

"After all we are in AMERICA,
and everything is possible."
—Zacarias Moussaoui

The Empire State Building and the World Trade Center in New York City on September 11, 2001.

❖ Chapter 5 ❖

The Trials of Zacarias Moussaoui

On September 11, 2001, nineteen fanatics—certain they were doing God's work—conducted the most devastating surprise attack on American soil since Pearl Harbor. The American people then became mentally prepared to let their government bend whatever rules had to be bent in order to win the War on Terror. A new devil had been found, and the American legal system was in jeopardy.

FLIGHT SCHOOL

In Eagan, Minnesota, not far from Minneapolis, the Pan-Am International Flight Academy trains airline pilots with the help of flight simulators—machines that never leave the ground but give a convincing foretaste of flying. From the outside, a flight simulator looks like a white metal shack surrounded by fences and cables. Inside, each one is the exact duplicate of an airliner cockpit, with its complex displays of lights and switches. As a student works the controls, the machine tilts and pitches, and screens present the visual illusion of takeoff and landing and movement over land and water. A flight simulator cannot give the feeling of acceleration, but otherwise it realistically represents the way a particular aircraft would behave in flight.

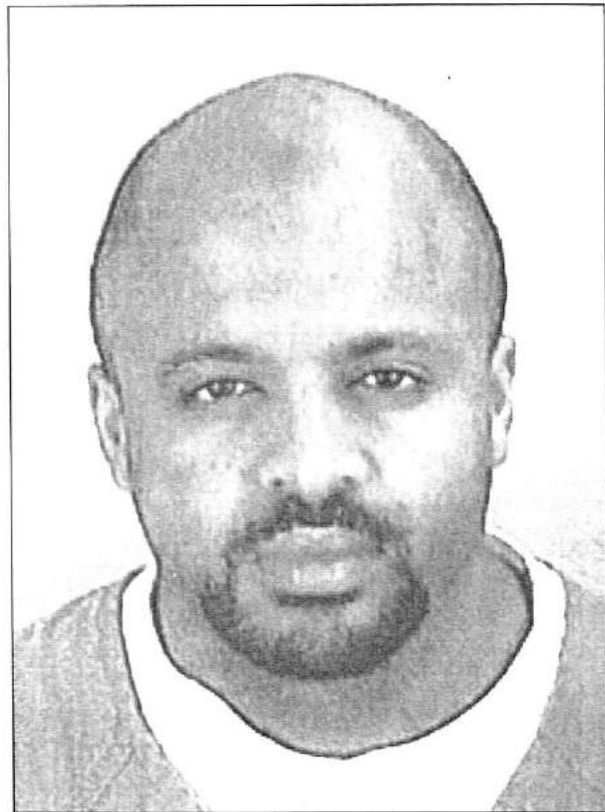
Most Eagan students are experienced pilots, licensed to fly smaller planes and sent by their respective airlines to study at the flight school. Occasionally, a wealthy man takes the course just to see what it would be like to fly a commercial jet. In 2001, the school had a new student who appeared to be of the rich-man variety. His name was Zacarias Moussaoui, and he had applied to the school by

e-mail. His message, in broken English, had been addressed to the flight academy's sales director, Matthew Tierney.

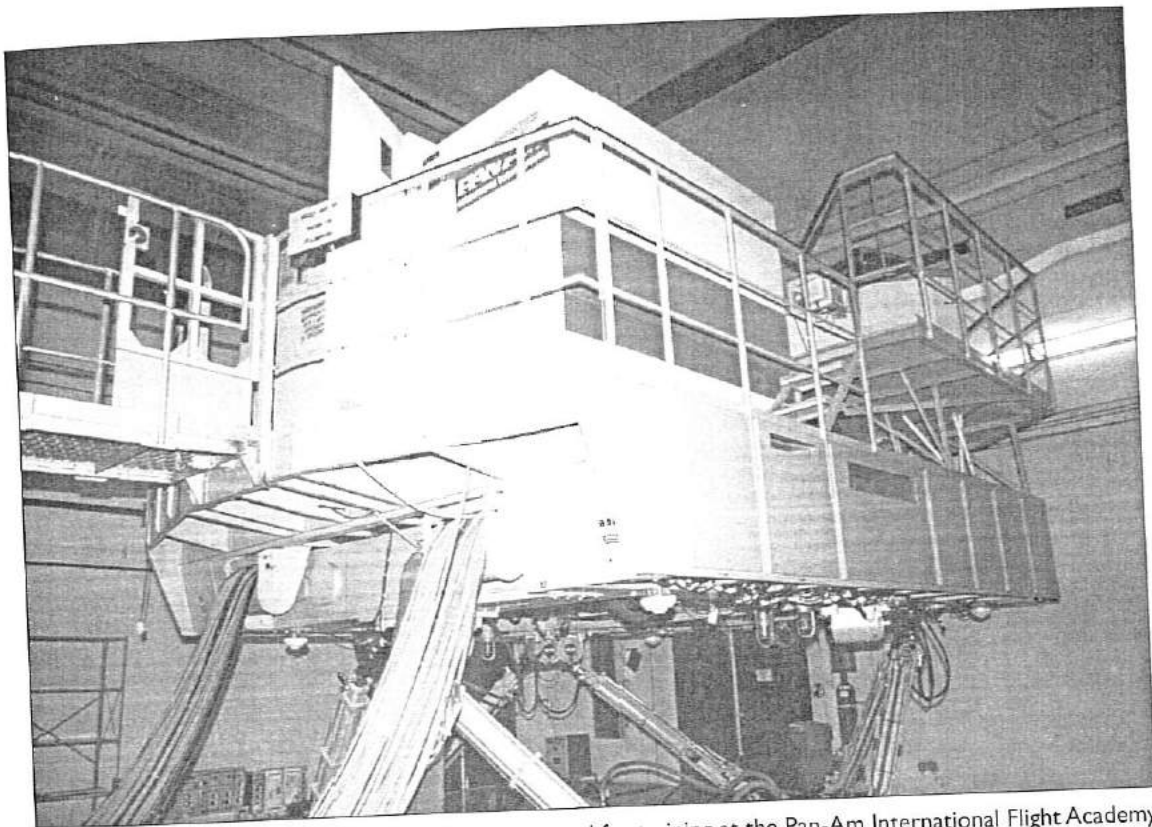
Hello, Mrs. Matt, I am Mrs. Zacarias. Basically I need to know if you can help to achieve my "goal" my dream. I would like to fly in a "professional" like manners one of the big airliners. The level I would like to achieve is to be able to takeoff and land, to handle communication with ATC. . . . In a sense, to be able to pilot one of these Big Bird, even if I am not a real professional pilot.

Moussaoui was trying to use the slang of the trade: "ATC" is air traffic control, and a "big bird" is a jumbo jet. He explained that although his previous experience was limited to training in a single-engine Cessna at another flight academy in Oklahoma, he wanted to fly a simulated journey from New York to London in a 747-400, a Boeing aircraft that seats more than five hundred passengers. Knowing his prior flight experience was inadequate, Moussaoui wrote, "But I am sure that you can do something. After all we are in AMERICA, and everything is possible." The school accepted him. He arrived in Eagan in early August of 2001.

From the beginning, this new student struck the staff of the flight academy as odd. Moussaoui paid most of the \$8,300 fee in hundred-dollar bills. He didn't have a pilot's license. He described himself as an international business consultant, but that was hard



Zacarias Moussaoui's mug shot.



A flight simulator like the one Zacarias Moussaoui used for training at the Pan-Am International Flight Academy in Eagan, Minnesota.

to believe: what business consultant doesn't use a credit card and dresses, as Moussaoui did, in a T-shirt, jeans, baseball cap, and tennis shoes? Moussaoui didn't look like the kind of man who would be able to throw around so much money for a course of instruction that he said was merely "an ego trip." When his instructor asked if he was a Muslim, Moussaoui looked startled and replied sharply, "I am nothing!" At one point, he asked if it was possible for a pilot to shut off the supply of oxygen to the passengers.

THE SEARCH WARRANT

Moussaoui's instructor summed him up as "just a weird duck" and wondered if teaching him to fly was a good idea. The flight academy's manager of pilot training was also alarmed; he called up Pan-Am headquarters in Florida to voice his



U.S. Department of Justice
Federal Bureau of Investigation

DEFENDANT'S
EXHIBIT
810
U.S. v. Moussaoui
Cr. No. 01-455-A

In Reply, Please Refer to
File No.

Minneapolis, Minnesota
August 31, 2001

MOUSSAOUI, ZACARIAS;
IT - OTHER

█ This entire communication is classified ~~SECRET~~.

█ Nature of Investigation: International Terrorism (199M-MF-60130).

█ Full Field Investigation Initiated: 08/15/2001 (NONUSPER).

█ Purpose of this document: To advise the Federal Aviation Administration (FAA) of a potential threat to the security of commercial aircraft.

█ Investigative Background

█ This investigation was initiated after Minneapolis received information from Timothy Nelson, employed by Pan Am International Flight Academy, 2600 Lone Oak Point, Eagan, Minnesota, telephone (651) 283-1253, that he and co-workers were training a student they considered suspicious.

