

# Bush administration hails Moussaoui guilty plea—continues 9/11 cover-up

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Zaccarias Moussaoui pleaded guilty April 22 to six counts of conspiracy to carry out terrorist attacks on US targets, the first conviction of any Al Qaeda member or supporter in a US court for actions linked to the events of September 11, 2001.

Moussaoui admitted to being part of a plot directed by Osama bin Laden to fly airplanes into US buildings. His own mission, he claimed, was to hit the White House as part of a second wave of airplane hijackings that was to have followed the September 11 attacks.

The Islamic fundamentalist, a French citizen of Moroccan descent, has been jailed since August 2001, when the FBI detained him in Minnesota on suspicion of violating immigration laws. Moussaoui had enrolled at a flight school in a Minneapolis suburb, where his erratic behavior—including a demand that he be trained to fly Boeing 747s although he had no discernible flight skills or experience—aroused concerns among the training staff.

At the Friday court session in Alexandria, Virginia, before Federal District Judge Leonie Brinkema, Moussaoui displayed the combination of religious frenzy and psychological instability that has characterized most of his court appearances over the past three-and-a-half years. He denounced his attorneys, who had opposed the guilty plea and urged the judge to find Moussaoui incompetent to manage his own defense.

He declared he expected “no leniency from the American” when he is sentenced, but at the same declared, speaking of himself in the third person, “Moussaoui will fight every inch against the death penalty”. He should not face death for the 9/11 attacks, he maintained, since he had not actually participated in their preparation or implementation, but was in training for a later attack. As his jailers escorted him from the courtroom, he shouted, “Lord! God curse America!”

The guilty plea was apparently triggered by last month’s decision by the US Supreme Court, which declined to overrule a ruling of the Fourth Circuit Court of Appeals denying Moussaoui the right to interview top Al Qaeda leaders held as US prisoners at undisclosed locations

overseas. Moussaoui said these leaders, including Khalid Sheikh Mohammed and Ramzi bin al-Shibh, allegedly top organizers of the September 11 attacks, would provide testimony exonerating him of any direct participation.

The Bush administration adamantly refused to permit these prisoners to be questioned directly, offering only to obtain written answers to a few specific questions. Judge Brinkema found that this refusal unfairly hampered Moussaoui’s defense, and imposed penalties on the government, including barring the death penalty. But her ruling was overturned on appeal to the Fourth Circuit, and the Supreme Court refused to hear a further appeal from Moussaoui.

The protracted legal battle over testimony by the Al Qaeda prisoners delayed Moussaoui’s trial for nearly three years. The same issues will recur in the penalty phase, since in a capital case a jury must hear evidence supporting the death penalty, and the defendant, even after pleading guilty, has the right to call witnesses. Judge Brinkema is expected to set a date soon for the penalty phase of the trial. That proceeding could be lengthy, not only because of further legal motions, but because the Justice Department intends to introduce victim impact statements from family members of the 3,000 people murdered on September 11.

Moussaoui’s confession puts an end to his trial, but provides no answers to the questions which have surrounded this case since its very beginning. There has yet to be any explanation of the response to Moussaoui’s arrest on the part of top federal counterintelligence officials in both the CIA and FBI.

The Islamic fundamentalist’s conduct alarmed the trainers at the flight school as well as local FBI agents in Minneapolis, both of them expressing concern that a man with Moussaoui’s motivation and flight training would be able to pilot a passenger jet into a building as part of a suicide terrorist attack. Local FBI officials notified headquarters of the arrest, requesting permission to proceed with a more intensive investigation.

FBI supervisory officials in Washington, however, rejected this proposal and would not allow the local agents even to

search Moussaoui's laptop computer. The same officials also suppressed a request from a Phoenix, Arizona FBI agent who noticed Islamic fundamentalists training at a local flight school and urged a nationwide effort to monitor such activity. No one in the FBI leadership has been held responsible or penalized for this failure, which led one Minneapolis agent to suggest, half-joking, that Osama bin Laden must have a mole in FBI headquarters.

