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

UNITED STATES OF AMERICA,)
)
 v.)
)
 ZACARIAS MOUSSAOUI,)
 a/k/a "Shaqil")
)
 al Sahrawi,")
)
 Defendant.)

Criminal No. 01-455-A

UNDER SEAL

FILED WITH
COURT SECURITY OFFICER
Meg Jensen
DATE 12/30/02

ORDER

Before the Court is the Government's Motion to Reconsider our December 13, 2002 ruling directing the United States to produce to standby defense counsel a copy of the Spencer Declaration, which was submitted to the Court ex parte in support of the Government's request for an additional 45 days to respond to defense requests for access [REDACTED]

[REDACTED] In particular, the United States contends that because it has not yet advised the Court of its position regarding defense requests for access [REDACTED] our ruling is premature.

We find that disclosure of the Spencer Declaration before the January 9, 2003 deadline would essentially defeat the extension of time we have already granted the Government.

Further, given the critical sensitivity of these access issues to our national security and the ability of the United States to proceed with this capital prosecution in civilian court, disclosure of the Spencer Declaration should be postponed until

we have reviewed the Government's filing regarding defense requests for access [REDACTED]

For these reasons, the Government's Motion to Reconsider is GRANTED; and it is hereby

ORDERED that our Order of December 13, 2002 be modified to remove the requirement that the United States produce a copy of the Spencer Declaration to standby counsel forthwith. Instead, after review the United States' January 9, 2003 filing, we will determine whether the Spencer Declaration must be produced.

The Clerk is directed to forward copies of this Order to counsel for the United States; standby defense counsel; and the Court Security Officer, who is directed to submit this Order for classification review so that an unclassified version can be provided to the pro se defendant.

Entered this 30th day of December, 2002.

/S/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia