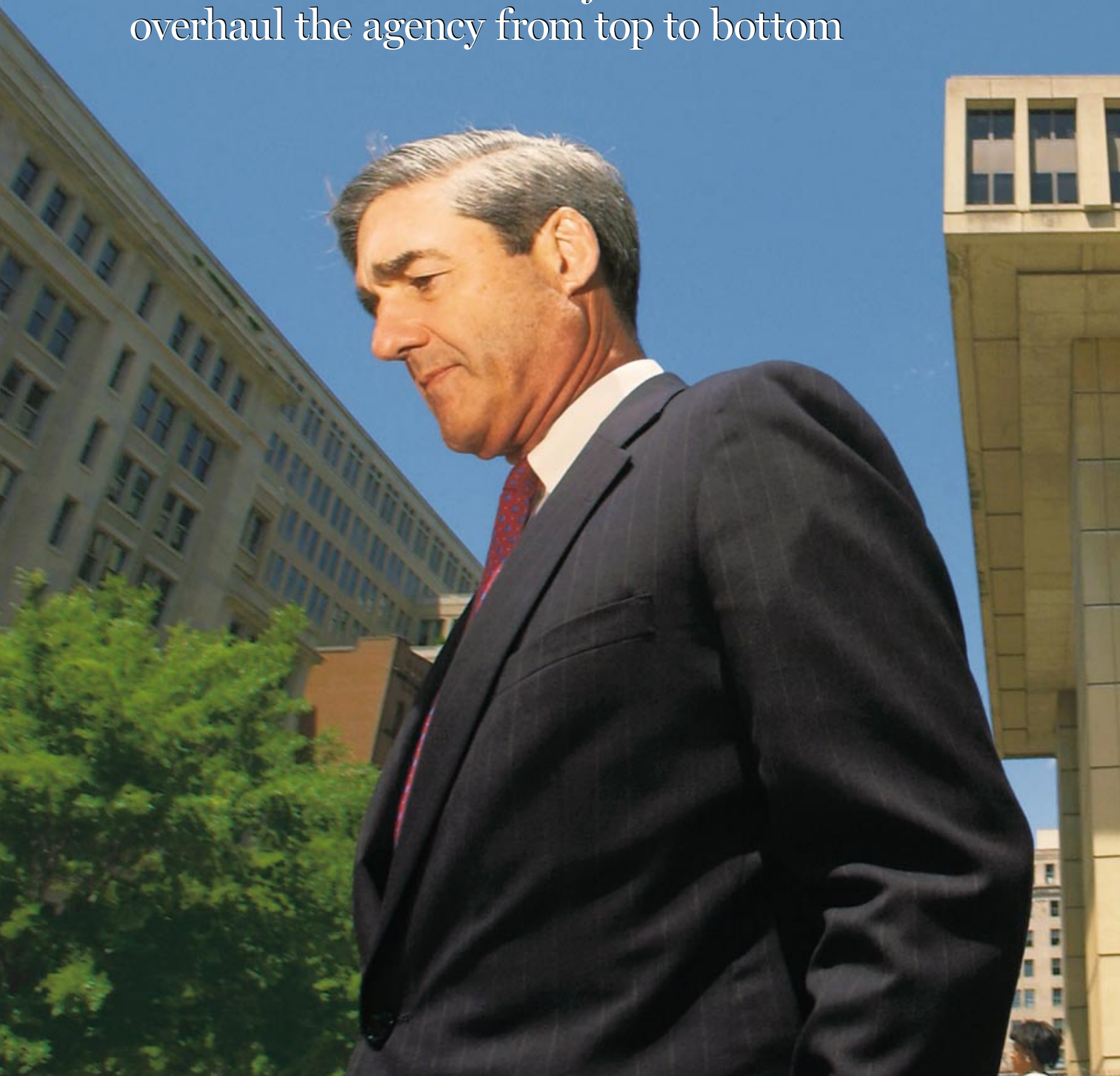


SPECIAL REPORT

MUELLER'S

The FBI chief has a little job to do—
overhaul the agency from top to bottom



MANDATE

A man in a dark suit and patterned tie is walking in the foreground, looking to his left. Behind him is a large, modern building with a prominent grid-like facade of concrete beams and windows. The building's architecture is characterized by sharp angles and a repetitive pattern of rectangular openings. The sky is a clear, bright blue. The overall scene is brightly lit, suggesting a sunny day.

Mueller leaves the FBI building on one of his frequent trips to the Justice Department.

