

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 in the accompanying Memorandum Opinion, which has been filed under seal with the Court Security Officer pending classification review, the Court finds that the United States' Proposed Substitution will not "provide the defendant with substantially the same ability to make his defense as would" the specific relief ordered on January 31, 2003. 18 U.S.C. App. 3 § 6(c)(1).

Given the significance of the legal issues addressed in the Memorandum Opinion and the public's right to be fully informed about how this case is proceeding, see United States v. Moussaoui, No. 03-4162 (4th Cir. May 13, 2003)(order addressing Intervenors' Motion for Access to Certain Portions of the Record and Oral Argument), it is hereby

ORDERED that the Court Security Officer submit the accompanying Memorandum Opinion for an expeditious classification review to ensure that appropriate versions can be disclosed to the pro se defendant and placed in the public record as soon as

possible.

During the closed CIPA hearing held on May 7, 2003, the Government insisted on discussing an issue with the Court ex parte. Finding no legitimate reason why the information disclosed to the Court should not also be shared with cleared standby defense counsel, it is hereby

ORDERED that the United States disclose that portion of the transcript to standby counsel or offer the Court a legitimate justification for maintaining it ex parte by noon on Friday, May 16, 2003.

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

Entered this 15th day of May, 2003.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia