

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

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 01-455-A
	)	Hon. Leonie M. Brinkema
ZACARIAS MOUSSAOUI,	)	
a/k/a "Shaqil,"	)	
a/k/a "Abu Khalid al Sahrawi,"	)	
	)	
ALL PLAINTIFFS NAMED IN	)	
21 MC 97, 21 MC 101, AND 03 CV 9849	)	
	)	
Movants-Intervenors.	)	

**DEFENDANT'S RESPONSE TO MOTION FOR ACCESS TO  
CERTAIN PORTIONS OF THE RECORD AND FOR INTERVENTION**

Defendant Zacarias Moussaoui, by and through counsel, offers the following response to the Motion for Access to Certain Portions of the Record ("Motion for Access") and the related Motion to Intervene ("Motion to Intervene"):

1. With respect to the Motion to Intervene, the defendant takes no position as whether the Movants-Intervenors have any right to intervene in this capital case.
2. In their Motion for Access, the Movant-Intervenors request three forms of relief. The defense will address each in turn.
3. The defense has complied in all regards with the mandate of the Fourth Circuit in this case. Thus, the relief requested in paragraph 1 of page 4 of the Motion for Access is moot.
4. The defense has complied in good faith with the mandate of the Fourth Circuit in this case. Thus, as to the first phase of this case, the relief requested in paragraph 2 of page 4 of the Motion for Access is moot.

5. As to the relief requested in paragraph 3 of page 5 of the Motion for Access, the defendant objects to these requests to the extent that the Court would place any burdens upon the defense to comply with any of these requests. As the Court is well aware, there are protective orders that have been issued in this case that limit, in many respects, the defense's ability to use much of the evidence that has been produced. In addition, there are substantial issues regarding the production and use of classified information in this case. The defense simply cannot be required to produce any information to any third party that it has not introduced in evidence in this case. Stated otherwise, the intervenors, to the extent they have complaints with the discovery process in whatever cases they are pursuing, should address those concerns to the parties and the Court in that particular case. If the United States takes a different approach in this regard, that is its right. Regardless, the Court is respectfully requested not to impose any obligations on the defense to produce any additional information to any party.

Respectfully Submitted,

Zacarias Moussaoui  
By Counsel

/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of April 2006, a true copy of the foregoing pleading was served upon AUSA Robert A. Spencer, AUSA David J. Novak and AUSA David Raskin, U.S. Attorney's Office, 2100 Jamieson Avenue, Alexandria, VA 22314, and via facsimile transmission (703-748-0244) and U.S. Mail (postage prepaid) to David G. Barger, Esq., 8270 Greensboro Drive, Suite 700, McLean, VA 22102, counsel for Movants-Intervenors.

/s/

Edward B. MacMahon, Jr.