█ Pan Am International Flight Academy's Eagan Facility is a fully accredited flight training center which uses flight simulators to train airline pilots from all over the world. Training conducted there consists exclusively of initial training for persons far advanced in becoming airline pilots, or update/refresher courses given to active airline pilots. In both cases the typical student holds a Federal Aviation Administration (FAA) Airline Transport Pilot (ATP) rating or foreign equivalent and has at least two thousand flight hours.

█ Nelson indicated that Zacarias Moussaoui, who met neither of the above criteria, had been in contact with his company's headquarters in Miami, Florida and had paid \$6,000-\$9,000 dollars in cash for training on the Boeing 747 Model 400 aircraft simulator.



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DECLASSIFIED BY: UC, CT, L, OSG, FBI
ON: 03/01/2006

Part of FBI agent Harry Samit's memo, written to "advise the Federal Aviation Administration of a potential threat to the security of commercial aircraft."

suspicious. A company salesman there told him to leave Moussaoui alone—he was a paying customer. But the staff members at the flight academy were still worried. On their own, two of them contacted the Federal Bureau of Investigation. “I’m calling on a customer,” one of them told an agent in the FBI’s Minneapolis office. “If I’m wrong, it’s probably going to cost me my job,” he said, but he added, “I’d rather call and be wrong than not call and be right.”

Within hours FBI agents appeared at the flight academy, asking its staff more questions about Moussaoui. The agents found that Moussaoui, a French citizen, had stayed in America longer than the time permitted by his visa, and on August 16, FBI agent Harry Samit arrested Moussaoui on an immigration violation.

The agents at the Minneapolis office of the FBI were concerned about something more serious than an immigration irregularity. They believed that Moussaoui might be a terrorist planning to hijack a plane. One of the flight instructors at Eagan had pointed out to them that a 747, with all its jet fuel, would make a powerful bomb.

Under questioning, Moussaoui stuck to the story he had told at the flight academy—he thought it would be amusing to learn how to fly a big commercial passenger jet. He refused to permit law enforcement officials to search his hotel room and his belongings, and they could not do so against his will unless they had a search warrant.

Samit, and another FBI agent, Coleen Rawley, each tried and failed to get warrants to search Moussaoui’s room and belongings. An application for a criminal search warrant was turned down by FBI headquarters on the grounds that there wasn’t enough evidence that a crime had been committed. Another application for a warrant, under the Foreign Intelligence Surveillance Act of 1978 (fISA), was turned down because Moussaoui was not a known member of any terrorist organization. It is possible that this warrant might have been granted if Samit and Rawley’s immediate superiors had been more cooperative. Later, both agents were highly critical of their bosses, and no wonder. After the terrorist attacks of September 11, 2001, Indiana senator Chuck Grassley would write to FBI director Robert Mueller:

If the application for the FISA warrant had gone forward, agents would have found information in Moussaoui's belongings that linked him both to a major financier of the hijacking plot working out of Germany, and to a Malaysian al-Qaida boss who had met with at least two other hijackers while under surveillance by intelligence officials.

Al Qaeda, also spelled Al-Qaida, is the name of the terrorist group headed by Osama bin Laden. At the time of Moussaoui's arrest, in addition to many other acts of terrorism around the world, Al Qaeda counted as major accomplishments the simultaneous attacks on the U.S. embassies in Kenya and Tanzania in 1998, which killed more than 220 people. FBI agent Harry Samit prepared a memo to the Federal Aviation Administration (FAA), the U.S. agency in charge of aircraft and flight safety, alerting officials to the possibility that terrorists might hijack planes in the near future—it seemed to Samit that Moussaoui might be part of a larger conspiracy and that there might be other hijackers out there. But Samit's superior at the FBI prevented Samit from sending the memo. Desperate to get the word out, Samit relied on his personal contacts and met with an official at the FAA. But the official failed to act on the information.

Finally, on September 12, 2001, a warrant to search Moussaoui's room and belongings came through. Found among his possessions were two knives, fighting gloves and shin guards, and a notebook containing the German phone number and the alias of Ramzi bin al-Shibh, the paymaster of a group of Al Qaeda terrorists who, it was learned too late, were planning to hijack airplanes.

SEPTEMBER 11, 2001

On September 11, 2001—the day before the search warrant was granted—nineteen Arab men, all Islamic extremists connected with Al Qaeda, hijacked four airplanes and attacked major American landmarks, killing thousands of innocent people. The hijackers had taken control of the four planes almost simulta-

neously. A later investigation found that three of the planes each had five hijackers aboard, but one had only four.

United Airlines Flight 175 was flown into the south tower of the World Trade Center in New York City. American Airlines Flight 11 was flown into the north tower. American Airlines Flight 77 smashed into the Pentagon. United Airlines Flight 93, the plane with only four hijackers, was still in the air when the other planes had reached their targets. Some of its passengers learned through their cell phones about the attacks on the World Trade Center and Pentagon and apparently realized that they could hope to survive only if they somehow managed to take control of the aircraft. This they attempted to do, rushing the hijackers and overcoming them. However, rather than give up the plane, the hijackers in the cockpit turned it upside down and headed toward the ground.



Wreckage of the World Trade Center.



Pictures of the missing cover a mailbox in New York City after the September 11 attacks.

The aircraft, which the terrorists probably intended to crash into the Capitol or the White House in Washington, DC, instead crashed into a Pennsylvania field, resulting in the deaths of everyone on board.

Nearly three thousand people died in the attacks, which, taken together, were the largest and most elaborate act of terrorism in history—and the most successful. Terrorists want publicity. They want to evoke a powerful reaction in as many people as possible, and according to that standard, no one could dispute the success of these attacks. The horrors of September 11 were endlessly re-

played on news programs around the world. The ideology of the terrorists became an international obsession. Before long, people were referring to the attacks simply by their date—September 11 or just 9/11.

Though it is always a fiction to speak of a country as if it is a person with a single set of feelings and thoughts, for a while after the attacks this fiction was much closer to truth than it usually is. Television comics were stunned into sobriety. Media commentators, noting the cynical tone that had characterized American culture in the 1990s, began to say that from this day forward, irony was dead. It did not take long, however, for unfolding events to prove how wrong the analysts were on that score.

As people across the United States tried to come to grips with what had happened, the effort to uncover the full story of the crime began. The passenger lists

of the four planes led investigators backwards along the trail of evidence that U.S. law enforcement and intelligence agencies had failed to uncover—credit card purchases and checks and names recorded on hotel registers, warnings from foreign police that this or that man thought to be connected with a terrorist group might be in the United States, and all the other “dots” that U.S. agencies had previously failed to connect.

Investigation of Zacarias Moussaoui turned up similarities between his past behavior and the past behavior of the hijackers. Like them, Moussaoui had been drawn into an extreme version of Islamic Fundamentalism, a worldwide movement that seeks to establish Islamic states—states run according to strict Islamic law—in countries where the majority of the population are Muslims. Not all Islamic Fundamentalists believe the same thing; not all approve of terrorism, and neither are all Islamic Fundamentalists hostile to the United States. The group to which Moussaoui and the September 11 hijackers belonged viewed the United States as the enemy of God and considered any action taken against it to be justified.

Like Moussaoui, at least six of the hijackers had trained on flight simulators at U.S. flight schools, most of them in 2000 and 2001. Mohammed Atta, the operational leader of the hijackers, who piloted the plane that hit the north tower of the World Trade Center, contacted thirty-one flight schools prior to his arrival in the United States, apparently checking them out to see which would be suitable for Al Qaeda’s needs (he ultimately trained, with another hijacker, at Huffman Aviation in Venice, Florida). The 9/11 hijackers had also attended Al Qaeda training camps in Afghanistan. So, too, had Moussaoui.

Moussaoui had other connections with the hijackers: In September 2000, he had visited Malaysia and stayed in a condominium where two of the September 11 hijackers had lived earlier that year. Some of the money he spent in the United States apparently was sent to him from Hamburg, Germany, the location of a terrorist cell involved in the September 11 attacks. His computer disk contained information about crop-dusting, which the hijackers had considered to be a possible method for spreading deadly chemical or biological agents through the air.

The knives found among Moussaoui's belongings were similar to those purchased by the 9/11 hijackers.

However, there were also striking differences between Moussaoui and the hijackers. Each of the September 11 hijackers had been in direct contact with at least some of the others; Moussaoui had been alone. Their training had begun before his—some of them a year or more earlier. They had learned to pilot a plane; he had not. They blended in with their surroundings; he did not. Instead, Moussaoui had spoken and acted with extraordinary carelessness, not making a good effort to seem to be what he pretended to be. As a result, he had struck people as a strange man whose story did not add up; he had been arrested on an immigration violation before he could complete his mission, whatever it was.

The 9/11 Commission—an official investigative body that studied the attacks and the government failures that had allowed them to succeed—summed Moussaoui up as “an al-Qaeda mistake and a missed opportunity. An apparently unreliable operative, he had fallen into the hands of the FBI.”