JEFFREY MACMILLAN FOR USN&WR

BY CHITRA RAGAVAN

Bob Mueller had been on the job just a week, and he was doing what all new bosses do—getting up to speed. Mueller was in the small conference room at the FBI's command center, but the television was turned off so he could concentrate on details of the bureau's investigation into the October 2000 bombing of the USS Cole. Two men with links to al Qaeda had rammed an explosives-laden skiff into the warship in the port of Aden, Yemen, killing 17 sailors. "We were within 15 minutes of ending the briefing," says Michael Rolince, a top counterterrorism specialist who had just returned from Yemen, "when all the pagers went off." The time: 8:45 a.m. The date: Sept. 11, 2001. "It was a beautiful day out," Mueller recalls thinking. "How could a plane be so lost that it wouldn't see a tower?" The briefing resumed. A few minutes later, the second plane hit. In that instant, the world of Robert Mueller III changed forever, and so did that of the FBI. "One can't even call it baptism by fire," says Andrew Card, the White

House chief of staff. "It was baptism by conflagration."

For nearly every one of the 95 years it has been in existence, the Federal Bureau of Investigation has been all about investigating crimes, catching bad guys, and putting them behind bars. Crime prevention had never been at the core of the FBI's mandate. But when Mueller walked into the Oval Office three days after New York's twin towers fell, all that changed. "The briefing started with, 'This is what happened on September 11, we'll be building a case, and so on,'" Card recalls. "And the pres-

TERROR'S BACKYARD

DEATH IN AN EDGY DESERT KINGDOM

It was an all-too-familiar scene of devastation that greeted the small FBI advance team of six that arrived in Riyadh, Saudi Arabia, to help investigate last week's lethal suicide bombings. The attacks on three residential compounds, heavily populated by westerners, killed 34 (including nine Americans), wounded 200, and stunned the ruling House of Saud, accustomed mostly to acts of terror abroad.

Back at FBI headquarters, there was the now familiar, and frustrating, post-blast delay as forensic and explosives teams waited for Saudi and U.S. diplomats to negotiate the FBI's role in the investigation. "We bring a wealth of experience to the table, unfortunately, one might say," Michael Rolince, acting assistant director in charge of the Washington FBI field office, told *U.S.*

News, "and we're eager to get there."

Logjam. Finally, at week's end, Rolince had his wish. A team of roughly 60 FBI agents left for Riyadh even as the advance team negotiated with the Saudis for access to the crime scene, evidence, and witnesses. The FBI has always been frustrated working terrorism investigations in Saudi Arabia, its priorities often subsumed by broader political and military agendas. That first became clear seven years ago, when a truck bomb destroyed the Khobar Towers, a U.S. military apartment complex in Saudi Arabia, killing 19 U.S. airmen and wounding 250 others. The inquiry was stymied by Saudi reluctance to grant the FBI access to suspects, and the then director, Louis Freeh, was furious with the Clinton administration for al-



A woman weeps over destruction from an attack at the al-Hamra housing compound in Riyadh.

lowing the logjam.

Investigating the latest bombings could sorely test the equanimity of Freeh's successor, Robert Mueller, not to mention his so-far sanguine relationship with

the Bush administration. Mueller is perceived by some agents as having too close ties to Attorney General John Ashcroft, especially in the immediate aftermath of the 9/11 attacks. Congressional critics wonder whether the Bush administration will try to use that closeness to deflect the bureau from raising questions about Saudi ties to the 9/11 attacks, (15 of

ident said, 'What are you doing to *prevent* the next attack?' That was a change in mind-set that the president introduced."

And it is one Mueller has worked every day since to implement. Mueller's mandate, if he can fulfill it, will represent the most sweeping structural and philosophical shift in the FBI's history. In a series of exclusive interviews with *U.S. News*, Mueller and his top aides detailed the steps they have begun to take. The changes, they say, mean transforming an investigative agency into an intelligence-gathering service and re-



the 19 hijackers were Saudi) or about Saudi funding of terrorism. "This country needs an arm's-length independent investigative agency," says a former FBI official. "I totally agree," Mueller told *U.S. News*, when the general question of independence was posed to him in an interview conducted just before the Riyadh bombings. On critical issues,

Mueller said, the bureau "has been given a deference and independence." But on issues like terrorism, he added, "it's a question of understanding the mission and the goal and working cooperatively to accomplish that."

FBI officials say their relationship with the Saudis has improved. Since the Khobar bombing, the FBI has had a legal attaché,

orienting virtually everything about the FBI's institutional culture and its traditional operating procedures.

