

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

UNITED STATES OF AMERICA)	
)	
v.)	Crim. No. 01-455-A
)	Hon. Leonie M. Brinkema
ZACARIAS MOUSSAOUI)	

**MOTION TO AMEND ACCESS TO CLASSIFIED NATIONAL SECURITY
INFORMATION**

Defendant Zacarias Moussaoui, by counsel, moves this Court to amend the list of defense personnel who are approved by the Court to have access to classified documents and information by adding Erik T. Rigler, and in support thereof, states as follows:

1. On January 22, 2002, this Court entered a Protective Order (the "Order") directing that access to classified documents and information, as required by the government's discovery obligations and otherwise as necessary to prepare for proceedings in this case, be given to specified individuals working on behalf of the defendant. See Order ¶ 12 (dkt. no. 54). The Order also requires that any additional persons who need access to classified documents and information obtain "approval [from the Court] for access to the appropriate level of classification on a need to know basis." *Id.* Those persons also must "satisfy[] the other requirements described in [the] order." *Id.*

2. Erik T. Rigler, a former FBI agent, has been retained by the defense as an aviation security expert. In connection therewith, Mr. Rigler will need to examine classified information in the defense SCIF.

3. The government has informed defense counsel that it has no objection to Mr. Rigler having access to classified information.

4. Accordingly, it is requested that this motion be granted, and that Erik T. Rigler be added to the list of defense personnel set forth in paragraph 12 of the Order subject to compliance with the other terms and conditions of the Order.¹

Respectfully submitted,

ZACARIAS MOUSSAOUI

By Counsel

/S/

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Dated: December 16, 2005

¹ Pursuant to paragraph 11.b of the Order, attached is an original signed Memorandum of Understanding from Mr. Rigler in which he agrees to comply with the terms of the Order. Also attached is a proposed order for the Court's consideration.

CERTIFICATE OF SERVICE²

I hereby certify that on this 16th day of December, 2005, 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, by placing a copy by hand in the box designated for the United States Attorney's Office in the Clerk's Office of the U.S. District Court for the Eastern District of Virginia and by facsimile upon same to 703-299-3982 (AUSA Spencer), 804-771-2316 (AUSA Novak) and 212-637-0004 (AUSA Raskin).

/S/
Kenneth P. Troccoli

² Pursuant to the Court's order of October 3, 2002 (dkt. no. 594), the instant pleading was presented to the CSO for a classification review before filing. That review determined that the pleading is not classified. A copy of this pleading was not provided to Mr. Moussaoui until after completion of the classification review.