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FEDERAL PUBLIC DEFENDER

EASTERN DISTRICT OF VIRGINIA
1650 KING STREET, SUITE 500
ALEXANDRIA, VIRGINIA 22314
TELEPHONE: (703) 600-0800
FAX: (703) 600-0880



*Frank W. Dunham, Jr.
Federal Public Defender*

April 17, 2002

BY HAND

Zacarias Moussaoui
Alexandria Detention Center
2001 Mill Road
Alexandria, VA 22314

Dear Zacarias:

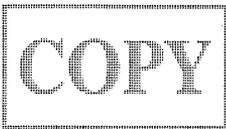
I am in receipt of your written communications dated April 12, April 13, April 15 and April 16, 2002, all of which were handed to me at 4:30 PM on April 16, 2002 by Mr. Troccoli. Photocopies are attached for your records.

With regard to the first of your two communications dated April 12 and one dated April 13, we have corrected the misunderstanding in the manner you requested (see my letter dated April 16, 2002 and attached Errata which was discussed with you on April 15, filed with the Court on April 16, and given to you by Mr. Troccoli on April 16). Since all three counsel had the same understanding concerning your encounter with the guard, perhaps you might want to be a little less positive in your assertion as to just who was responsible for the "mistake." This would not be the first time three people have understood you to mean one thing, only to have you later say that everyone else got it wrong but Zacarias. We want to work together with you – and finger-pointing and blame-casting are most counterproductive – they waste a lot of time and energy and break down the relationship we must have if we are to proceed as a team. I urge you to adopt a more flexible attitude. For my part, I will try to do the same. Neither of us is perfect – I hope you will agree.

With regard to your request for more time to review materials to be filed, we will give you as much time as we can. We do not hold things back, but sometimes they are just not ready well in advance of filing dates, particularly when we are not the initiator of the action, *i.e.*, when we are responding to a government initiative. We are doing the best we can and if that is not good enough, I am sorry. As I write this, it is after midnight at my kitchen table where I have been, working on your case since my wife cleared the dinner dishes. Others are working equally as hard.

DEFENDANT'S
EXHIBIT

ZM020
U.S. v. Moussaoui



The second communication of April 12 also castigates us for the fact that the SAM Motion did not mention the need for it to be resolved prior to the time for filing a response to the Death Penalty Notice and your letter of April 14 expresses concern that nothing should be filed in connection with the Death Penalty Notice until you have had time to review and approve what is to be filed. I would be remiss if I did not point out that you had two opportunities – and fourteen (14) hours – to review the SAM Motion which consists of less than half a page of double spaced type and that you never pointed out the omission you complain of until after the SAM Motion was filed. This problem should be corrected by the unopposed motion we filed with the Court today that will extend the dates on this and give you time to consider whether to file an opposition to the Death Penalty Notice under circumstances where you have the benefit of any relief that might be ordered in connection with the SAM Motion. Of course, until the Court enters an order extending the schedule, we must still contend with the possibility that something will have to be filed on April 18. Contrary to your assertion, the decision as to whether to file a legal objection to the Death Penalty Notice is not a matter within the client's control as it is nowhere near the legal equivalent of a decision to enter a guilty plea.

You say it is “regretful and disturbing that you have been keeping silent about Zerkin preparation.” I say it is regretful and disturbing that something I thought has been clear for many months (that Zerkin would be handling the death penalty aspect of this case) has apparently slipped your mind so completely. As late as when Gerry, Ed and I last met with you as a group during the first week of April, there has been no secret that Gerry was working on the objection to the Death Penalty Notice.

You also accuse me of dropping information on you in an innocuous manner when I think you will disagree with it. Nothing could be further from the truth. The truth is that you disagree with almost everything. I never assume that because you do not express disagreement on one day that this means you will agree because your pattern is to flip-flop on everything. We just try to do our best to inform you and listen to your concerns.

