



U.S. Department of Justice

Criminal Division


Washington, D.C. 20530

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MAR - 2 2010

MEMORANDUM

TO: John F. Clark  
Director  
United States Marshals Service

FROM:  Paul M. O'Brien  
Director  
Office of Enforcement Operations

SUBJECT: Modification of Special Administrative Measures (SAM) Pursuant to 28 C.F.R. § 501.2 for Federal Pretrial Inmate Stewart David Nozette

Federal pretrial inmate Stewart David Nozette (Nozette) was arrested by the Federal Bureau of Investigation (FBI) on October 19, 2009, for attempted espionage. FBI investigation has revealed that Nozette, a former member of the White House Space Council who assisted in the development of numerous classified U.S. government satellite programs, passed classified information to an undercover FBI agent posing as an Israeli intelligence officer. Nozette is currently housed with the United States Marshals Service (USMS), pending trial. Because of the danger that Nozette will attempt to disclose classified information, the Attorney General signed a memorandum dated October 21, 2009, in which you were directed, pursuant to 28 C.F.R. §501.2, to implement SAM to restrict Nozette's access to the mail, the media, the telephone and visitors. Implementation of this SAM commenced immediately upon notice to the inmate, and the SAM is in effect for one year from the date of the Attorney General's approval.

The Counterespionage Section, National Security Division (CES/NSD), is now requesting, with the concurrence of the FBI, that Nozette's SAM be relaxed by removing the restrictions on access to publications/newspapers, television, and radio. Both CES/NSD and the FBI agree that such access will not compromise national security. Accordingly, pursuant to the authority delegated to me by the Attorney General in Provision 1 (b) of the original SAM, I am making a modification to Nozette's SAM which will allow the inmate to have access to publications/newspapers, television and radio. Accordingly, I direct that the SAM modification, as detailed below, be implemented as soon as is practicable.

9. **Access to Mass Communications:**

The inmate is authorized to have viewing, listening, or reading privileges with respect to television, radio, newspapers, periodicals, and educational materials, in accordance with standard and applicable USMS/BOP/DF policies and procedures.

**Termination or Limitation** - If the FBI/USMS/BOP/DF determines that the inmate and third parties are using commonly available publications or broadcasts as a vehicle to send messages, the inmate's access to such materials may be terminated for a period to be determined by the FBI/USMS/BOP/DF.

All other SAM provisions for the above-captioned individual will continue in full force and effect for the remainder of the current authorization period of one year, subject to my further direction.

**SAM CONTACT INFORMATION**

Any questions that you or your staff may have about this memorandum or the SAM directed herein should be directed to the Office of Enforcement Operations, Criminal Division, U.S. Department of Justice, 10<sup>th</sup> and Constitution Avenues, N.W., JCK Building, Room 1200, Washington, DC, 20530-0001; telephone (202) 514-6809; and facsimile (202) 616-8256.

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