

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

In his Motion docketed as #821, Mr. Moussaoui requests unclassified, unredacted copies of the transcript of the January 30, 2003 hearing and the Court's March 10, 2003 Memorandum Opinion. In particular, the defendant complains that he first learned of the prosecution's theory of the case in reading the heavily-redacted version of the Court's Memorandum Opinion, and argues that he is entitled to know the facts underlying the Government's theory so that he can prepare his defense.¹

The Court, too, is disturbed by the extent to which the United States' intelligence officials have classified the pleadings, orders and memorandum opinions in this case; and further agrees with the defendant's skepticism of the Government's ability to prosecute this case in open court in

¹ The United States has apparently taken inconsistent positions regarding the classification status of its theory of the case as evidenced by the complete redaction of all references to the same prosecution theory about which the defendant complains from the transcript of the January 30, 2003 hearing provided to Mr. Moussaoui.

light of the shroud of secrecy under which it seeks to proceed.
Finding merit in the defendant's complaint, it is hereby

ORDERED that the United States respond to the defendant's
Motion docketed as #821 by April 10, 2003.

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

Entered this 4th day of April, 2003.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia