the government respectfully moves that the Court issue the attached

protective order.

The defense has no objection to this Motion.

Respectfully submitted this 17th day of May, 2010.

For the United States:

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**CERTIFICATE OF SERVICE**

I hereby certify that I have caused an electronic copy of the *Motion for Protective Order Under Section 3 of the Classified Information Procedures Act* to be served via ECF upon James Wyda and Deborah Boardman, counsel for defendant Drake.

/s/ William M. Welch II  
Senior Litigation Counsel  
United States Department of Justice