

The case of a '20th hijacker'?

The feds stitch a quilt of evidence to bring the first 9/11 criminal charges

BY CHITRA RAGAVAN

Zacarias Moussaoui was, in so many ways, a walking prototype of a terrorist hijacker. Starting in 1998, he patiently made his way from one of Osama bin Laden's terrorist training camps in Afghanistan to the United States. In this country, he opened bank accounts with tens of thousands in cash. Thick-necked and burly, he pumped weights in American gyms. He purchased knives and expressed interest in crop dusters. He obtained flight-training videos for a Boeing 747. And, most telling of all, he signed up for flying lessons.

It was all those circumstantial threads that led a federal grand jury in Alexandria, Va., to return a multicount indictment against Moussaoui last week, charging him with conspiring to help carry out the murderous terrorist acts of September 11—the first criminal case brought since the bombings.

Anomalies. Federal prosecutors allege that Moussaoui was tapped to be the 20th hijacker, even though he had been arrested on immigration charges in August and was behind bars on September 11. And government officials tell *U.S. News* that they've failed to find any direct evidence linking him to the others. "It's one of the anomalies of the case because the hijackers communicated with each other," says one official. "On the other hand, it would be an amaz-



A grand jury indicted Moussaoui on numerous conspiracy charges.

ing series of coincidences."

That's why the feds have painted Moussaoui as an important foot soldier in bin Laden's al Qaeda army. The 30-page indictment details the planning, funding, and execution of the attacks, then draws an accusatory line straight to Moussaoui, a 33-year-old French citizen of Moroccan ancestry.

The strongest evidence, officials say, is Moussaoui's relationship with Ramzi Bin al-Shibh. Shibh was a roommate in Germany with Mohamed Atta, the alleged hijacking ringleader. Investigators believe that Shibh was originally selected to be the 20th hijacker. But after Shibh was denied



a U.S. visa four times, from May to October, prosecutors allege that Moussaoui was brought in.

In September 2000, Moussaoui was living in London when he applied to the Airmen Flight School in Norman, Okla. The indictment says Shibh flew from Germany to London in December of that year, implying that it was to brief Moussaoui. Moussaoui immediately left London and traveled to Pakistan. He flew to the United States in February, ending up in Norman, where he opened a bank account with \$32,000 in cash and began taking flying lessons.

By that time, most of the other hijackers had completed flight training, which authorities see as further validation for their theory that Moussaoui was a last-minute substitute. Shortly before Moussaoui's arrest, Shibh wired him \$14,000, just as he had wired money to hijacker Marwan al-Shehhi in July 2000. But Moussaoui was thwarted by his August 17 arrest on immigration violations. Su-

supervisors at the Pan Am International Flight Academy in Minneapolis—where Moussaoui was training on a jet simulator—told the FBI that Moussaoui acted suspicious. Government officials tell *U.S. News* that Moussaoui had told supervisors that he had working knowledge of inflight navigation

THE GPS DILEMMA

A Jekyll and Hyde system

Ever since the global positioning system was fielded by the Pentagon in the Gulf War, it has been known that GPS could be used for good or evil. Missiles use GPS coordinates to strike targets, for instance, while hunters may carry GPS units to keep from getting lost. But the

indictment of Zacarias Moussaoui last week offers evidence that the September 11 hijackers knew, as do most private pilots, that GPS units can be used to fly a plane directly to a target. The indictment says one of the hijackers purchased GPS equipment weeks before the hijackings.

The use of GPS units for targeting apparently concerns prosecutors eyeing Raza Nasir Khan, a 29-year-old Pakistani immigrant who was toting a GPS when he asked a Delaware game agent how to get maps of a swamp across the Delaware River from the Hope Creek nuclear power plant. Khan is now being held on alleged visa and firearms violations. Khan's lawyer says he is an

avid duck hunter.

But GPS may protect targets, too. Airline manufacturers are talking to the Federal Aviation Administration about using GPS to program aircraft control systems to keep them from flying into security zones—like over the White House. Emergency overrides would likely be needed, however. —Richard J. Newman and Douglas Pasternak

and all he needed to learn was to take off and land. But they say Moussaoui then worked on other piloting skills.

Moussaoui isn't talking, and one of his court-appointed lawyers, federal public defender Frank Dunham, is withholding comment until he's talked to his client. This has left investigators to speculate on his likely role in the hijackings, including the idea that he might have been selected because he became acquainted with one of the hijackers at a training camp in Afghanistan. Authorities believe that Moussaoui was to have been the second pilot on Flight 93, which crashed in Pennsylvania. That doomed plane had only four hijackers, including one pilot (the other planes had five hijackers, including two pilots each).