Protesters hold up a portrait of Osama bin Laden in Islamabad, Pakistan, during a rally on September 28, 2001, in support of Afghanistan's Taliban militia and against the United States. *Jehad*, also spelled *jihad*, means holy war in defense of Islam.

THE "TWENTIETH HIJACKER"

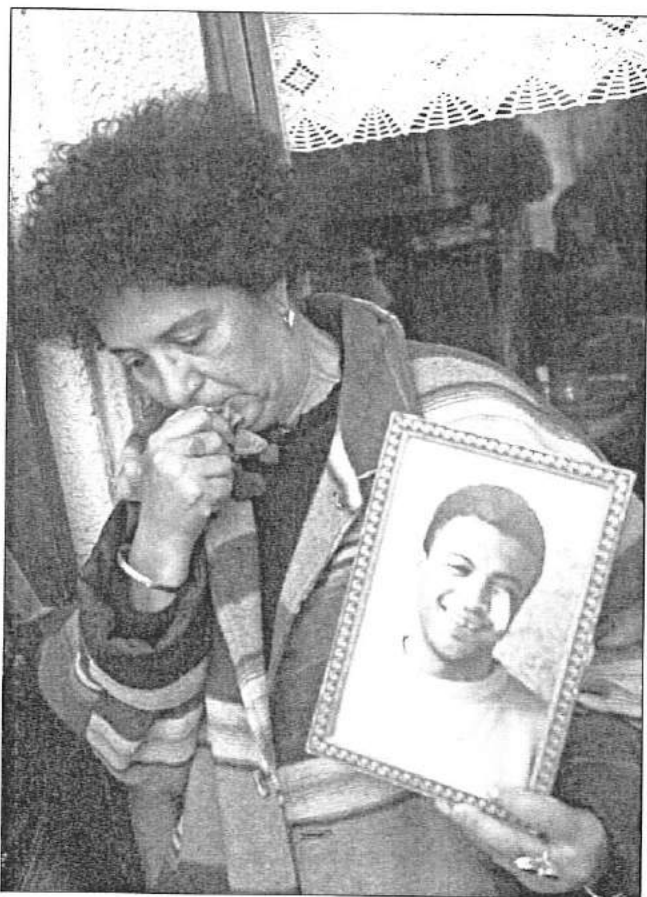
Within a few days of the attacks, Moussaoui's face appeared on the television news all over the world as the "twentieth hijacker"—the man who, because he had been arrested, had not been able to board Flight 93 and help perpetrate the September 11 attacks.

Moussaoui's mother, a retired employee of France's telephone company, said her son could not possibly be guilty of such a crime. He was a hard-working student. "How could he be involved in such a thing?" she said. "I cannot eat. I cannot sleep. I keep saying to myself, could this be? All my children, they each had their own rooms. They had pocket money. They went on vacations. I could understand if he had grown up unhappy or poor. But they had everything."

At the time of his arrest, Zacarias Moussaoui was thirty-three years old. His parents had come to France from Morocco, a former French colony, a few years before he was born. When he was young his mother moved to a shelter to escape abuse at the hands of her husband, who had been beating her and Zacarias's older sisters for years. Zacarias and the other children spent a year in an orphanage while their mother began to remake their lives. She found a job as a cleaning woman for the phone company, took night classes, passed a civil service test, and was promoted to a job in the phone company's mailroom.

When Zacarias was twelve, his mother moved the children to a small apartment in a town in the south of France, and two years later they moved to a pleasant villa in the town's suburbs. ("I wanted them to be away from the city and the drugs and all the trouble there," said his mother, soon after receiving the news of his arrest.) It was a quiet middle-class neighborhood of well-trimmed lawns. A block away from their house in one direction was a small park with benches and walking paths. A few blocks in the other direction was a nightclub that did not admit Arabs.

Official records of Moussaoui as a child give little clue as to the angry fanatic he would later become. As a teenager, he didn't get into trouble with the law. He loved sports. His high school records describe him as "a likeable boy, tenacious, a



Zacarias Moussaoui's mother, Aicha, holding a picture of her son.

slow worker but full of good will." On the other hand, as the defense at his trial would later point out, there was tragedy just beneath the surface: his father's violence, his year in an orphanage, the contempt he encountered as a dark-skinned Arab living in France. Mental illness ran in Moussaoui's family: both of his sisters had attempted suicide, and both had been diagnosed with schizophrenia, a serious psychiatric disorder from which Moussaoui may also suffer.

Although Moussaoui was a Muslim, his upbringing was not religious. Talking to reporters in France, his mother attributed

Moussaoui's turn toward Islamic Fundamentalism to the visit of a female cousin with traditional Islamic views. In the family's house in Narbonne, all the children, boys and girls, had to make their beds, vacuum, and help with the dishes. The cousin told Zacarias and his older brother that this was women's work. "She told them that they were not acting like men," his mother recalled. "She told them that Muslim men should have four wives. She started criticizing me because I did not wear a veil. The boys liked what they heard."

Moussaoui received technical degrees from high school and a vocational college. After passing entrance examinations that qualified him for a government scholarship, he studied engineering. He worked for a while as a supervisor in a secondary school in Narbonne. He also studied English, and in 1991, when he

was twenty-three, he went to England, planning to get a business degree. Moussaoui became involved with radical Islamists when he visited London's Finsbury Park mosque, a place where Islamic extremist groups find many of their recruits.

The methods used at places like the Finsbury Park mosque resemble the recruitment process of religious cults: The targets are young people who are far from home or estranged from their families. They are welcomed into the group, made to feel important, and indoctrinated into a special worldview with a series of lectures. The lectures work on their emotions and provide them with the key to history—a simple explanation for absolutely everything.

People like Moussaoui, who are from irreligious families, may be especially vulnerable to this kind of indoctrination; they have no deep convictions of their own to compete with the convictions of their recruiters. For the first time in their lives, they know what it is to have all the answers. Their new friends discourage them from engaging in dialogue with outsiders—they tell them the vast majority of mankind is deeply misguided—and warn them that people who try to change their minds must be avoided. No longer drifters lacking a sense of purpose, the young recruits have become superior people, people who know the hidden truth, people with a mission. Eventually, they are urged to cut off all contact with their families—as Moussaoui did in 1995—and are groomed for special services to the cause.

Moussaoui returned to France often enough to catch the eye of a French anti-terrorist task force that saw him in the company of Islamic extremists whom they were tracking in 1996. In 1998, he attended a terrorist training camp in Afghanistan. Afghanistan was then under the control of an extreme Islamic Fundamentalist government called the Taliban, which had given shelter to Al Qaeda and its leader, Osama bin Laden. In September 2000, Moussaoui visited Malaysia and stayed at a condominium where other September 11 hijackers had stayed. From February 26 to May 29, 2001, Moussaoui took flying lessons at Airman Flight School in Norman, Oklahoma. He did not pass the course and left the school without a pilot's license. In early August, he received fourteen thousand dollars in wire transfers originating from Hamburg, Germany. This money probably helped

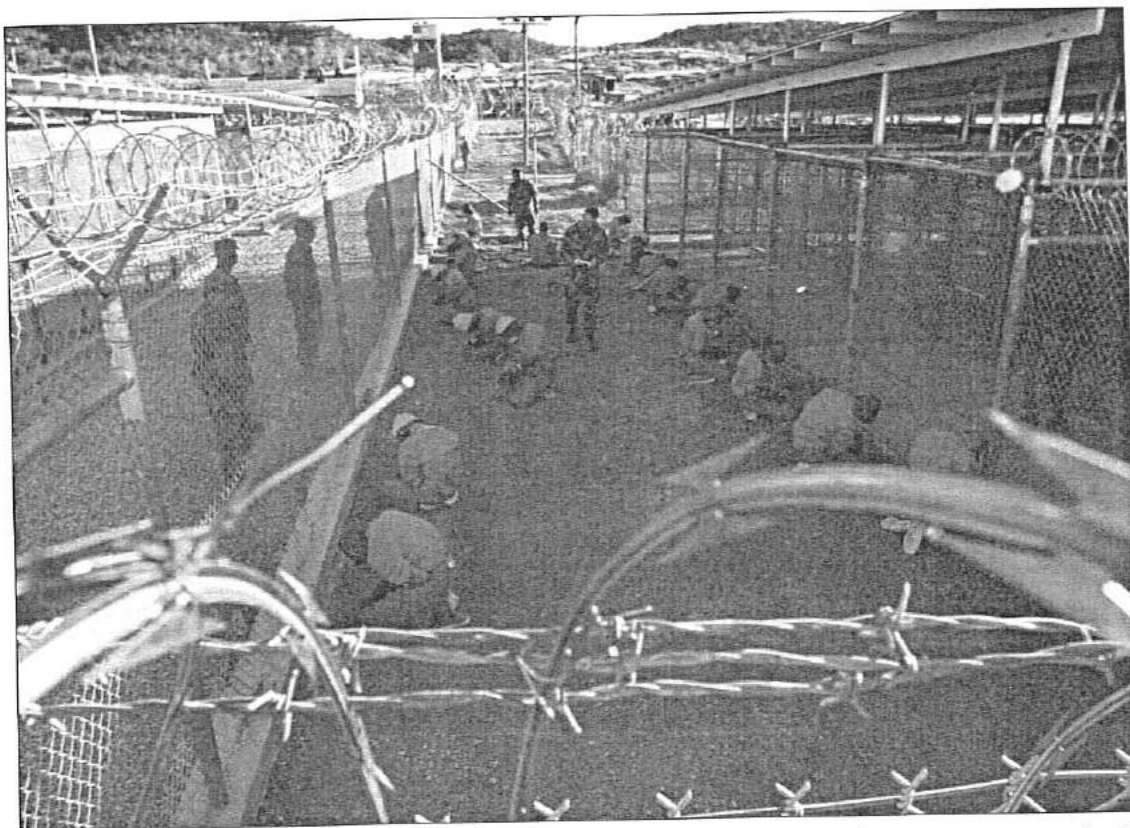
him pay for the flight training at the Pan-Am International Flight Academy in Eagan, Minnesota, where he was arrested.

