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Defending a terrorist:

Watsonville High graduate representing the so-called 20th hijacker in Sept. 11 plot

Alan Yamamoto is on one of the biggest cases of his life. (File photo)

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SENTINEL STAFF WRITER

Out on the Watsonville High football field, Alan Yamamoto was not the guy you d first pick out as a star.

At 5-foot-6, 135 pounds, he was one of the smaller players and he was so quiet you hardly knew he was there.

But put a football in Yamamoto s hands and he changed.

He slipped past defenders with lightning speed and charged through holes no one else could see, once scoring three touchdowns in a single game.

"When you re scared, you go fast," he says now to explain his success in those years when Watsonville was still a little farm town and football was the big thing on Friday night.

But press him and Yamamoto will admit it wasn t fear that drove him, but a love of the game and the fact he was good at it.

Which might explain why Yamamoto finds himself defending Zacarias Moussaoui, a man the government has called "the 20th hijacker" in the Sept. 11 terrorist plot, and preparing to argue for Moussaoui s life in a court known for its conservatism and its hard-line sentences.

The son of second-generation Japanese-American parents who were sent to a relocation camp during World War II, Yamamoto is a man who loves what he does and doesn t turn away from a challenge.

And challenge may not come any tougher than having to defend someone who the government alleges was part of the al-Qaida plot that killed nearly 3,000 Americans.

Yamamoto also helped defend Islamic scholar Ali al-Timini, who was convicted of urging young Muslims to join the Taliban, and worked on a tough death-penalty murder case in which the victim s body was never found.

But it s hard to get Yamamoto to talk about the things he s done: his accomplishments, his time in Vietnam, life on the family farm, even his football stories.

The man who works alone in a tiny Alexandria, Va., law office, likes mystery novels and volunteers at

the animal shelter, says his life is "boring" at best.

He took on the Moussaoui case, Yamamoto says in a telephone interview, because, like any American, Moussaoui deserves good legal representation.

"Whether he did it or not, he deserves that," Yamamoto says.

Mr. Moussaoui

Yamamoto arrived at Watsonville High in 1959.

Students were mostly middle-class and white then, with a smattering of Asians and few Latinos. Sometimes, girls had to kneel on the floor to prove their skirts weren t too short. The boys wore slacks and button-down shirts to class.

There wasn t much to do in town. Kids would cruise Main Street in their Buicks, go to football games and drink a few beers.

Yamamoto was pretty much like everyone else except when he tugged on his helmet and pads.

"Alan was a very good football player," says his coach Gene Johnson. "He was quick, shifty, an elusive runner. He scored a lot of touchdowns."

His first three years at Watsonville, Yamamoto played on the "lightweight" team, which was for guys who were 140 pounds or smaller.

But, by his senior year, Yamamoto was good enough although barely big enough to play varsity football, where he won a starting spot as a running back.

"He was a team player," says Dave Mercer, who played with Yamamoto in high school. "He let the other guys know which way they were supposed to be going.

"He was a leader in that respect."

Off the field, Yamamoto was harder to pick out of a crowd.

He wouldn t raise his hand in class, but if a teacher called on him, he would always know the answer, says Kathy Meidl of Aptos, who has known Yamamoto since seventh grade.

"He was quiet, very shy, very smart," says Sharon Hayashi of Watsonville, a former classmate.

Academically, he was always in the top 10 percent of the class.

Yamamoto joined the Teens Against Polio club in high school and was on the Rally Committee, which helped plan skits and decorate the gym for pre-game gatherings.

He went to school, rode the bus home, and didn t do anything that could be considered troublesome except maybe for the time he took part in the annual Halloween rotten-tomato fight, which was held secretly in farmers fields using stolen garbage-can lids for shields.

"Alan was very open, very kind and very honest," Meidl says. "You knew you could trust him. You could tell him your deepest darkest secret and it would go no further."

As part of the Moussaoui defense team, Yamamoto has become the only person to whom the French citizen will talk.

In a closed hearing, Moussaoui reportedly told presiding U.S. District Judge Leonie Brinkema, why he speaks to Yamamoto and not to his other defense attorneys.

"Even when I tell Mr. Yamamoto bad things," he said, "he always says, Good morning, Mr. Moussaoui. "

Early years

Yamamoto, 59, is slow to warm up to a conversation about himself.

