

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

UNITED STATES OF AMERICA)	
vs.)	
ZACARIAS MOUSSAOUI,)	Criminal No. 01-455-A
Defendant.)	
ALL PLAINTIFFS NAMED IN)	
21 MC 97, 21 MC 101, AND 03 CV)	
9849)	
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 the 9/11 families moving to Intervene (“Movants”) and, for their motion for 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 the penalty phase of a criminal prosecution instituted by the United States against an individual who has pleaded guilty to charges connecting him to the deaths of thousands of U.S. citizens in attacks against the Pentagon and New York City’s World Trade Center on September 11, 2001. The government is seeking the penalty of death. 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. Movants-Intervenors are members of the public and individuals who were injured themselves or whose loved ones were killed and businesses and companies whose property was destroyed in the attacks on September 11, 2001.

3. Intervention is the appropriate vehicle for members of the public, including the victims, 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). 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). Furthermore, the federal government has expressed a similar intent when it enacted the federal statute regarding Crime Victim’s Rights, 18 U.S.C. § 3771, which provides in relevant part that crime victims have rights including, but not limited to, “the right to reasonable, accurate, and timely notice of any public court proceeding...involving the crime,” 18 U.S.C. § 3771(a)(2); “the reasonable right to confer with the attorney for the Government in the case,” 18 U.S.C. § 3771(a)(5); “the right to full and timely restitution as provided in law,” 18 U.S.C. § 3771(a)(6); and “*the right to be treated with fairness and with respect for the victim’s dignity and privacy.*” 18 U.S.C. § 3771(a)(8) (emphasis added). These rights can be asserted by either the crime victim or the crime victim’s legal representative “in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred.” 18 U.S.C. § 3771(d)(1),(3).

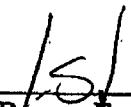
4. Because the grounds for this motion to intervene are fully set forth herein, the Media Intervenors have not filed a separate memorandum.

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

Dated: March 30, 2006

Respectfully submitted,

By:


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CERTIFICATE OF SERVICE

I hereby certify that, on this 30th day of March 2006, 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 :

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
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