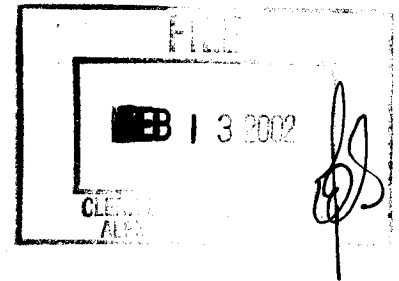


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA,)
)
v.) Crim. No. 01-455-A
)
ZACCARIAS MOUSSAOUI)

MOTION TO AMEND ACCESS OF DEFENSE ATTORNEYS AND
THEIR EMPLOYEES TO CLASSIFIED NATIONAL SECURITY INFORMATION

COMES NOW, the defendant, by counsel, and moves this Honorable Court to amend the list of defense counsel and defense employees who are approved by the Court for access to classified documents in the above-styled matter by adding Assistant Federal Public Defender Michael W. Lieberman and non-attorney staff Sandra L. Schidlo, Michelle L. Jenkins, Jeffrey M. Flax, and Charles Washington, and, in support thereof respectfully states as follows:

1. On January 22, 2002, this Court entered a Protective Order (“the Order”) directing that access to classified documents and information, as required by the government’s discovery obligations and otherwise as necessary to prepare for proceedings in this case be given to Frank W. Dunham, Jr. (FPD), Gerald T. Zerkin (AFPD), Edward B. MacMahon, Jr. (court-appointed attorney), Michael Nachmanoff (AFPD), Ken Troccoli (AFPD), Linda McGrew (FPD investigator), and Pam Bishop (FPD paralegal) (*see* ¶12 of the Order). “Any additional persons whose assistance the defense reasonably requires may only have access to classified information . . . as approved [*inter alia*] after obtaining from the Court an approval for access . . . and after satisfying . . . other requirements in [the] order.”

2. Inasmuch as the government has just recently begun to produce certain classified discovery documents and the defense requires additional attorneys to have access to these

documents in order to prepare for its defense, it is hereby requested that AFPD Michael W. Lieberman, who already has the necessary security clearance, be added to the list of defense attorneys and “approved employees” set forth in ¶12 of the Order subject to the other terms and conditions of the Order.

3. In addition, the defense does not currently have any support personnel from the Alexandria Office of the Federal Public Defender listed in the Order who have been granted the Court’s approval to receive access to classified documents in this case. The approved support personnel listed in the Order are based out of the Richmond Office of the Federal Public Defender and, therefore, are unable to provide assistance to the defense on a daily basis. Accordingly, it hereby requested that the following additional defense personnel, each of whom has submitted the required Standard Form 86, be added to the list of defense attorneys and approved employees set forth in ¶12 of the Order subject to compliance with the other terms and conditions of the Order: Sandra L. Schidlo (FPD paralegal) and Michelle L. Jenkins (legal assistant to court-appointed counsel, Edward B. MacMahon, Jr.).

4. The defense currently anticipates, given the large volume of discovery, both classified and unclassified, which the government is expected to produce, that it will need the support of two computer system administrators who will assist in the design, procurement and implementation of a litigation support system. Jeffrey M. Flax, the National Systems Support Analyst for the Defender Services Division of the Administrative Office of the U.S. Courts, and Charles Washington, the Computer Systems Administrator for the Federal Public Defender’s Office of the Middle District of North Carolina, have agreed to assist in providing this support. It

is, therefore, further respectfully requested that these individuals also be added to the list of defense attorneys and approved employees set forth in ¶12 of the Order.

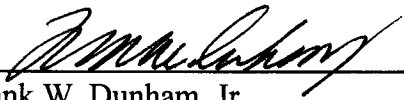
5. The government does not have an objection to this Motion and an appropriate Order is attached.

WHEREFORE, for the foregoing reasons, it is hereby requested that:

(a) Michael W. Lieberman be added to the list of defense attorneys approved in ¶12 of the Order for access to classified documents; and

(b) Sandra L. Schidlo, Michelle L. Jenkins, Jeffrey M. Flax and Charles Washington be added to the list of defense employees approved in ¶12 of the Order for access to classified documents.

ZACCARIAS MOUSSAOUI
By Counsel



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Amend Access of Defense Attorneys and Their Employees to Classified National Security Information this 13th day of February, 2002 to AUSA Robert A. Spencer, U.S. Attorney's Office, 2100 Jamieson Avenue, Alexandria, VA 22314.



Frank W. Dunham, Jr.