



Failure of FBI to Develop and Share Intelligence Sources Prior to 9/11

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ROBERT SIEGEL, host:

From NPR News, this is ALL THINGS CONSIDERED. I'm Robert Siegel.

Tomorrow begins another round of high-level testimony before the commission investigating the September 11th attacks. The panel will hear from current and former heads of the CIA, the Justice Department and the FBI about why their agencies were unable to prevent the attacks. A growing body of evidence indicates the FBI in particular could have done more to sound the alarm before 9/11. The FBI says the bureau has been remade since then, but NPR's Larry Abramson reports that some analysts fear the bureau will never be able to do the job.

LARRY ABRAMSON reporting:

Sandy Berger, President Clinton's national security adviser, was concise last month when he gave the 9-11 Commission his assessment of the FBI's performance.

Mr. SANDY BERGER (Former National Security Adviser): We've learned since 9/11 that not only did we not know what we didn't know, but the FBI didn't know what it did know.

ABRAMSON: FBI higher-ups didn't know about a French citizen named Zacarias Moussaoui, who was arrested in Minnesota in August of 2001. Agents regarded him as a terrorist threat from a very early point. They tried desperately to search Moussaoui's computer, but headquarters said they had no grounds for that search. Many agents say that government lawyers had become much too worried about breaking rules and laws meant to protect civil liberties. Former agent Larry Mefford says they had good reason to be afraid.

Mr. LARRY MEFFORD (Former FBI Agent): FBI agents were actually terminated from employment if they crossed those lines. Agents became very cautious because of that.

ABRAMSON: In response, Congress quickly passed the USA Patriot Act, which made it easier to conduct searches and wiretaps in terror investigations. Larry Mefford, who used to head the FBI's counterterror office, says the Patriot Act also legalized information sharing.

Mr. MEFFORD: For example, the FBI was prohibited from sharing federal grand jury information. We couldn't share that with the intelligence community--at least we couldn't do it easily--and we couldn't share intelligence information on the other side of the house with law enforcement agencies--at least we couldn't do it very easily.

ABRAMSON: A court has since ruled the government misunderstood those laws. The agency could have been much more aggressive in anti-terror searches and information sharing.

But aside from those legal barriers, FBI Director Robert Mueller says he's removed many institutional obstacles by moving many more agents to intelligence work and by ensuring that field agents can get through to headquarters if they suspect a plot. The bigger question is whether Mueller can change the mentality former State Department counterterror chief Philip Wilcox used to encounter.

Mr. PHILIP WILCOX (Former State Department Counterterror Chief): The FBI is the most sort of self-absorbed and independent of all of the agencies involved in counterterrorism. And they did not recognize that there were many other parts of the US government who had played equally indispensable roles in fighting terrorism.

ABRAMSON: The FBI and the CIA's refusal to share information allowed two of the hijackers to slip into the US just weeks before the attack. The administration created the Terrorist Threat Integration Center, an interagency amalgam intended to ensure that the FBI and other agencies do communicate. But author Mark Riebling, who has written on the age-old rivalry between the FBI and the CIA, doubts that cops can so easily be turned into spooks.

Mr. MARK RIEBLING (Author): You've got a whole different set of imperatives and different analytical skills than if you're in Britain and you're

trying to penetrate the Irish Republican Army. You're not really trying to arrest these guys; you're trying to get inside their groups, figure out what they're going to do next.

ABRAMSON: The FBI has fiercely resisted the creation of an American MI5 devoted to domestic surveillance, and here, for once, they have civil libertarians on their side. Jim Dempsey, of the Center for Democracy and Technology, is afraid of what would happen if the FBI gives up on law enforcement and focuses solely on surveillance.

Mr. JIM DEMPSEY (Center for Democracy and Technology): For disrupting a terrorist organization, for preventing terrorist attacks, there's nothing that beats the ability to arrest somebody and put him in jail under a criminal sentence for a very long time.

ABRAMSON: And while many scholarly studies have recommended creation of a domestic intelligence service, few in Washington seem eager to start a new security agency right in the middle of the war on terror. Larry Abramson, NPR News, Washington.