Sitting in his two-room office in Alexandria on a Saturday morning, he describes himself simply as "a middle-aged Japanese guy," who s graying and out of shape.

He was born Alan Hideto Yamamoto, the oldest son of Lou and Sadie Yamamoto.

He thinks his parents met at the Japanese Relocation Camps in Poston, Ariz., where they had been sent when they were in their 20s. They never talked about it, he says.

The camps were hot, desolate places where more than 17,000 Japanese-Americans were held from 1942-1945. Most of the people there were from the Central Valley and the Monterey Bay Area. They nicknamed the cluster of three camps "Roasten, Toasten and Dustin," for the conditions where they lived.

"Our parents kind of put it (the experience) behind them," says Yamamoto s sister, Karen Masters, a computer support technician at Lawrence Livermore Labs. "My mother told me she had to leave all of her possessions behind, which bothered her."

But that was it.

"I didn t know enough about it at the time to resent it," Yamamoto says of his parents time in the camp. "I probably have thought about it more in the last 10 or 15 years and, after 9/11 even more, because I see the reaction to Muslims and the Islamic faith by people here."

The suspicion with which Muslims in America are viewed today isn t too different than the way Japanese citizens were viewed during World War II, he says.

He met many Muslims when he worked on the al-Timini case al-Timini was convicted of 10 charges including soliciting others to wage war against the United States and inducing others to use firearms after speeches he made to followers.

"They talked of their fear of going out and being threatened and attacked just because they were Muslim, not because they had done anything wrong," Yamamoto says.

It made him think how his parents were tossed into a camp simply for being Japanese.

"History," he says, "has not taught anybody anything."

Hard work

During high school, Yamamoto would come home from school and go directly to work, irrigating, weeding and picking on his parents 5-acre strawberry farm off San Andreas Road.

Hard work was a virtue in the little two-bedroom, one-bath house where the family of six lived.

So was education.

If other Asian kids got a better grades, "you would get yelled at, at home," Yamamoto says. " Look how well they are doing, they would say. You re a bum. Get your grades up. "

Yamamoto wasn t sure what he would do after high school, but he was sure it wasn t farming. His parents would later have to declare bankruptcy as bigger strawberry growers forced them out. Yamamoto s father, who recently died, became a carpenter.

So when Yamamoto s mother suggested he become an engineer, he agreed and got a scholarship to Purdue. But after a year, he decided he wanted to practice corporate law and transferred to UC Berkeley where he majored in accounting.

The Vietnam War interfered with his plans.

Yamamoto, facing the draft when his student deferment waned, opted to enlist in the Army.

He learned to speak Vietnamese and was in intelligence with the First Calvary stationed north of Saigon.

Part of his job was to interrogate prisoners, and he found it a little hard to be on the other side of the table interrogating a man who was a soldier like himself, the only difference being that the prisoner had the misfortune of being caught.

But Yamamoto did what he was told.

He doesn t say much more about Vietnam than that.

Still, it was during the war that Yamamoto decided to change his focus from corporate law to civil rights law.

"There was no event, no epiphany," Yamamoto says. "I just decided one day that s what I wanted to do."

He went to law school in Ohio and got a job in the Cleveland Legal Aid Society, where he helped fight for, and win, the right to counsel for the mentally ill in institutions.

"I m not an activist attorney. I just do what s there," he says.

"I m just an attorney who tries to do the best job he can."

A tactician

The federal courthouse in Alexandria isn t much different than any other courthouse, except for the cases that are tried there.

Over the last three years, five terrorism-related cases have been heard at this U.S. District Court.

The so-called "American Taliban," John Walker Lindh, was prosecuted there, and Ahmed Omar Abu-Ali, a Houston-born citizen charged in an alleged conspiracy to kill President Bush, is in court there too.

The "paintball jihad" case where 11 Muslim men were accused of training with paintball guns to launch a holy war, the al-Timini case, and the Moussaoui hearings also were there.

"This is a bigtime courthouse, but also a very small place in terms of the lawyers that handle cases here," says Edward MacMahon, who is on the Moussaoui and al-Timini defense team. "And Alan has nothing but respect from everyone here."

Yamamoto, he says, is a hard-working lawyer whose talent includes paying meticulous attention to detail.

"Alan s also a very good tactician. He knows how judges and lawyers react to things," MacMahon says.

