

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 73-1020

September Term, 1972

UNITED STATES OF AMERICA

v.

Crim. No. 1827-72

GEORGE GORDON LIDDY et al.  
ROBERT E. B. ALLEN et al., Appellants

Filed January 19, 1973

Before: BAZELON, Chief Judge, and WRIGHT and MacKINNON,  
Circuit Judges.

ORDER

This case came on for consideration of appellants' in camera post-hearing memorandum and of appellee's motion for summary affirmance, and the court heard argument of counsel.

Proof of the contents of intercepted telephone conversations is not required to prove the charges for which the defendants are on trial. Disclosure of such contents would frustrate the purpose of Congress in making wiretapping a crime. See particularly 18 U.S.C. §2515 (1970).

It is therefore ORDERED by the court that the contents of wiretapped conversations shall not be offered or received in evidence, nor shall any reference be made by the witnesses, the parties, or their counsel which would indicate the contents of such conversations, except in camera. This paragraph and

the preceding paragraph of this order shall be read to the jury when the trial reconvenes.

Nothing in this order will preclude the admission of evidence as to the telephones in the Democratic Headquarters which may have been tapped, or evidence as to the persons in Democratic Headquarters using such telephones during intercepted conversations.

This order supersedes our interim order of January 12, 1973, which is hereby vacated.

Per Curiam

Judge MacKinnon would permit the Government to refer to the contents of intercepted communications in general terms in the manner it has indicated it intends to do and the defense to cross-examine within normal ranges; but would prohibit either side from elucidating any evidence which, with respect to any party to any conversation, is degrading, disgraceful, disreputable, personally embarrassing, involves intimate details of individual or family life, or which is incriminating, privileged, or would violate the constitutional rights of association as protected by the First Amendment to the Constitution. The trial judge to enforce such restrictions and limitations sua sponte without the necessity of any objection by any party, which rulings shall not be subject to any interlocutory appeal to this court.