MILITARY TRIBUNAL OR CRIMINAL TRIAL?

In November 2001, a debate was going on within the U.S. Justice Department. Officials were trying to decide how to try Zacarias Moussaoui. Should he be tried by a civilian court or by military tribunal?

By this time, U.S. forces were in Afghanistan, fighting the Taliban. President George W. Bush had signed an executive order authorizing the use of military tribunals for foreigners charged with terrorism. Traditionally, military tribunals are conducted in battle zones where military personnel must do the work ordinarily done by the courts. This was obviously not the Bush administration's reason for wanting to try the terrorists by military tribunals. The reason was probably that military tribunals generally make it easier to convict suspects while maintaining the secrecy important to the newly declared "War on Terror." Defendants in military tribunals have fewer rights than defendants in regular criminal trials. In a trial by military tribunal, the government does not have to supply the defense with sensitive information just because it would help with the defendant's case.

The United States was facing this same decision—civilian court or military tribunal—with the Taliban prisoners captured in Afghanistan. The government ended up making the decision not to try them at first—officials responsible for preventing future attacks decided to lock them up indefinitely while squeezing them for information about Al Qaeda. Declaring that the prisoners were "unlawful combatants" not entitled to the protections of the Geneva Convention, the Bush administration brought most of them to a U.S. base in Guantánamo Bay, Cuba, a location the U.S. government considered to be outside U.S. law and perhaps outside all law—"the legal equivalent of outer space." The prisoners were kept there under conditions of unusual secrecy and subjected to repeated interrogations. In the five years following their capture, trials were set for around ten of the five-hundred-odd prisoners at Guantánamo Bay. As of 2007, no trials had



In this handout photo from the Department of Defense, Taliban and Al Qaeda detainees in orange jumpsuits sit in a holding area under the watchful eyes of military police at Camp X-Ray at Naval Base Guantánamo Bay, Cuba, during in-processing to the temporary detention facility on January 11, 2002.

actually taken place. The treatment of the prisoners at Guantánamo Bay has generated intense controversy, within the United States and around the world.

By the time of Zacarias Moussaoui's trial, other countries cooperating with America's War on Terror had captured and handed over high-ranking Al Qaeda members involved in the planning and financing of the September 11 attacks. As this book went to press, none of these prisoners, as with those interned at Guantánamo Bay, has received a trial.

Only Moussaoui has received one, and in fact, he received a regular civilian criminal trial in which his rights were meticulously respected. Why did Moussaoui get a trial when the others did not? This question will be debated for a long time to come. The answer may go something like this: The American public wanted contradictory things. On the one hand, they wanted to be protected; on

the other hand, they wanted to see somebody prosecuted for the attacks of 9/11. To accomplish either of these goals, the government might have to undermine its efforts to achieve the other one. As the would-be hijacker in police custody before September 11, Moussaoui was more well known to the American public than were the Al Qaeda members handed to the United States by the police of other countries. At the same time, as a relatively low-ranking member of Al Qaeda, he was not especially valuable as a source of further information to the government. Unlike Moussaoui, the other captured Al Qaeda members knew secrets that if revealed could prevent future attacks. They might not reveal these secrets if they were treated as civilian criminal defendants, or even as prisoners of war under international law. And in interrogating these prisoners, perhaps using torture, which is illegal, the United States government may have made it impossible to convict them. The illegal treatment these prisoners have received might by itself result in their release if they were tried in civilian court. Furthermore, the revelations of their treatment could embarrass the United States government. The American officials in power at the time the torture occurred might even lose their jobs.

It would not be accurate to call Moussaoui a mere scapegoat, because he was certainly part of a terrorist plot. But he was not the most important member of the plot in custody. He was simply the one the U.S. government could afford to try in civilian court.

The indictment handed down against Moussaoui on December 11, 2001, detailed all that was known at the time of the conspiracy that led to the attacks of September 11, 2001. It accused Moussaoui of “conspiring with Osama bin Laden and Al Qaeda to murder thousands of innocent people in New York, Virginia and Pennsylvania on Sept. 11.” Specifically, Moussaoui was charged with conspiracy to commit acts of terrorism, to commit aircraft piracy, to destroy aircraft, to use airplanes as weapons of mass destruction, to murder government employees, and to destroy property.

Since the crimes of which Moussaoui was accused of assisting had been committed in more than one place—in New York, Pennsylvania, and Virginia—the

U.S. Justice Department had a choice of locations in which to hold the trial. It chose Virginia, a conservative state, where jurors tended to favor the death penalty.

THE JUDGE AND THE LEGAL DEFENSE TEAM

The judge chosen to try the case, Leonie M. Brinkema, was a liberal appointed during the first term of President Bill Clinton, and she often angered conservatives with her decisions. When Clinton was running for reelection in 1996, his opponent Bob Dole cited Brinkema as a bad appointment and said she belonged in a judicial "hall of shame." On the other hand, lawyers who had appeared before her said that she was a fair judge, favoring neither the defense nor the prosecution, and that she exercised firm control over her courtroom. These qualities were about to be tested, for Judge Brinkema faced a complex case and a difficult defendant.

Since terrorist cells were not wiring money to Zacarias Moussaoui anymore, his defense would be paid for by American taxpayers. The court appointed a team of three lawyers to defend him. Since it was important that Moussaoui get a fair trial—and be seen getting a fair trial—the court appointed talented, highly competent lawyers. The team was headed by Frank W. Durham, Jr., who was used to handling cases that got a lot of attention from the media. He had previously represented W. Mark Felt, the former FBI assistant director found guilty of conspiring to violate the rights of leftist radicals in the 1970s by illegally searching their homes. Another team member, Gerald Zerkin, was a leading specialist in death-penalty cases. The third member, Edward B. McMahon, was an experienced civil and criminal courtroom lawyer. All three were morally and professionally committed to giving their unpopular client the best defense they could.

Zacarias Moussaoui was apparently not capable of understanding this. In the mental prison he had inhabited since long before his arrest, there was no such thing as an honorable enemy. He could not understand that people who did not share his beliefs, people who may even have despised him, would use all their skills to save his life.

MOUSSAOUI FIRES HIS DEFENSE TEAM

The Virginia federal circuit court in which Zacarias Moussaoui was to be tried was informally known as the “rocket docket” because of the speed with which cases that were heard there were handled. Moussaoui’s trial would prove to be an exception to this rule, dragging on for four and a half years, most of them spent outside the courtroom in a battle of legal papers filed by the prosecution and the defense. The two sides would contend especially over the government’s use of secret information and Moussaoui’s insistence that he be allowed to call captured Al Qaeda leaders as witnesses for his defense.

At his pretrial hearing on January 2, 2002, Moussaoui was asked how he would plead. “In the name of Allah, I do not have anything to plead,” said the defendant in heavily accented English. “I enter no plea. Thank you very much.”

The judge decided to interpret this as a plea of not guilty, and went on to schedule a series of other pretrial hearings that would set up the ground rules of the trial, set to begin in the fall of that year.

The trial took its first unexpected turn a few weeks later on January 23, 2002, at a hearing where a defiant Moussaoui took it upon himself to dismiss his lawyers. Moussaoui said that he prayed to Allah for the “the destruction of the United States of America” and for the “destruction of the Jewish people and state.” (In common with many other Islamic Fundamentalists, Moussaoui believed that America was under the control of an international Jewish conspiracy and conducted its foreign policy on behalf of Israel.)

Pointing to his lawyers, he said: “They have no understanding of terrorism, Muslims, mujahadeen.” (*Mujahadeen* are “holy warriors,” fighting in the name of Islam.) “I believe they are experienced. They are experienced in deception.” He said that they were motivated by “greed, fame and vanity.” He claimed that his trial was a struggle between a man willing to die for his religious beliefs and a group of “pagans, Jews, Christians, and hypocrites.” He described himself repeatedly as “the slave of Allah.” He said the U.S. government was “spending millions of their evil money to kill [him],” and asserted that Judge Brinkema herself was

part of the plot—she was “here as a field general entrusted to get this matter over with quickly,” and she took orders from President Bush.

