

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA, ALEXANDRIA DIVISION**

UNITED STATES OF AMERICA,	)
	)
Plaintiff,	)
	)
v.	)
	)
ZACARIAS MOUSSAOUI,	)
	)
Defendant.	)

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**Criminal Action No. 01-455-A**

**MOTION OF ASSOCIATION OF FLIGHT ATTENDANTS, AFL-CIO  
FOR LEAVE TO INTERVENE TO OPPOSE MOTION OF GANNETT  
SATELLITE NETWORK, INC.'S OPPOSITION TO THE GOVERNMENT'S  
REQUEST FOR PROTECTIVE ORDER REGARDING COCKPIT VOICE  
RECORDERS, AND MOTION FOR PROTECTIVE ORDER**

The Association of Flight Attendants, AFL-CIO ("AFA"), the union representing 50,000 flight attendants including those killed aboard UAL 93 on September 11, 2001, moves for leave to intervene in this proceeding to contest the application of Gannett Satellite Information Network, Inc. for access to the audiotapes from the cockpit voice recorders of United Airlines Flight 93 and ExecuJet Flight 596.

The movants are filing for leave to intervene because they have a strong interest in the contents of the audiotapes. Flight attendants' voices are sometimes heard on these tapes and it is possible that a flight attendant's voice is heard on the UAL 93 CVR tape. The AFA has an interest in protecting the privacy rights of flight attendants involved in airline disasters and their families.

The movants also have a strong interest in maintaining the nondisclosure requirements

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applicable to CVRs. Congress has recently authorized the use of video monitors in the cabin area provided such monitors are subject to the nondisclosure requirements applicable to CVRs. P.L. 107-71, Title I, §104(b), 115 Stat. 605, 49 U.S.C.A. 44903, (Note). With the use of such monitors, flight attendants would be subject to constant surveillance in their workplace and will experience similar privacy concerns as those crewmembers recorded on CVRs.

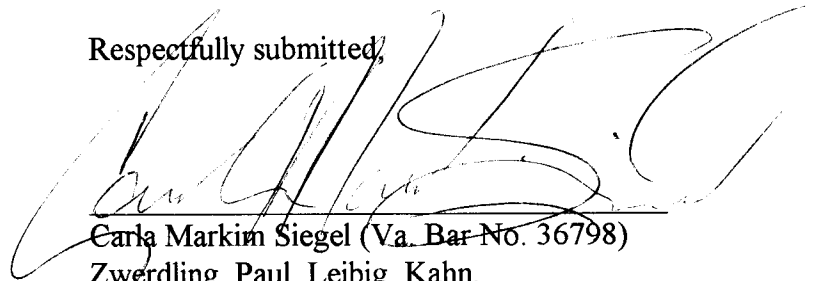
The movants strongly oppose any release of the CVR tapes, or any use of the tapes beyond that specified by statute, because any such release would be contrary to the statutory protections for CVR tapes. 49 U.S.C. §1154. These protections were instituted to protect legitimate and sensitive privacy interests of crewmembers and the victims of aviation disasters and their families; and to prevent the foreseeable trauma that the crewmembers and victims of aviation disasters and their families would suffer from the public disclosure of the CVR tapes or transcripts.

As the party with the primary interest in the release of the tapes and the party most likely to be harmed by release of a CVR tape contrary to statute, leave is respectfully requested to file the attached brief. In the event the Court determines to hold a hearing on the issues raised by the Government's Motion for Protective Order Regarding Cockpit Voice Recorders pursuant to 49 U.S.C. §1154, Docket No. 399, AFA requests notice and an opportunity to be heard.

WHEREFORE, AFA prays that its motion for leave to intervene and file the attached brief be granted; that the Court grant the motion of the United States, which AFA joins, for a protective order sealing the CVR tapes and transcripts of the cockpit voice recorders from the United Airlines Flight 93 and ExecuJet Flight 593 on September 11, 2001 in accordance with 49 U.S.C. §1154; and that the Court further grant AFA's motion to close the courtroom to the press and public during any actual playing of the CVR tapes.

Dated: October 22, 2002

Respectfully submitted,



Carla Markim Siegel (Va. Bar No. 36798)

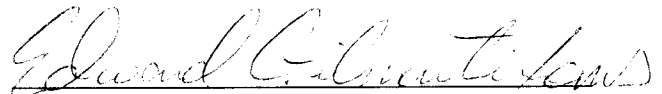
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**CERTIFICATE OF SERVICE**

I, Carla Markim Siegel, hereby certify that on this 22<sup>nd</sup> day of October, 2002, I caused to be served true and correct copies of the foregoing Brief and Motion to Intervene by first class U.S. mail, postage pre-paid, as indicated below, on the following:

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