

**Office of the Associate Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave. NW  
Room 4632  
Washington, DC 20530**



**FAX COVER PAGE**

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**TO: Lucy Clark  
Lindy Knapp  
Shirley Miller**

**FAX NO.:**

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**FROM:**

**Matt Zabel  
U.S. Department of Justice**

**FAX NO.:  
TEL. NO.:**

(b) (6)

**MESSAGE:**

**Moussaoui agreement re: documents and interviews. Please make sure that others involved in your agencies receive a copy of this. Thanks.**

**- Matt**

**THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.**



## U.S. Department of Justice

## Criminal Division

Washington, D.C. 20530

July 11, 2003

Philip Zelikow  
Executive Director  
Daniel Marcus  
General Counsel  
301 7<sup>th</sup> Street SW, Room 5125  
Washington, D.C. 20407

Gentlemen:

This sets forth our agreement with the Commission concerning the treatment of documents, information and witnesses relating to the investigation and prosecution of Zacarias Moussaoui, who is presently charged in federal court in the Eastern District of Virginia with participating in the conspiracies that resulted in the attacks of September 11, 2001 (docket number 01-Cr.-455-A). This agreement does not pertain to documents created or obtained during the Justice Department's "PENTTBOM" investigation that the Department determines are unrelated to the investigation and prosecution of Mr. Moussaoui. Please confirm the Commission's agreement by signing in the space provided at the end of this letter and returning it to me.

Documents and Information

With the exception of the Commission's final report, the Commission and its staff will not publicly disclose any documents or information relating to the investigation or prosecution of Mr. Moussaoui prior to the completion of his trial in the Eastern District of Virginia without the Department's prior consent. If the Moussaoui trial is not completed at the time the Commission needs to submit its final report, the Commission and the Department will consult about the Commission's plans, if any, to include Moussaoui-related information in the report and whether it is necessary or prudent for the Department and/or the Commission to seek any court ruling prior to disclosure of such information in the report.

Interviews

1. The Department will provide the Commission with a list by specific category of non-government employees related to the Moussaoui trial as to whom it requests notification before any interviews.

2. No later than five business days before the Commission interviews any individual in one of the categories on this list, it will advise the Department of the individual's identity. If

requested, the Commission will permit a Department lawyer to be present at the interview and will not video or audio record or otherwise verbatim transcribe the interview.

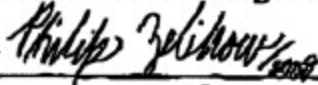
We appreciate the spirit of accommodation in which you and Steve Dunne have worked to resolve this important issue.

Sincerely,



Daniel Levin

On behalf of the National Commission on the Terrorist Attacks of September 11, 2001, I agree to the non-disclosure agreement set forth above.



Name

Date July 11, 2003

EXECUTIVE DIRECTOR

Title