It sounded as if Moussaoui was begging to be executed, but he stood by his not-guilty plea, reminding the judge that he was “innocent until proven guilty.”

Judge Brinkema was in a difficult position, attempting to give a fair trial to a man who insisted on making bad choices. Should she force him to protect himself? She relied on precedent (what had been done before). In the past, non-lawyers who insisted on acting as their own legal counsel had been permitted to do so, provided they were sane, so she told Moussaoui that she would allow him to be his own lawyer if a psychiatrist examined him and said he was not mentally ill. But at the same time she urged him to let the court-appointed lawyers do their job and said that she would keep them on hand as backup in case he turned out to be incapable of defending himself. “You’re obviously a very smart man and you’re able to read American law books and glean from some of the rulings, but I have to tell you that the American legal system is complicated,” she said. “I am not going to permit you to be in a court of law without any legal sources whatsoever.”

Months of wrangling followed between the judge and Moussaoui, who refused to be examined by a psychiatrist (saying he would “not participate in an obscene Jewish science”). Finally he agreed to submit to a two-hour psychiatric examination, which concluded that he was sane. The defense team, however, had hired two psychologists who had serious doubts about Moussaoui’s sanity. But since Moussaoui had refused to meet with them, their opinions had to be based on secondhand reports of his behavior, and Brinkema found them unconvincing.

MOUSSAOUI ASKS TO INTERVIEW AL QAEDA MEMBERS

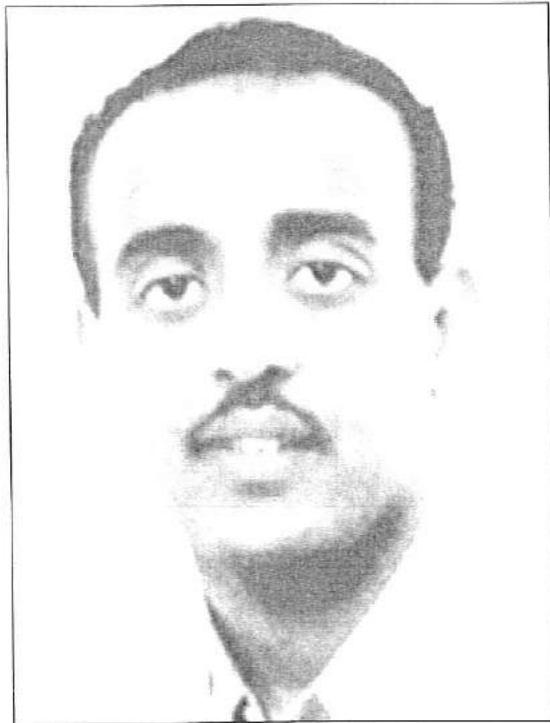
Moussaoui officially became his own counsel at a hearing on June 13, 2002. He remained in charge of his own case until November 2003. At this time, Judge Brinkema, saying that he had violated her orders by filing “frivolous, scandalous, disrespectful or repetitive” court papers, reinstated his original defense team.

During the seventeen months that Moussaoui acted as his own lawyer, he did many things that were strange and some that made good legal sense. On the strange side were the majority of his legal motions to the court, full of slurs on the United States, the Jews, his long-suffering lawyers and the judge, and various people in the news. On the other side, Moussaoui did file some useful motions to the court, demanding evidence from terrorists that would cast doubt on his involvement in the September 11 attacks.

In fall of 2002, one of the plot's organizers, Ramza bin al-Shibh, was captured in Pakistan and turned over to American custody. Moussaoui filed motions asking to call al-Shibh as a witness. Since al-Shibh had been named by the prosecutors as a planner of the conspiracy in which Moussaoui had been accused of participating—and his name and phone number had been found in a notebook of Moussaoui's seized by the FBI after fighting so hard for a search warrant—there was no disputing his relevance as a witness. Moussaoui was entitled to

interview—or gain access to prior interrogations of—anyone who might provide evidence of his innocence.

Moussaoui's request put prosecutors in an awkward position. The Defense Department and the Central Intelligence Agency were refusing to make al-Shibh and other captured Al Qaeda figures available for defense interviews. The reasons for this reluctance may have been the same ones that had prevented these men from being brought to trial. They were being held in secret locations, perhaps illegally. Interviews with them might reveal secrets that could damage the fight against terrorism or the reputa-



Ramz Bin Al-shibh, named by Zacarias Moussaoui's prosecutors as a mastermind of the conspiracy in which Moussaoui participated.

tion of the United States and the Bush administration. But if Shibh wasn't allowed to testify, the government's case against Moussaoui could fall apart on the grounds that the courts could not give him a fair trial. Despite this danger, the prosecution tried to avoid turning over the results of the government's interrogation of al-Shibh.

In spring of 2003, the news media learned from leaks that other captured Al Qaeda leaders had said in interrogations that Moussaoui was not involved in the 9/11 plot and that (as Moussaoui himself claimed) he had been sent on a different terrorist mission. Judge Brinkema ordered the Justice Department to turn over any information in its possession that might be evidence of Moussaoui's innocence. She ordered that Moussaoui be allowed to interview the captured Al Qaeda leaders involved in the September 11 plot. The government strongly objected.

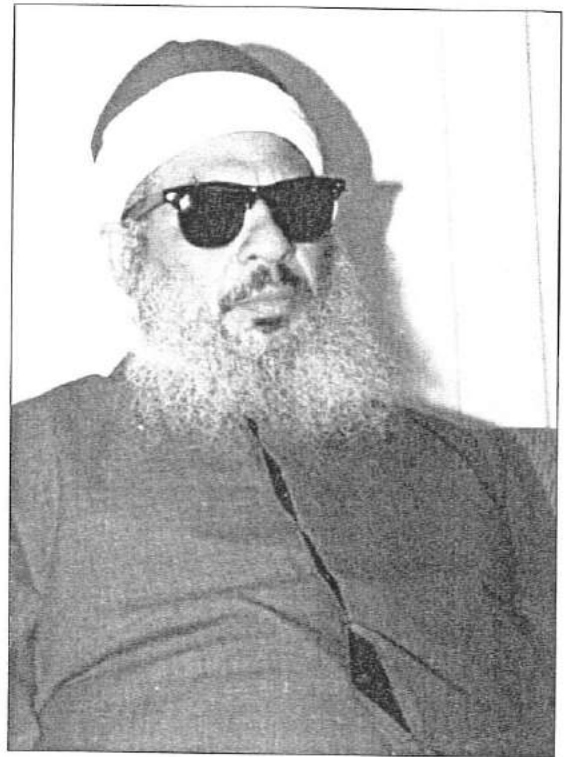
For nearly a year and a half, the Moussaoui trial was delayed as appeals courts decided what to do about this dilemma. In a compromise between the claims of national security and Moussaoui's right to a fair trial, the U.S. Court of Appeals of the Fourth Circuit ordered that he be permitted to submit written questions to the high-ranking captured Al Qaeda members. The case was further delayed while the government appealed this decision to the Supreme Court, which announced in March 2005 that it would not hear the case—in effect upholding the decision of the circuit court. By this time, Moussaoui's court-appointed lawyers were once again officially handling his defense. He was no more cooperative with them this time than he had been before.

MOUSSAOUI PLEADS GUILTY

All the wrangling over Moussaoui's right to question the Al Qaeda prisoners became moot when, unpredictable as ever, he changed his plea to guilty. On April 22, 2005, standing before the judge in the dark green jump suit provided for him by the United States government, Moussaoui said, "I came to the United States of America to be part, O.K., of a conspiracy to use airplane as a weapon of mass destruction."

He did not quite admit to the specific acts of which he had been accused, however. He denied that he had been part of a conspiracy to implement the attacks of September 11, and he did not admit to being the “twentieth hijacker,” meant for Flight 93. Instead, Moussaoui claimed that he was part of a plan to force the release of sheik Omar Abdel Rahman, a blind Muslim scholar serving a life sentence for conspiracy to blow up New York bridges, tunnels, and other landmarks in 1993. “I am guilty of a broad conspiracy to use a weapon of mass destruction to destroy the White House,” said Moussaoui. He emphasized that he had not admitted to any connection with the 9/11 attacks.

With Moussaoui’s guilty plea, the long-awaited trial that was meant to determine the facts of the case was bypassed and another trial to determine Moussaoui’s sentence began. The government was seeking the death penalty.