The indictment also raises an important question about whether the FBI might have been able to prevent the attacks given that Moussaoui had been in custody for nearly a month before September 11. Agents at the bureau's field office in Minneapolis triggered a frantic 26-day investigation, convinced they had a terrorist on their hands. They traced Moussaoui's travels, his background, his friends and associates, and his activities in Minneapolis and in Oklahoma. But bureau lawyers in Washington rejected their request both for a criminal search warrant or a so-called FISA warrant (a warrant used in intelligence and counterterrorism operations) to search Moussaoui's computer. They felt they couldn't show probable cause that Moussaoui was a foreign agent. A search of Moussaoui's computer after the attacks found no information related to the plot, sources say. That's one more piece of information Moussaoui's lawyers could use to defend their client. But government officials say they are not worried. As one official puts it, "The Moussaoui case is a lead-pipe cinch case."

Even before Moussaoui was arrested, the feds got wind that something was up. *U.S. News* has learned that last July, an FBI agent in Phoenix sent an E-mail memo to headquarters saying several Arab nonresident men were learning to fly big jets at Arizona flight schools, without any previous flight training. This agent urged FBI officials to begin a canvass of flight schools nationwide to see if other Arab men were doing the same thing. But the Phoenix FBI mistakenly sent the memo to the Iran unit, rather than the Osama bin Laden/radical fundamentalist unit "until very late in the game," according to a knowledgeable source. Government officials say even if the memo had reached the right people, there still wasn't enough time to stop the attacks. |

Coming to America

How a new, rapid visa-approval program pushed three of the 9/11 hijackers to the head of the line

BY EDWARD T. POUND

Anyone looking for an explanation of why it was so easy for the September 11 terrorists to enter the United States need only look to the U.S. visa-processing program in Saudi Arabia. Of the 19 suspected hijackers, 15 were Saudi nationals who obtained visas at the U.S. Embassy in Riyadh or at the consulate in Jidda. And for three of them, it really required no sweat at all.

An American official told *U.S. News*

whether the person applying for the visa is actually the person [listed] in the documents and application."

The State Department says security is most important. Since the attacks, procedures have been tightened in Saudi Arabia and elsewhere. One official says there has been "a substantial falloff" of visa applications in Saudi Arabia. In the past, officials say, fewer than 3 percent of Saudi applicants were denied visas.

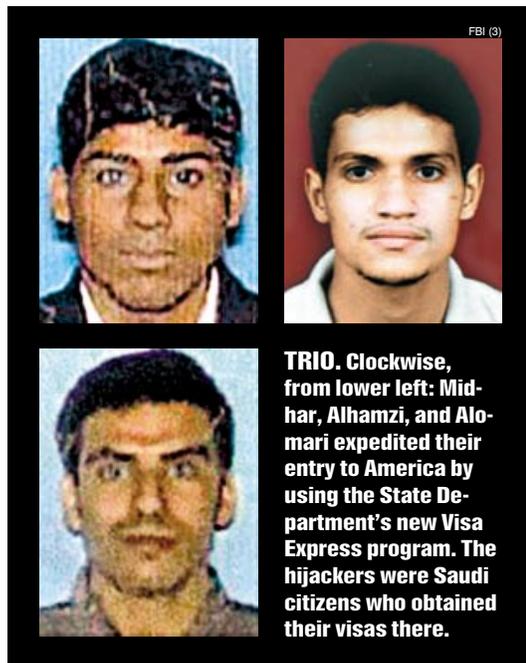
Visa Express was started last spring with promises it would speed up the process. Instead of visiting a U.S. mission, applicants for nonimmigrant visas could submit their papers through 10 travel agencies. The embassy in Riyadh said applicants no longer would "have to wait in long lines under the hot sun." In some cases, applicants are still interviewed.

Three amigos. The three hijackers who used the express program were not questioned, however. The American official who provided that information identified them as Abdulaziz Alomari and Salem Alhamzi, who arrived in the United States last June, traveling on tourist visas, and Khalid Al-Midhar, who came here in July, on a business visa.

The State Department says the names of all 15 hijackers who obtained visas in Saudi Arabia were run through a database that contains regularly updated records and intelligence on foreign

nationals. The checks turned up no derogatory information. Christopher Lamora, a department spokesman, says that, regardless of whether applicants are interviewed, their names are checked in the database.

As the terrorist attacks demonstrated, information in the database was far from adequate; some law enforcement and intelligence agencies weren't anxious to share information with consular officers. Improvements now are underway. "I don't really care how they do it," Mary Ryan, a senior State Department official told Congress last October, "but they have to give us the information." |



TRIO. Clockwise, from lower left: Midhar, Alhamzi, and Alomari expedited their entry to America by using the State Department's new Visa Express program. The hijackers were Saudi citizens who obtained their visas there.

that the men arranged their visas through Visa Express, a new program designed to make it easier for qualified applicants to visit the United States. The men simply submitted their applications through a State Department-designated travel agency. They weren't questioned by consular officers and soon were on their way to America, where immigration inspectors gave them entry permits.

Advocates of tighter controls say the disclosure shows that the State Department has sacrificed security in favor of efficiency. Visa Express "is a bad idea," says Jessica Vaughan, a former consular officer. "The issuing officer has no idea