You have said you want seven (7) days to review the draft of any proposed death penalty objection. The death penalty objection is purely a legal argument in your situation and does not turn on any fact other than that you were in jail on 9/11. That does not mean that you will not have plenty of opportunity to review it and consult with counsel on it and, in the end, have input on whether or not it will be filed if the Court grants the requested extension. However, if no extension is granted, you may not have that luxury. In any event, you will not be signing the objection.¹

¹ As long as you have counsel, only counsel signs the pleadings. You talk about my “self-created” client control. That statement is mean-spirited on your part, and intentionally attacks my motives. We have provided you the authorities on the client/attorney control issues – you just do not happen to like them, but we did not create them. The need for a death penalty objection will hopefully be something we will not disagree on. You have a very good position on this and I would hate to see it wasted because of client paranoia. I understand that there are religious ramifications and I am not unsympathetic to those.

Zacarias Moussaoui
April 17, 2002
Page 3

COPY

Your April 15 communication addresses the government's motion and memorandum regarding mental health evidence. The order attached to the papers is an order drafted by the government that it hopes the Court will enter whenever this issue is heard. No action has yet been taken by the Court. The government's papers were given to you to inform you so that you can consider them before we provide a draft response. We have begun to do the research necessary to respond to this motion and will certainly provide you an adequate opportunity to review our response before it is filed. No representations have been made concerning the substance of what our response might be.

Finally, with regard to your communication of April 16, we do not control the allocation of courtroom seating and we are in no position to insist that seats remain empty if there are members of the news media and public who want to fill them. I understand the symbolism you would like to achieve – but it could backfire. The empty row – instead of showing the absence of family – could suggest that the Marshals are so concerned about your dangerousness that they have kept the row closest to you empty. In any event, it is a matter over which I have no control and would look foolish if I tried to exercise any.

Very truly yours,



Frank W. Dunham, Jr.
Federal Public Defender

Attachments: As Stated

Zacarias MOUSSAOU
Muharram 1423
12 April 2002

COPY

to: Federal Public Defender
Frank Duenham Jr.

It came to my attention that among the many things that you left out of the SAM motion is the need that it must happen before the response to the Death Penalty. I did strongly emphasize this point to you but somehow you still deleted it from the motion.

Make no mistake I will not allow you to respond until the SAM motion is decided in open court.

Do not forget that the decision is within

your self created "client control"

(because it is similar to a plea of guilty COPY
guilty)

It is regretful and disturbing that you have
been keeping silent about Zerk's preparation
(especially taking account of the deplorable
state of Zerk's relation with me).

This is by nature a very important and
personal decision, which has deep Islamic
consideration. Not only you fail to involve
me (I will not express here any feeling but do
know that it goes beyond anything imaginable for
me). But you entrusted to somebody who
have expressed in many occasions hostility

toward my belief and their application
in this case.

COPY

Experience tell me to clarify that this
point is not to be "twisted" or "misunderstood"
as we agreed on the death penalty.
I will not declare any decision until
the "S.M. motion" is over.

By the way, the only point you mention
describing your preparation is

"we found for every family victim family
in favor of the death penalty, a victim
family against the death penalty."

Your usual technic to "drop" in an
inocuous manner point that you

knew I will oppresso

(Letter for No Response on Death penalty until Sam is over.)

Attorney-Client Privileged
Communication

09/12/2002.

3(3)

COPY

To this date, you have done this ~~for~~
in many occasions such as -

Munera, Internet site, Solidarity,
contact in Jamaica, the Sam ~~see~~ (to me)

I want to clearly say that any response
to the death penalty will not represent
my position if not signed by me.

I must have at least 7 days to review
the final and complete argument

(sorry if it is too long for you - Life & Death?)

No 10h00 pm last minute decision

PS: added on this.

15/09/ see back.

Slave of Allah

Zaccarias
MOUSSAOUI

P.S. ^{mistakenly using}

It seems that by the word "Reassignment" in my proposed Motion you get on the COPY

~~you~~ rather than "Response" it was created a confusion. I accept my mistake. But I would to say that the fact that the issue of the Death

Penalty response was raised only roughly a week before the response is due, shows how much

the poor relation with Mr Zelman have a direct and damaging impact for my defence.

If we have spent time discussing and drafting this motion ^(for the response) in some kind of collaboration ~~at the~~

this misunderstanding will not have occurred

Since January ~~you~~ when they acted in a very

"poor" manner as he admitted to you ~~however~~, you know my position. Thank you.