The CIA learned of Moussaoui's arrest as well, and the information was reported up the chain of command to CIA Director George Tenet, who mentioned it at a White House meeting on terrorism the week before the September 11 attacks. Neither the CIA nor the White House took any action, and Moussaoui remained in the custody of the Immigration and Naturalization Service, suspected only of immigration offenses, until after the destruction of the World Trade Center.

As the 9/11 commission report noted: "Had this information been available in late August 2001, the Moussaoui case would almost certainly have received intense and much higher-level attention."

One of the six counts to which Moussaoui pled guilty was concealing his knowledge of the impending terrorist attacks during the four weeks between his arrest and September 11. In other words, he did not blurt out what he knew of the plot that culminated in the attacks on the World Trade Center and the Pentagon.

Similar charges, however, could be brought against top-level Bush administration officials. They not only did not inquire about Moussaoui, they suppressed or ignored a mass of warnings about impending terrorist attacks by Al Qaeda within the United States, including suggestions that airplanes would be hijacked and used as suicide weapons.

Throughout the lengthy legal wrangling in the Moussaoui case, the Bush administration has placed the highest priority on maintaining secrecy and blocking any effort to call imprisoned Al Qaeda operatives as witnesses. This cannot be attributed to concerns for security, because anything Khalid Sheikh Mohammed or any other Al Qaeda witness could reveal about September 11 is already known to the bin Laden organization. The sole purpose is to keep this information from the American people, who remain almost entirely uninformed about the circumstances leading up to the bloodiest event on US soil since the Civil War.

Similar concerns seem to underlie the Bush administration's insistence that Moussaoui face the death penalty. As the saying goes, dead men tell no tales.

Within minutes of Moussaoui's guilty plea, Attorney General Alberto Gonzales was speaking to the press, declaring the Justice Department would push for the death penalty. "Moussaoui and his co-conspirators were

responsible for the deaths of thousands of innocents on September 11, each one a son or daughter, father or mother, husband or wife," he said.

This statement is false: Moussaoui was an Al Qaeda foot soldier at best, with no proven role, operational or support, in the events of September 11.

The pursuit of the death penalty faces obvious obstacles: Moussaoui was arrested before September 11, and therefore could not actually participate in any violent action. He is clearly mentally unstable, and may be psychologically unfit either to plead guilty or to suffer the ultimate penalty.

Moreover, Moussaoui is a French national, and seeking his execution for the crime of conspiracy will have political and diplomatic repercussions in Europe, where every country has abolished the death penalty even for the worst violent crimes. No European country will extradite suspects to the US without an American promise not to seek the death penalty, and intelligence cooperation in the field of anti-terrorism has frequently run aground over the issue of capital punishment.

Finally, there is a clear double standard. While Moussaoui, an unsuccessful would-be suicide hijacker, would face the death penalty, no such fate is proposed for the alleged ringleaders now in custody. There are no plans to bring Mohammed, al-Shibh or other top Al Qaeda prisoners to trial. They are held in CIA custody at undisclosed overseas locations, possibly at Bagram air base in Afghanistan, on the island of Diego Garcia, or at some other CIA torture center. The Bush administration refuses to bring these men to trial, in defiance of international law, because it wants to continue the cover-up of the circumstances surrounding September 11.

There is also a sharp contrast between the attitude of the Justice Department to Moussaoui and its treatment of Eric Rudolph, the ultra-right anti-abortionist who carried out four bombings in Atlanta and Birmingham in 1996 and 1998. Rudolph, who killed two people and wounded over 150, was allowed to plead guilty last month and escape the death penalty. He was not even required to testify about the support network of right-wing and anti-abortion activists who sustained him during more than five years as a fugitive. The Justice Department clearly takes a softer approach to the homegrown American terrorist—one whose political views overlap in large measure with those of the Republican right—than to the Islamic terrorist.



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