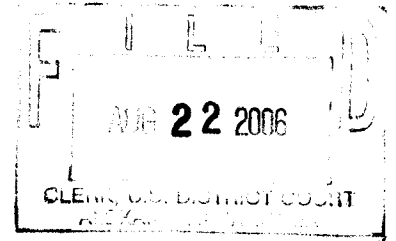


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division



UNITED STATES OF AMERICA, )  
 )  
v. ) Criminal No. 01-455-A  
 )  
ZACARIAS MOUSSAOUI, )  
 )  
Defendant. )

**DEFENDANT'S NON-CONFIDENTIAL MEMORANDUM ACCOMPANYING ITS  
MOTION FOR AN ORDER PROVIDING PROSPECTIVELY FOR FILING MATERIALS  
UNDER SEAL PURSUANT TO LOCAL RULE 49(E)**

The Defendant, Zacarias Moussaoui, by counsel and 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 defendant's trial exhibits XA001 and XA002.

**I. Items to be Sealed and Necessity for Sealing**

1. The defendant asks the Court to seal defendant's trial exhibits XA001 and XA002.
2. Sealing of these two exhibits (videotape and accompanying document labeled Defendant's Exhibit XA001 and Defendant's Exhibit XA002) is necessary in that this video and accompanying document were made for educational purposes only and the persons in the video did not authorize release for any other purpose. Counsel for the defendant has considered procedures other than sealing and none will suffice to protect this information from disclosure.

## II. Previous Court Decisions Which Concern Sealing Materials

3. The Court has the inherent power to seal materials submitted to it. See *United States v. Wuagneux*, 683 F.2d 1343, 1351 (11th Cir. 1982); *State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir. 1982); *Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989); see also *Shea v. Gabriel*, 520 F.2d 879 (1st Cir. 1975); *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980); *In re Braughton*, 520 F.2d 765, 766 (9th 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 (4th Cir. 1984).

## III. Period of Time to Have the Document Under Seal

4. The materials to be filed under seal would need to remain sealed.

WHEREFORE, the Defendant respectfully requests that an Order be entered allowing defendant’s exhibits XA001 and XA002 to be placed Under Seal. An appropriate Order is attached.

Respectfully submitted,

ZACARIAS MOUSSAOUI  
By Counsel

\_\_\_\_\_  
/s/

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