

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

JAN - 3 2002



UNITED STATES OF AMERICA

vs.

Criminal No. 1:01cr455

ZACARIAS MOUSSAOUI,

Defendant.

THE C-SPAN NETWORKS,

Movant-Intervenor.

**THE C-SPAN NETWORKS' MOTION TO INTERVENE
FOR THE LIMITED PURPOSE OF OBTAINING LEAVE TO
RECORD AND TELECAST PRETRIAL AND TRIAL PROCEEDINGS
AND MEMORANDUM IN SUPPORT THEREOF**

Comes now Movant-Intervenor The C-SPAN Networks ("C-SPAN") and, for its motion for leave to intervene in this proceeding for the limited purpose of obtaining leave to record and telecast pretrial and trial proceedings in the captioned matter, and for its memorandum in support thereof, respectfully states:

1. This is a criminal prosecution instituted by the United States against an individual accused of active participation in the deaths of thousands of Americans in the terrorist attacks on the Pentagon and New York City's World Trade Center on September 11, 2001. The level of public interest in and concern with the substantial issues regarding national security and administration of justice presented by the case cannot be overstated, and that interest and concern

is not merely on the part of American citizens: The eyes, quite literally, of the world are uniquely focused on this Court and its administration of justice in this case.

2. For the reasons set forth more fully in Courtroom Television Network LLC's Memorandum of Law in Support of Its Motion For Leave to Record and Telecast Pretrial and Trial Proceedings, which motion currently is pending before the Court, the public interest in and concern with this criminal prosecution would best be addressed by permitting the press, through a pool arrangement, to record and telecast to the public around the world these proceedings.

3. As this Court recognized in its Order entered in this action on December 26, 2001, intervention is the appropriate vehicle for news organizations and other members of the public to vindicate their access rights in the context of criminal proceedings, *see, e.g., In re Washington Post Co.*, 807 F.2d 383 (4th Cir. 1986); *In re Knight Publishing Co.*, 743 F.2d 231 (4th Cir. 1984).

4. C-SPAN is a private, non-profit corporation created by the cable television industry in 1978, and is the producer and exclusive distributor of three information and public affairs television networks known as C-SPAN, C-SPAN2 and C-SPAN3. C-SPAN also produces several websites containing streamed video coverage of public affairs events. The three programming services are available on a 24-hour per day basis via cable television and satellite and are devoted entirely to information and public affairs programming, including the live gavel-to-gavel coverage of the proceedings of both the U.S. House of Representatives (on C-SPAN) and the U.S. Senate (on C-SPAN2), and a variety of other events at public forums around the country and the world. Each program is provided to the viewer in its entirety, and without editorial comment or analysis.

5. Since at least 1985 the C-SPAN Networks have provided extensive coverage of the judicial branch of government, and have been deeply involved in efforts to obtain the right to televise judicial proceedings at the state and federal levels. Most significantly, the C-SPAN Networks worked closely with the Judicial Conference of the United States and other news organizations in 1990 to set up and then conduct a four-year experiment in two federal courts of appeal and six district courts during which televised coverage of court proceedings was permitted.

6. C-SPAN hereby seeks leave to intervene for the purpose of joining in Courtroom Television Network LLC's pending Motion for Leave to Record and Telecast Pretrial and Trial Proceedings. C-SPAN does not intend to file papers separately from Courtroom Television Network LLC and its intervention at this juncture therefore will not prejudice the parties, nor delay any proceeding in this matter. The undersigned is authorized to represent that Courtroom Television Network LLC consents to this motion.

Because the premises for this motion are fully set forth herein and in the papers previously filed in this matter by Courtroom Television Network LLC, C-SPAN has not filed a separate memorandum.

WHEREFORE, C-SPAN respectfully requests that the Court enter an order granting its motion for leave to intervene for the limited purpose stated herein.

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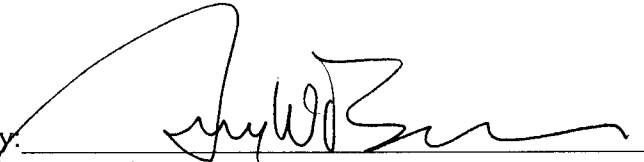
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Dated: January 3, 2002

Respectfully submitted,

LEVINE SULLIVAN & KOCH, L.L.P.

By: 

Lee Levine

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CERTIFICATE OF SERVICE

I hereby certify that, on this 31 day of January 2002, I served true and correct copies of the foregoing The C-SPAN Networks' Motion to Intervene for the Limited Purpose of Obtaining Leave to Record and Telecast Pretrial and Trial Proceedings and Memorandum in Support Thereof by hand-delivery or courier for next-business-day delivery, as indicated below, upon counsel for the parties as follows:

By Hand Delivery

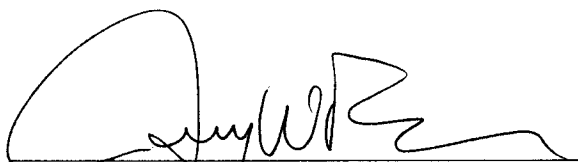
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