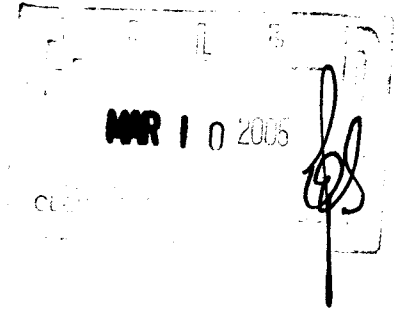


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division



UNITED STATES OF AMERICA )  
 ) Case No: 01-455-A  
 v. )  
 )  
ZACARIAS MOUSSAOUI )

**GOVERNMENT'S NON-CONFIDENTIAL MEMORANDUM ACCOMPANYING ITS  
MOTION FOR A PROTECTIVE ORDER PROVIDING PROSPECTIVELY FOR FILING  
DOCUMENTS UNDER SEAL PURSUANT TO LOCAL RULE 49(E)**

The United States, pursuant to Local Rule 49(E) of the Local Criminal Rules for the United States District Court for the Eastern District of Virginia, asks for an Order sealing the documents attached to its Motion to Seal.

**I. ITEMS TO BE SEALED AND NECESSITY FOR SEALING**

1. The government asks the Court to seal the documents attached to its Motion to Seal.
2. Sealing is necessary because the underlying pleading relates to the question whether public disclosure of particular material is proper and warranted. Filing the underlying pleading *not* under seal would defeat the purpose of the motion. The government has considered procedures other than sealing and none will suffice to protect this information from disclosure.

**II. REFERENCES TO GOVERNING CASE LAW (Local Rule 49(B)(2))**

3. The Court has the inherent power to seal materials submitted to it. See United States v. Wuagneux, 683 F.2d 1343, 1351 (11<sup>th</sup> Cir. 1982); State of Arizona v. Maypenny, 672 F.2d 761, 765 (9<sup>th</sup> Cir. 1982); Times Mirror Company v. United States, 873 F.2d 1210 (9<sup>th</sup> Cir. 1989); see also Shea v. Gabriel, 520 F.2d 879 (1<sup>st</sup> Cir. 1975); United States v. Hubbard, 650 F.2d 293 (D.C. Cir. 1980); In re Braughton, 520 F.2d 765, 766 (9<sup>th</sup> Cir. 1975). "The trial court has

supervisory power over its own records and may, in its discretion, seal documents if the public's right of access is outweighed by competing interests." In re Knight Pub. Co., 743 F.2d 231, 235 (4<sup>th</sup> Cir. 1984).

**III. PERIOD OF TIME GOVERNMENT SEEKS TO HAVE MATTER REMAIN UNDER SEAL (Local Rule 49(D)(4)).**

4. The length of time that the materials to be filed under seal would need to remain sealed will depend on the Court's decision on the underlying motion. If the Court grants the government's motion, the material could be unsealed.

WHEREFORE, the United States respectfully requests that a Protective Order be entered allowing the United States to prospectively file documents under seal.

Respectfully submitted,

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By:

RSI  
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