IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 01-455-A
	)	
ZACARIAS MOUSSAOUI	)	
a/k/a "Shaqil,"	)	
a/k/a "Abu Khalid al Sahrawi,"	)	
	)	
Defendant.	)	

ORDER

For the reasons stated from the bench during a closed hearing, the Expedited Motion of the United States for Clarification Regarding the Applicability of the Protective Order for Unclassified But Sensitive Material and Local Rule 57 to Information That May Be Made Public in Congressional Proceedings ("Expedited Motion for Clarification") (Docket #436) is DENIED, and standby counsel's Motion to Unseal the Expedited Motion for Clarification (Docket #455) is GRANTED; and it is hereby

ORDERED that the United States' Expedited Motion for Clarification (#436),[1] standby counsel's Response to the Expedited Motion for Clarification (#454),[2] the Reply on Behalf of the Joint Inquiry of the Senate Select Committee on

[1] The attachments to this motion will be maintained under seal because they include confidential communications between Joint Inquiry staff and the Department of Justice, and draft testimony of FBI Director Mueller.

[2] This pleading has been redacted to exclude reference to a specific portion of Director Mueller's draft testimony.

Intelligence and the House Permanent Select Committee on Intelligence (#453), the Reply of the United States (#459), standby counsel's Motion to Unseal (#455), and the transcript of the hearing be and are unsealed.

In their Response to the Expedited Motion for Clarification, standby counsel requested that the Court vacate the February 5, 2002 Protective Order. Finding that the Protective Order is too complicated in its present form, the request is GRANTED; and it is hereby

ORDERED that the Court's February 5, 2002 Protective Order will be VACATED once counsel for the United States have submitted a revised version governing the handling of "particularly sensitive discovery materials" for the Court's approval. Counsel for the United States must consult with standby counsel in drafting the revised protective order. Until the revised order is entered, the February 5, 2002 Protective Order remains in full force and effect. To the extent that standby counsel seek relief from Local Rule 57, that request is DENIED; and it is hereby

ORDERED that nothing in this Order is intended to affect the applicability of Local Rule 57 to the participants in this case.

On August 22, 2002, the United States submitted a letter, under seal, requesting that the defendant's pro se pleadings be maintained under seal because they continue to contain extensive inappropriate rhetoric which the Government believes may be

intended "for the purpose of either (1) sending messages to coconspirators or sympathizers, or (2) making public political statements." The defendant, pro se, in opposing this request as an unjust infringement on his First Amendment rights, admitted during the closed hearing, the United States' proposal would frustrate his efforts to convey messages to his "people." (Tr. at 35).

The defendant's pleadings have been replete with irrelevant, inflammatory and insulting rhetoric, which would not be tolerated from an attorney practicing in this court. Because he has been warned numerous times that such writing would have to stop, the defendant may no longer hide behind his pro se status to avoid being held to appropriate pleading practice. Further, we find that the record supports the United States' concern that the defendant, who is charged with conspiracy to commit acts of terrorism transcending national boundaries among other offenses, is attempting to use the court as a vehicle through which to communicate with the outside world in violation of the Special Administrative Measures governing the conditions of his confinement. Accordingly, the request communicated in the United States' August 22, 2002 letter, which we deem to be a motion to maintain the defendant's pro se pleadings under seal, is GRANTED; and it is hereby

ORDERED that the defendant's pro se pleadings docketed as #s

406, 412, 418, 419, 422, 423, 424, 425, 434, 435, 440, 441, 446, 449, 456, 458 and 463 be maintained under seal; and it is further

ORDERED that any future pleadings filed by the defendant, pro se, containing threats, racial slurs, calls to action, or other irrelevant and inappropriate language will be filed and maintained under seal;[3] and it is further

ORDERED that a redacted copy of the August 22, 2002 letter from the United States be docketed as a motion and publicly filed.[4]

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; standby defense counsel; counsel for the Joint Inquiry; and the Court Security Officer.

Entered this 29th day of August, 2002.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia

[3] We decline to adopt the defendant's suggestion that we redact inappropriate language from his pleadings because it forces the prosecutors and the Court to waste resources editing the defendant's writings, which predominantly contain inappropriate rhetoric. If he desires his pleadings to be publicly filed, the defendant must limit his writings to appropriate requests for relevant judicial relief.

[4] The language redacted from paragraph 5 includes examples of the rhetoric to which the United States objects.