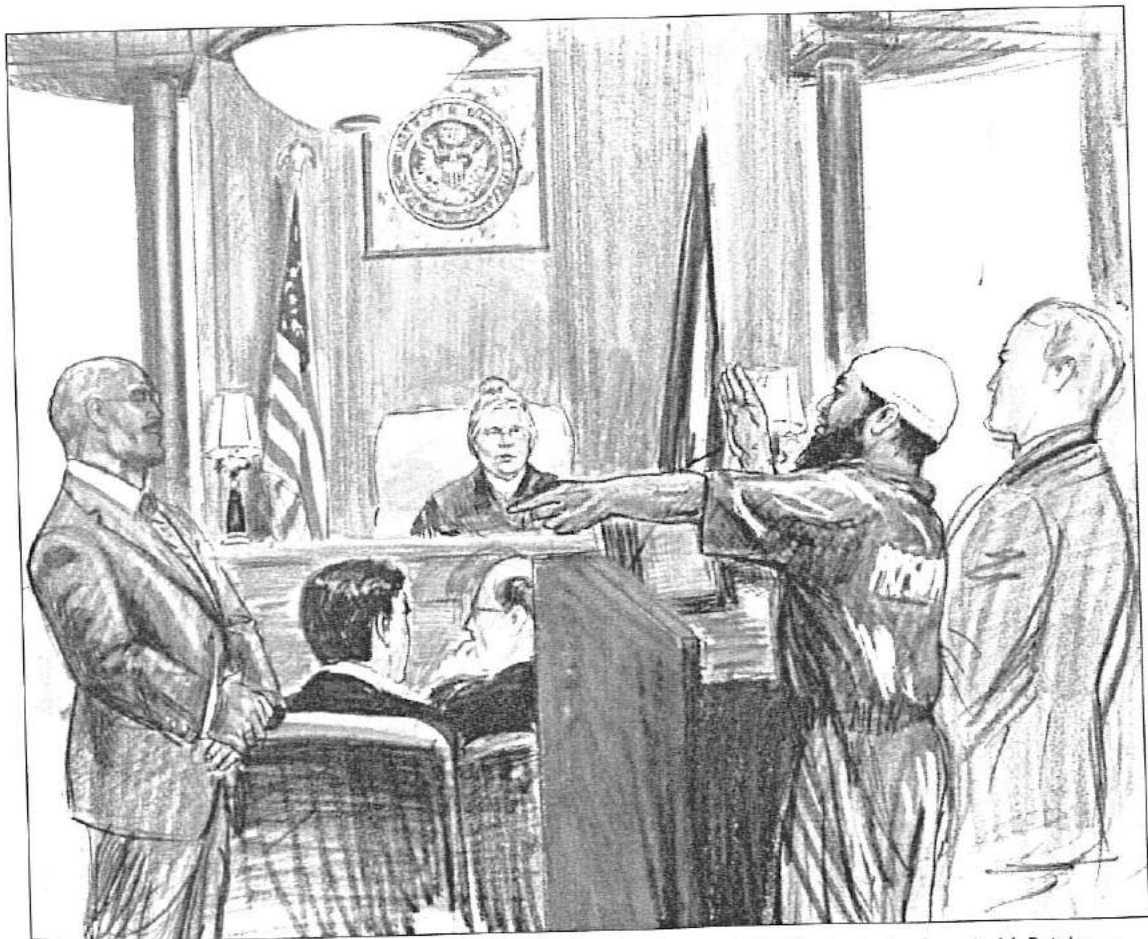
Omar Abdel Rahman, serving a life sentence in the Butner Medical Center in Butner, North Carolina.

JURY SELECTION

Because there was no trial to determine guilt, the prosecution would use the sentencing trial to establish Moussaoui’s connection to the September 11 attacks. They would maintain that, at the very least, Moussaoui knew of the planned attacks and could have prevented them by telling what he knew when he was being questioned in August 2001 by the FBI. The defense would try to prove that Moussaoui’s lies to FBI investigators had made no difference. They would contend that the government had already been given more information concerning

the upcoming attacks than Moussaoui could have provided. Their approach to the case had a special interest for the American public apart from the question of Moussaoui's guilt or innocence, since they intended to expose the U.S. government failures that had enabled the terrorists to be successful.

Judge Brinkema set aside the month of February 2006 for jury selection in the sentencing trial; this was an unusually long time because it would be difficult to find people who could honestly say they had not already made up their minds. The jury was selected from a pool of five hundred candidates. At a preliminary screening, they each filled out a forty-four-page questionnaire prepared by Judge Brinkema, asking them for their opinions about Muslims from North Africa and



In an artist's rendering, Zacarias Moussaoui, with beard, argues before U.S. District Judge Leonie M. Brinkema, seated back, during a pretrial hearing. The men seated in the front of the picture are Moussaoui's lawyers. The men standing on the right and left are security.

whether they knew anyone killed in the September 11 attacks. Every member of the jury would have to be, in the jargon of criminal lawyers, "death qualified"—someone who could swear that he or she would be willing to impose the death penalty if it was justified in this case.

The potential jurors were divided into four large groups; one at a time, each group was brought into the spectators' section of the courtroom to be addressed by Judge Brinkema, who told them that they faced "an awesome responsibility."

Moussaoui, after looking over the first group of jurors from his place in the center of the courtroom, shouted, "I won't be heard by this court," and then gestured to his court-appointed lawyers, saying, "These lawyers are not my lawyers." Brinkema ordered that he be removed from the courtroom. As he was escorted out, he placed his hand on his head, indicating that he was not resisting, and then said loudly, "I am Al Qaeda. I'm the enemy. This trial is a circus." Moussaoui was brought in again to see each new group of potential jurors, and each time he shouted at them and was ejected from the courtroom.

At a special hearing, Brinkema ordered that he be barred from the courtroom during the remainder of jury selection. As he was led from the courtroom, he shouted, "God curse America." The next day, however, he was back in the courtroom, apparently having promised Judge Brinkema that he would behave himself. And so he did, as the jury pool was gradually whittled down to the required twelve.

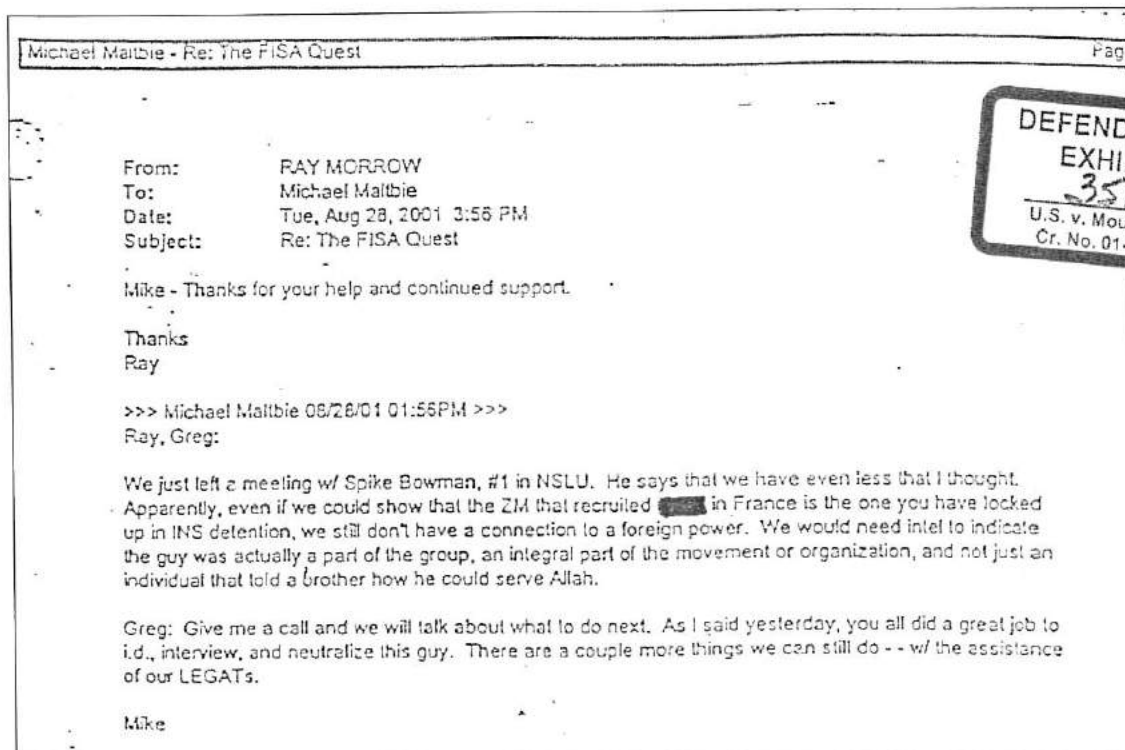
THE DEATH-PENALTY TRIAL BEGINS

The death-penalty trial of Zacarias Moussaoui would have two phases: The members of the jury would first hear evidence to help them decide whether Moussaoui was eligible for the death penalty. Then (if they deemed him eligible) they would hear evidence to help them decide if he should receive it.

Arrangements were made for more than five hundred relatives of 9/11 victims to watch the proceedings on closed-circuit televisions in courthouses in Long Island, Boston, Philadelphia, Newark, and Manhattan, as well as in another room of the same building in Alexandria, Virginia, where the trial was taking place.

There were also a dozen seats reserved in the courtroom for relatives of those killed—those who wanted to would be allowed to occupy them on a rotating basis. The feelings of these people were varied—some were hoping for a scrap of justice, some simply wanted to understand what could make people do such things, and some were not certain what they wanted but were inwardly compelled to watch anything that had to do with the 9/11 attacks.