"He s not a table pounder, but he s very effective in what he does."

It s those talents which Yamamoto brings to the Moussaoui case, MacMahon says. That, plus the fact, that Yamamoto is the only one of his defense attorneys to whom Moussaoui who is representing himself will speak.

"I m the least of the evils, " says Yamamoto simply.

Yamamoto was asked to join the defense team by Judge Brinkema when Moussaoui decided he wanted to represent himself and refused to talk to other attorneys.

Yamamoto had tried another case before Brinkema. In that one he had represented a muscled burglar named Christopher Wills who insisted on representing himself even though he faced the death penalty. (Wills was accused of luring an unsuspecting witness across a state line and then killing him. The victim s body was never found.)

"She (Judge Brinkema) turned to me on a Friday and told me to come to her chambers," Yamamoto recalls. "She asked me if I would represent Mr. Moussaoui.

"I told her, well, I need to talk to my family. "

Uphill fight

When Yamamoto approached his wife and siblings about representing a man who the government alleged was a terrorist, they told him to do what his conscience dictated.

"I can understand Alan taking this case," says Masters, his sister. "He really believes... in the right to a fair trial."

And it was that reason, Yamamoto says, that convinced him to accept the appointment.

"I did it because he needed representation," Yamamoto says of Moussaoui. "He needed assistance. He wasn t willing to work with the attorneys who represented him and the court felt I would be able to do that; that my demeanor wouldn t be a threat.

"And whether I thought he did what he did or not, he deserved the best representation that could be provided to him."

He knew it would be an uphill fight.

Not only would he and other defense attorneys be facing a government prosecution team with almost unlimited resources, but the Alexandria federal court was known for its speed and conservatism.

"The rocket docket," is what everyone called the court because few delays were accepted. Even when the government shut down for a snow day, for instance, court there would still be in session.

It also was known for being one of the most conservative in the country. Once, the court declared the Miranda law, which requires that defendants be read their rights before arrest, unconstitutional.

The ruling was later overturned.

But Yamamoto wasn t one to back down just because he was the little guy in a big case.

His father, he says, raised him "to do what was right and think what was right and to be honest and work hard."

In 2002, right after Yamamoto agreed to join the case, Fox News anchor Bill O Reilly publicly blasted defense attorneys for accepting the case, according to a transcript of the broadcast.

O Reilly said attorneys had the right not to represent people they find "morally repugnant," and accused them of endangering the lives of Americans.

Yamamoto believed it was his duty.

"If a judge asks me to represent someone, I consider it an honor," says defense attorney MacMahon, who went nose-to-nose with O Reilly over his comments.

"I know Alan feels the same way."

Difficult client

Moussaoui has been a difficult client.

He once fired his defense team, and has called them individually, a "nasty Jewish zealot" and a "right-wing fascist," according to published reports.

He has filed papers such as "Motion to Get a Bigger Cave to Prepare the WTC (World Top Circus)" and "Motion to Get Time Out Added in the Dirty Game of the U.S."

But he also confounded prosecutors by demanding access to top al-Qaida detainees, which brought his constitutional rights right up against government security needs and stopped the trial for two years. (His attorneys joined in that motion.)

In April, despite strong objections of his defense team, Moussaoui decided to plead guilty to six charges, including conspiracy to commit acts of terrorism and conspiracy to use weapons of mass destruction.

"We ve argued about it, and he indicates that, well, he understands" the ramifications of a guilty plea, Yamamoto told Judge Brinkema, according to transcripts of the hearing.

Yamamoto is now readying for the penalty phase of the trial in which Moussaoui faces either death by lethal injection or life in prison.

Yamamoto says he can t talk about details of the case, but says he s spent long hours with Moussaoui, read thousands of pages of documents, and that the case has consumed his life.

"I did Moussaoui full time for over two years," he says.

And there are days, he admits, when he shakes his head and wonders what the world is coming to.

"On those days, I ll take a ride somewhere, or go to the beach or something to try to unwind," he says.

"Then I ll go back and hit it again."

The case, he says, has taken time away from the things he loves his wife of 16 years, walks with his dog, gardening, cooking.

"But it s been an interesting experience," he says. "The complexity of the case is just amazing.

"It s been a lot of work, but a lot of fun and very gratifying."

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