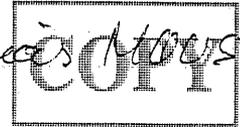
09/12/2002

1/2

9 pm

In the Name of ALLAH.

Zacarias Mousaoui



Public Defender.
Frank Reinhart.

IMPORTANT & Urgent.

I noted that in the notation you were saying
that : " Deputed visited on receiving an early
draft of this memorandum over Mousaoui's
objection "

Event. I told you that my appointment book
was up side down (when I gave it to him ~~so~~)
so he turn it and open it and clearly
made an effort to read and has an
expression of surprise. But I did not
make any objection because earlier the
same refuse to wear glove despite my

my objection (for a paid search). So I thought
what the point because they never COPY

It seems prudent for me to correct this
mistake. and I ask to inform the US Judge
of your mistake, it should not be a problem
like you say the other day you are human
(the sooner the better). Before Open Court
of course.

Zacarias Moura

PS: That is a proof, that document should be
given well in advance to me. as we have
recieve this afternoon ~~over~~ the direct li
penalty response.

PS:2: I just went through the copy of the motion that you ask me
to review before you fill the motion. IT IS NOT MENTION AT ALL THE
INCIDENT, so it is entirely your fault because you should
never attribute to me any statements to me without my direct
approval (required by the way). I would like a letter
acknowledging this event and my absence of any responsibili
concerning this mistake. (before the Open Court):

Attorney-Client Privileged
Communication

212.

COPY

the more I think about this mistake of yours the more I see the potential danger ~~is~~.

The government could first call the deputy as witness he might acknowledge his action but he will never accept that I told him anything because quite rightly I did not say anything in the first place.

Then the government will have the "right" to call me as a witness, and ~~as~~ I will have to explain the episode, they will make their best to say that I make up the all story or exaggerate the incident. Even if you "stipulate" that is your mistake of yours, it will be say "he is his lawyer, he try to protect him, what a dedicated American man".

I will not appear in court until I have a letter stating unequivocally, without any ambiguity that the mistake is yours and that I was not inform in any way that you will mention this in the motion. And I want a copy of a letter that you must send to the judge immediately and to the prosecution that relate in detail the origin of the mistake and that I never ever saw this part of the motion you filled therefore ~~it~~ does not represent in any form my statement. It is extremely regrettable (again), that because of your effort to limit my involvement such mistake has happened.

In the name of Allah
Zacarias MAUSSAOVI

In the Name of ALLAH.

Muhammad
Zakaria

To: F. Deukam, Jr

April 15, 2002

Object: Clarification regarding the Death Penalty and Mental.

First, I want briefly to repeat that any response regarding the Death Penalty must not be filled by Zechin until I have reviewed it and that it does not interfere with my Islamic belief. (I already talk about this in my letter dated the 12/09/02).

Today, at the end of our meeting you gave me the Government's Motion and incorporated Memorandum regarding Mental

Health Evidence.

It was filed on the 8 of April (today we are in the US(?))

COPY

Along that you gave me the envelope from the
US Judge Beukema enclosing the motion on
the ~~summary~~ ^{of the}. Can you explain to me how I
did not get a chance to oppose or ~~or~~ approve or
at least to be inform about this Motion.

Did you make any representation on my behalf?

On page 5 of the Government Motion on Mental Health.

The prosecutor says that among other things:

"Mr. Zeckin... has no objection to this motion

being heard on the same schedule as the established

by the Court for all other penalty phase Motion."

Did I miss something, because the US Judge

~~to~~ start by saying "This day came to be heard..."

Thank you. MAUSSAOVI Zaccarias

Attorney-Client Privileged
Communication

In the Name of Allah

COPY
MOUSSAWI

Zacarias

to : Denham Jr.

16/09/2004.

Object : Court appearance : Bench allocation.

I want to tell you that nobody will be
authorize to set in the bench reserve
for the Defence.

I have many reasons for that, one of them
being that US government has prevented me
to have any contact with my family, friend
or anybody of my choice. So I will not let any
body give the impression that ~~that~~ any person
setting ^{in this bench} is of ~~our~~ personally related to me

or is supporting me. So I invest on this, now and
on the day of the motion if necessary. Z MOUSSAWI