In the first week of March 2006, the prosecution began presenting its case. It introduced a videotaped interview that it had conducted in 2002 with Fauzi Bafana, former treasurer of Jamaah Islamiyah, a Southeast Asian terrorist group linked to Al Qaeda. In the interview, Bafana, who had been arrested in November 2002, testified that Moussaoui had asked him for financial help in achieving his goal of flying an airplane into the White House. Since the interview had been done when Moussaoui was acting as his own lawyer, the four-hour videotape included Moussaoui's cross-examination of Bafana.



Memo from FBI agent Ray Morrow, regarding his attempt to gain permission to search Zacarias Moussaoui's belongings.

The government next presented live witnesses. Harry Samit, the FBI agent from Minnesota, told of his attempts to get a warrant to search Moussaoui's belongings. He testified that Moussaoui's lies had sent him on "wild goose chases" in the days before the attacks. This was important for the government's contention that Moussaoui's deceptions had caused the deaths of innocent people on September 11—if Moussaoui had said he belonged to Al Qaeda and planned to fly planes into landmarks, an intense investigation would have followed that might have prevented the attacks. Then the prosecution put on Moussaoui's flight instructor from Eagan, who talked of his suspicions about Moussaoui.

JUDGE BRINKEMA HALTS THE TRIAL

At the beginning of the following week, Judge Brinkema learned from the prosecution that some of the government's upcoming witnesses had been improperly coached. Carla A. Martin, a lawyer for the Transportation Security Administration, had given portions of the previous week's trial proceedings to seven witnesses who had yet to testify. By doing so, Martin was violating a court order. Judge Brinkema had earlier ruled that most witnesses could not attend or follow the trial and could not read the transcripts, because she did not want them to be influenced by the other witnesses' testimony. In e-mail messages, the lawyer seemed to tell some of the witnesses how they should testify to support the prosecution's argument that Moussaoui bore some responsibility for the deaths caused by the September 11 attacks. Furious, Brinkema called a halt to the proceedings. She said that she was considering ending the trial and declaring Moussaoui ineligible for the death penalty. "In all my years on the bench, I've never seen a more egregious violation of the rule about witnesses."

Though the defense argued that Brinkema should indeed end the death-penalty case and impose a sentence of life imprisonment on Moussaoui, the judge instead disqualified the aviation officials who had been tampered with as witnesses. The trial moved forward.

MORE PROCEEDINGS

When the FBI agents called by the prosecution were cross-examined by the defense, Moussaoui's attorneys found it easy to bring out the agents' frustration at the way their superiors handled the investigation. Thus, their testimony cast doubt on Moussaoui's responsibility for 9/11—perhaps even if he had told them what Al Qaeda had planned, they wouldn't have been able to act quickly enough to prevent it. The stubbornness of their superiors would have made it impossible for them to make use of the information.

The prosecution's last few witnesses were more effective. People in charge of security at the Federal Aviation Administration testified that if the FBI had officially alerted them of an impending attack—an official alert would have been given if Moussaoui had told the truth to investigators—the FAA would have stepped up security measures. They would have banned all knives on flights, made metal detectors more sensitive, and ordered physical searches of passengers. The prosecution rested after these witnesses.

Next it was time for the defense lawyers to put on their case. They were expected to present exhibits—such as recorded testimony of captured Al Qaeda leaders—to establish that Moussaoui did not know enough about the 9/11 plot to have helped the FBI stop it. The defense team would also emphasize the FBI's incompetence in order to suggest that the agents wouldn't have used the information anyway, even if they had had it.

Before the defense lawyers could do these things, however, their client insisted on testifying. Moussaoui did everything he could to hurt his case. He gave a detailed account of his involvement with the 9/11 plot, insisting that he knew the other hijackers and was to have been involved with the attack on the day it occurred. He said that he and Richard Reid (the "shoe bomber" who was arrested on December 22, 2001, when he tried to blow up a passenger jet by igniting explosives hidden in his shoes) were going to fly a plane into the White House on September 11, 2001. When cross-examined, Moussaoui affirmed the exact point

that the prosecution wanted to establish in this part of the death-penalty trial—he said he had known of the 9/11 plot and lied to help it go forward.

The defense did its best to undo the damage Moussaoui had done to his own case. One lawyer read out loud a written statement by captured Al Qaeda member Khalid Sheikh Mohammed, the planner of the September 11 attacks, who was being held overseas in a secret location by the Central Intelligence Agency. This statement contradicted Moussaoui's confession. According to Mohammed, Moussaoui was not a part of the 9/11 plot but rather a fringe figure who might have been used in a second wave of attacks. The next day the defense read testimony from other captured Al Qaeda organizers, who said that Moussaoui had never been part of the September 11 attacks. "He had dreams about flying a plane into the White House," said a South Asian terrorist known as Hambali, who was captured in 2003. According to Hambali, Moussaoui was known to be "not right in the head and having a bad character."

The defense also played a videotape of the testimony that Thomas J. Pickard, acting director of the FBI at the time of the attacks, had given to the National Commission on Terrorist Attacks on April 13, 2004. Pickard had been asked what he would have done if, prior to the attacks, he had known the following three facts: Zacarias Moussaoui was an Islamic extremist taking flying lessons,



Four terrorism suspects held in secret locations at the time of the Moussaoui trial. From left, Khalid Sheikh Mohammed, believed to be the planner of the September 11 attacks; Ramzi Bin Al-shibh, an alleged would-be 9/11 hijacker; Abu Zubaydah, who was believed to be a link between Osama bin Laden and many Al Qaeda cells before he was captured in Pakistan in 2002; and Riduan Isamuddin, known as Hambali, who was suspected of being the mastermind of a string of deadly bomb attacks in Indonesia. The four were later moved to the naval base in Guantánamo Bay.

two identified Al Qaeda terrorists were probably in the country in August 2001, and an FBI agent in Phoenix had drafted a memorandum saying that he noticed that an unusual number of young Middle Eastern men were enrolling in American flight schools and thought they might be planning some hijacking plot. Pickard had reminded the commission that the FBI had been evaluating thousands of leads in the summer of 2001. "I don't know, with all the information the FBI collects, whether we would have had the ability to hone in specifically on those three items."

As the case wound up on March 29, 2006, the prosecutors maintained that Zacarias Moussaoui had used Al Qaeda training to deceive the FBI. "Zacarias Moussaoui came to this country to kill as many Americans as he could," said a prosecution lawyer. His immigration arrest prevented him from killing them by hijacking an airplane. "So instead, he killed people by lying."

Edward B. MacMahon, Jr., speaking for the defense, had the task of undoing Moussaoui's testimony against himself. Clearly, said MacMahon, Moussaoui was exaggerating his involvement out of a desire for notoriety. "He was never slated, except in his dreams, to be part of the plot," MacMahon told the jury. "Now he wants to write a role for himself in history when the truth was he was an Al Qaeda hanger-on."

Moreover, the defense argued, there was no way of knowing whether the government could have thwarted the plot if Moussaoui had told what he knew. MacMahon pointed to the difficulties FBI agent Harry Samit had encountered in getting his superiors to act on the information he had obtained. Supposing Moussaoui had provided the FBI with a few more clues, that did not mean, said MacMahon, that the FBI "would have transformed itself into a flawless institution." He asked the jurors to disprove Moussaoui's belief that they would have him killed simply because they were Americans. "Show him we are not the hate-filled vengeful Americans Zacarias Moussaoui thinks you are."

The jurors deliberated for sixteen hours. They had to decide if Moussaoui met four criteria in making him eligible to receive the death penalty: (1) that he was over eighteen at the time of the crime, (2) he had deliberately taken an action

that might lead to deaths, (3) he had done so planning that deaths would occur, and (4) at least one death actually had occurred because of his actions. Of these four issues, only one was in doubt—whether Moussaoui's actions had really led to the deaths of the 9/11 victims. When they returned to the courtroom on April 3, 2006, the jurors unanimously declared that the criteria had been met. Moussaoui was eligible for the death penalty.

The jury was unemotional as the verdict was read. Two of the victims' relatives in the courtroom quietly wiped away tears. As he left the courtroom, Moussaoui shouted, "You'll never get my blood!"

THE LAST PHASE

Moussaoui had not yet been sentenced to death—the jurors had merely determined that the criteria for the death penalty had been met. They had decided that Moussaoui was responsible for the deaths and had intended them. Now, in the next, final phase of the death-penalty trial, they were supposed to decide if his actions met a couple of other, less tangible criteria. In a way, they would be asked whom they pitied more, Moussaoui or the people who were said to be his victims.

