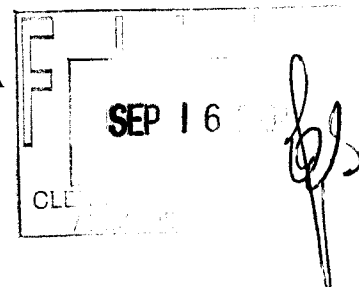


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION



UNITED STATES OF AMERICA

vs.

Criminal No. 01-455-A

ZACARIAS MOUSSAOUI,

**Defendant.**

TRIBUNE COMPANY,  
ABC, INC., ASSOCIATED PRESS,  
CABLE NEWS NETWORK LP, LLLP,  
CBS BROADCASTING INC.,  
THE WASHINGTON POST,  
USA TODAY AND THE REPORTERS  
COMMITTEE FOR FREEDOM OF THE  
PRESS,

**Movants-Intervenors.**

**MOVANTS-INTERVENORS' MOTION TO INTERVENE  
FOR THE LIMITED PURPOSE OF BEING HEARD IN CONNECTION WITH ACCESS  
TO CERTAIN PORTIONS OF THE RECORD AND MEMORANDUM IN SUPPORT**

Come now Movants-Intervenors Tribune Company, ABC, Inc., the Associated Press, Cable News Network LP, LLLP, CBS Broadcasting Inc., The Washington Post, USA Today and The Reporters Committee for Freedom of the Press (together, the "Media Intervenors") and, for their motion for leave to intervene in this proceeding for the limited purpose of being heard in connection with access to certain portions of the record, and for their memorandum in support thereof, respectfully state:

1. This is a criminal prosecution instituted by the United States against an individual accused of conspiring in the deaths of thousands 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.

2. Tribune Company, through its publishing, broadcasting, and interactive operations, publishes eleven market-leading newspapers, including the Baltimore Sun, the Chicago Tribune, the Los Angeles Times and Newsday, owns and operates 24 television stations, and operates a network of local and national Web sites that ranks among the top twenty-five news and information networks in the United States.

3. ABC, Inc., an indirect, wholly-owned subsidiary of The Walt Disney Company, is a broad-based communications company with significant holdings in the United States and abroad. It alone, or through its subsidiaries, owns the ABC Television Network (including ABC News), the ABC Radio Network, 10 television stations and 53 radio stations.

4. The Associated Press, founded in 1848, is the world's oldest and largest newsgathering organization, providing content to more than 15,000 news outlets. Its multimedia services are distributed by satellite and the Internet to more than 120 nations.

5. Cable News Network LP, LLLP ("CNN") is an AOL Time Warner company. CNN is the world's largest news organization with over a dozen television and radio news networks and websites, as well as several news programming services, provided to affiliates domestically and worldwide. CNN employs more than 4,000 news professionals, who gather news throughout the world.

6. CBS Broadcasting Inc. produces and broadcasts news, public affairs, and entertainment programming. CBS News produces morning, evening, and weekend news programming, as well as news and public affairs magazine shows, such as 60 MINUTES and 48 HOURS. CBS owns and operates broadcast television stations nationwide and, through a related company, Infinity Broadcasting Corporation, owns and operates radio stations throughout the country.

7. The Washington Post is a newspaper of general circulation in the metropolitan Washington, D.C. area that reports on matters of local, regional and national interest. It is owned by The Washington Post Company, which, through its subsidiaries, owns six network-affiliated television stations and numerous cable television systems and publishes a weekly magazine, *Newsweek*.

8. USA Today, a division of Gannett Satellite Information Network, Inc., is a national, daily newspaper with a circulation of 2.3 million.

9. The Reporters Committee for Freedom of the Press is an unincorporated association of reporters and editors working to defend the First Amendment rights and freedom of information interests of the news media.

10. For the reasons set forth more fully in the memorandum accompanying the Media Intervenors' contemporaneous motion for access to certain portions of the record herein, they respectfully submit that the Court's Order dated August 29, 2002 presumptively sealing in their entirety certain papers filed or to be filed by the defendant does not strike the correct balance between the government's legitimate law enforcement/security interests and the public's First Amendment and common law rights of access to judicial records.

11. 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), and as the Supreme Court and the Court of Appeals both have emphasized, a news organization moving to intervene in these circumstances must be afforded a prompt and full hearing on such a motion, *see, e.g., Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 609 n.25 (1982) (media and public “must be given an opportunity to be heard” on questions relating to access) (citation omitted); *Rushford v. New Yorker Magazine, Inc.*, 846 F.2d 249, 253-54 (4th Cir. 1988) (same).

12. Because the premises for this motion are fully set forth herein, the Media Intervenors have not filed a separate memorandum.<sup>1</sup>

WHEREFORE, the Media Intervenors respectfully request that the Court enter an order granting their motion for leave to intervene for the limited purpose stated herein.

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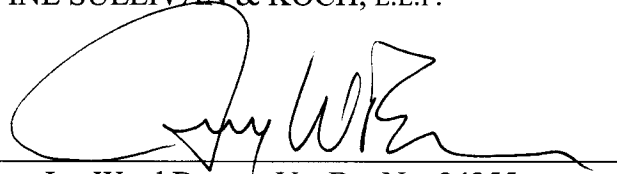
<sup>1</sup> Although not necessarily applicable to the instant motion, in compliance with Local Rule 7(D), counsel for Tribune has conferred with counsel for the United States, which objects to this motion to intervene. Stand-by counsel for defendant does not object to this motion to intervene. Tribune is not able to ascertain the position of the defendant with regard to this motion.

Dated: September 13, 2002

Respectfully submitted,

LEVINE SULLIVAN & KOCH, L.L.P.

By:

A handwritten signature in black ink, appearing to read "Jay Ward Brown", written over a horizontal line.

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THE WASHINGTON POST, USA TODAY AND  
THE REPORTERS COMMITTEE FOR  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on this 16th day of September 2002, I caused true and correct copies of the foregoing Motion to Intervene to be served by the means indicated, upon counsel for the parties as follows:

**By Hand Delivery**

Zacarias Moussaoui, Inmate  
c/o John Clark  
United States Marshals Service  
401 Courthouse Square  
Alexandria, Virginia 22314

**By Federal Express**

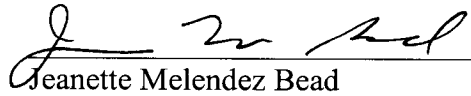
Frank W. Dunham, Jr.  
Office of the Federal Public Defender  
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Alexandria, Virginia 22314

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\_\_\_\_\_  
Jeanette Melendez Bead