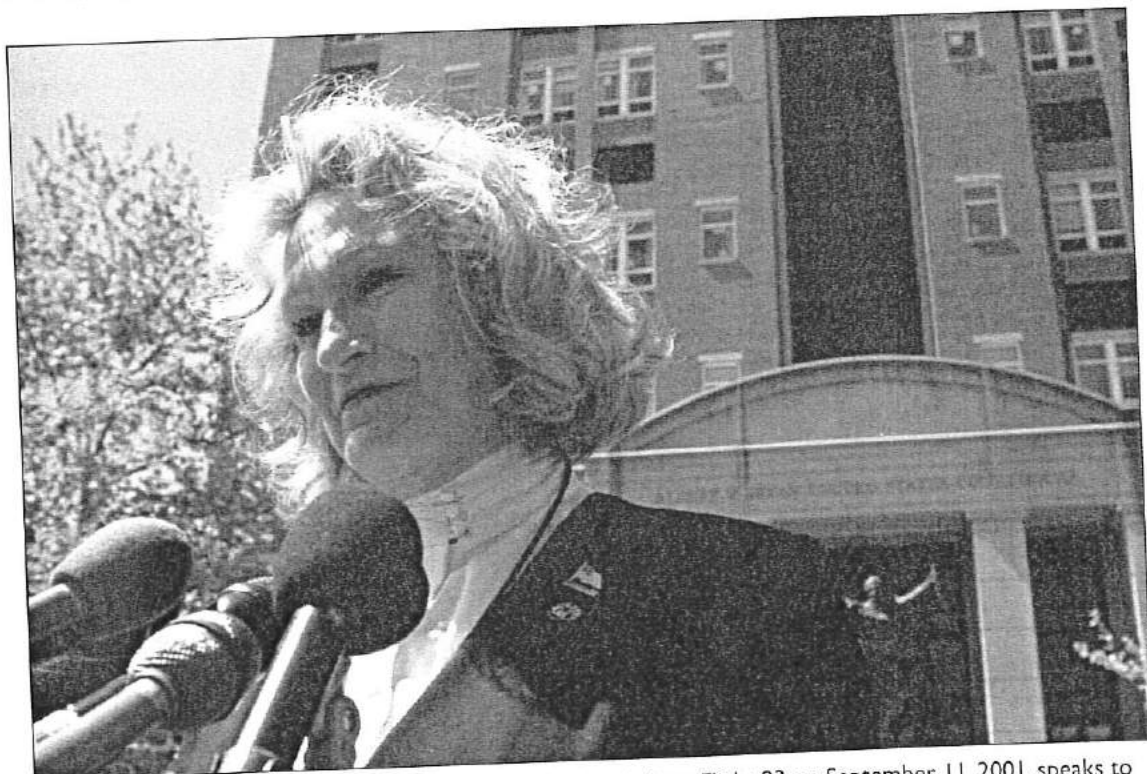
The jurors would listen to witnesses who would help them make their decision, and they would use a form to guide them in their thinking. The form included a list of "aggravating factors" suggested by the prosecution, factors that would incline the jurors to vote for the death penalty. Among them were the horror surrounding the deaths, the grief of the victims' families, and the devastation caused to New York City. The form also included "mitigating factors" suggested by the defense. These were factors that might cause them to feel sorry for the defendant or suspect that he was not fully responsible for his actions—factors such as Moussaoui's unhappy childhood and the possibility that he might be mentally unbalanced.

As the death penalty trial moved into its final phase, most legal experts said that Moussaoui's fate was sealed. The jurors had already decided that Moussaoui was responsible for the deaths on 9/11. Given the number of the deaths and the

horror of the circumstances, surely the jurors would decide that the aggravating factors far outweighed any mitigating factors.

The prosecution's first witness in the final phase of the trial was Rudolph Giuliani, who had been mayor of New York City at the time of the attacks. Sitting in the witness box beside a four-foot-high scale model of the World Trade Center, Giuliani described his reactions on that day and the days that followed. He told of seeing two people jump to their deaths from one of the burning towers while holding hands. "That image comes back to me every day."

When Giuliani was finished, the prosecution called relatives of victims to the witness stand, one after the other, each with a different tale of pain and loss. Jurors heard from a man whose daughter, an airline attendant, was on one of the planes that crashed into the World Trade Center. He had at first been told that she was not on the plane. The man described how his wife had retreated from life



Alice Hoagland, whose son Mark Bingham died on United Airlines Flight 93 on September 11, 2001, speaks to reporters in front of U.S. District Court in Alexandria, Virginia, after testifying for the defense in the sentencing trial of Zacarias Moussaoui. Hoagland said that she testified for the defense because her son loved all things living and added, "We are all part of the human family ... none of us are beyond redemption."

after their daughter's death and how his other daughter now slept only a few hours a night, and then only with the television on. Jurors heard from a New York City police officer whose wife, also a police officer, had died while helping to evacuate the south tower. A man from India told of his sister's suicide after her husband was killed aboard one of the hijacked planes. Altogether, thirty-five witnesses testified to their grief for loved ones lost as a result of the attacks.

The defense brought forward witnesses it hoped would persuade the jury to spare Moussaoui's life. A social worker who had spoken with Moussaoui's relatives, teachers, and doctors in France testified that Moussaoui's father, a former boxer, regularly beat Moussaoui's sisters and mother. His mother had often been beaten badly enough to need to go to a hospital, and Moussaoui had been put in orphanages because of the instability in his home. A psychologist who had seen Moussaoui in his cell testified that he had displayed classic schizophrenic symptoms and cast doubt on his confession.

In its most surprising move, the defense presented its own group of relatives of the victims of 9/11, twenty-four witnesses who testified to their pain and sorrow just as the witnesses for the prosecution had. These people were not asked what sentence they thought Moussaoui should receive (the prosecution witnesses had not been asked either), but the jury knew these witnesses were testifying for the defense.

THE VERDICT

The jury began deliberating on Zacarias Moussaoui's ultimate fate on Monday, April 25, 2006. They met as a group for forty-one hours over the course of seven days. On May 3, they confounded the experts by sentencing Moussaoui to life in prison without parole. The reasons they gave most often on the forms the judge had provided them were surprising to people who had been following the trials. According to what most of them had written, Moussaoui's difficult childhood had mattered more to the jurors than his obvious mental instability or his desire to be a martyr.

Moussaoui did not look particularly pleased as the verdict was read, but later, as he was led from the courtroom, he shouted, "America, you lost. I won!"

The handful of family members of 9/11 victims in the courtroom showed little emotion either toward the verdict or this typical outburst from Moussaoui. When these survivors and others were questioned by reporters later, their responses to the verdict varied. Many wished that Moussaoui had been sentenced to death but said they understood why the jury had come to its decision and declared their faith in the American judicial system. Several said they agreed that Moussaoui had been at most a bit player in the 9/11 attacks and that they hoped the prosecutions would not end with him. At the time, it seemed unlikely that they would get their wish.

In the Moussaoui case, the United States had bent over backwards to give a fair trial to a man who did not want one. But more important figures in the 9/11 attacks, held in secret prisons, have not been brought to trial at all and might never be brought to trial. The U.S. government wants information from these people more than it wants justice. Decisions to try them or not try them are being decided by considerations other than the law.

THE AFTERMATH

America moves into the twenty-first century facing the new devil of international terrorism, and with the country's legal traditions under stress as a result. The rules seem to be changing. Arrests that would have once led to trials have led instead to long imprisonments away from our shores. Lawyers working for the U.S. government have used their training to justify new sorts of trials, such as military tribunals in which defendants have fewer rights. These lawyers assure the American people that there is nothing really new in what they are doing and that we should not worry; these new rules will be used only against our enemies. They claim we need not worry that our own rights will be seriously eroded by the ruthlessness and secrecy entailed in a perpetual War on Terror. But on this question the jury is still out.



Justice.

Epilogue

LAW IN THE AGE OF TERROR

America's symbol of justice is a woman wearing a blindfold, holding balanced scales. We use it to remind ourselves that everyone is entitled to a fair trial, no matter how bad the crime or how hated the criminal.

We have not always lived up to this difficult ideal, but if we measure progress by the trials in this book, we have been getting better since our years as a British colony. None of the accused in the Salem witch trials in 1692 had lawyers; anyone who spoke up for them was liable to be called a witch. Two centuries later, the anarchists on trial for the Haymarket bombing were at least given the benefit of counsel.

By the twentieth century, the American justice system had made great strides. In 1925, John Thomas Scopes—an agent of the devil to small-town Fundamentalists—was defended by Clarence Darrow, one of the best trial lawyers of the century. In 1949, Alger Hiss, who was believed to be a Communist spy, received a fair trial despite the country's deep fear of Communism. Most recently, in 2006, the judge, the defense lawyers, and even the prosecutors involved in the trial of the accused terrorist Zacarias Moussaoui all shared a deep commitment to the idea that the accused in an American courtroom is entitled to the protections of the law.

Still, there will always be people who think that punishing criminals or defeating the enemy is more important than a fair trial. Such views are especially attractive during an emergency, such as the period that followed September 11, 2001. In 2007, Charles D. Stimson, the government official in charge of the suspected terrorists detained in Guantánamo Bay, said it was “shocking” that attorneys from the top law firms in the United States were representing the detained

terrorists. Stimson, a lawyer himself, hinted that corporations that did business with these law firms ought to make it clear that they would not tolerate such a practice.

Stimson's words moved Karen J. Mathis, president of the American Bar Association, to remind him of what he ought to have learned in law school (if not in elementary school, middle school, or high school). "Lawyers," said Mathis, "represent people in criminal cases to fulfill a core American value: the treatment of all people equally before the law."

Witch, anarchist, atheist, Communist, terrorist—whatever form we decide the devil has taken, we deal fairly with him not for his sake, but for our own.