Both sides now. Resistance, unsurprisingly, has already been encountered. Members of Congress, civil libertarians, police, and agencies like the CIA have questioned the FBI's competence for its new role even as they criticize the sweeping new powers the bureau has been given to carry it out. Mueller, in many respects, is a man caught impossibly in the middle, able to please some constituencies, but only at the risk of incurring the wrath of others. The stakes riding on the FBI's success, nevertheless, could not be higher. Last week's bombings in Saudi Arabia provided just the latest bloody evidence that the al Qaeda terrorist organization, while weakened, is apparently still able to attack and kill Americans overseas. And Mueller and his top deputies are not unmindful of what another terrorist catastrophe *inside* the United States would mean. "Just one more terror attack," says Larry Mefford, the FBI's assistant director for counterterrorism, "and we will be called a failure."

A host of friends and colleagues say Mueller is the right man for the job. A Princeton grad, decorated marine, private-sector

or "legat," based in Riyadh. In the first nine months of last year, the FBI says, the legat chased down 2,470 investigative leads from headquarters, compared with 654 in the same period in 2001—a 278 percent increase. But the U.S.-Saudi relationship will always be difficult, a senior FBI official cautions. "Their system," he says, "will always be their system."

Al Qaeda. For Mueller's small team of investigators in Riyadh, the sifting of clues is just beginning. FBI officials hope to get access to Indian, Pakistani, British, and other nationals who lived in the compounds where the bombings occurred. If agents *do* get at the bomb sites, it will be a tough task sifting through rubble for car parts. During the Khobar Towers investigation, temperatures reached 144 degrees, forcing the evidence response team to work only at night under floodlights for 15 minutes every hour.

It's likely, sources say, that the Saudis know who did this. But whether they'll tell the FBI is another story. FBI officials say

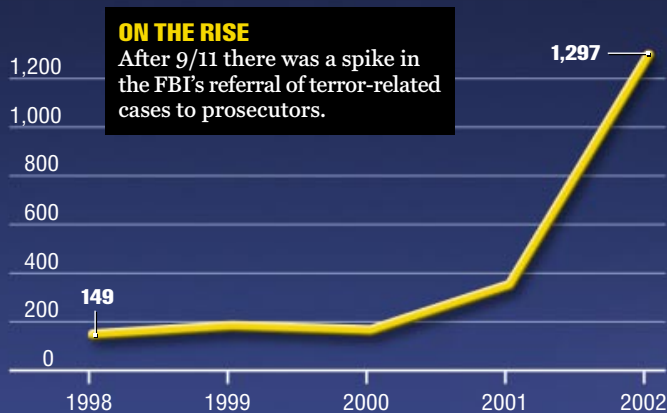
they strongly suspect the bombings were the handiwork of Osama bin Laden's al Qaeda network: the multiple attacks, near simultaneity, the lead cars shooting their way in—exactly as outlined in al Qaeda training videos.

In recent weeks, the Saudi government developed intelligence that resulted in the issuing of bulletins for 19 al Qaeda operatives in the kingdom and in a raid by Saudi police on a house near one of the compounds. The raid yielded explosives, machine guns, and ammunition, causing the U.S. Embassy in Riyadh to urge the Saudis, for the third time, to beef up protection for the compounds. U.S. officials say the Saudis failed to heed the request.

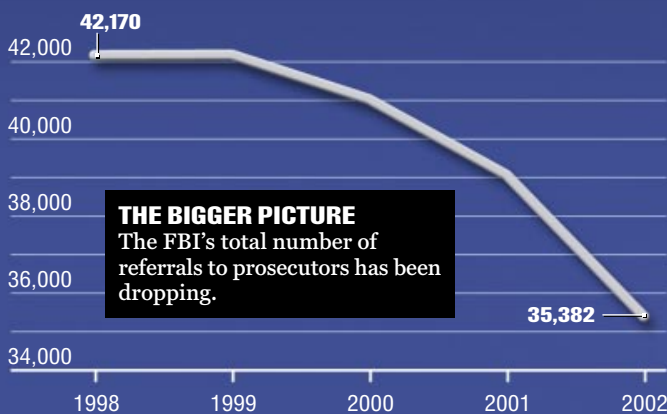
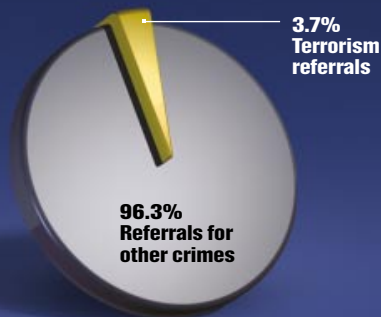
Last week, FBI officials were chalking up a list of questions for the Saudis. Who planned the attacks? Who helped carry them out? How did they get away with it? "There's a thousand questions yet to be answered," says Rolince. "But you have to sit at the table across from them and ask those questions." —C.R.

STILL YOUR FATHER'S FBI?

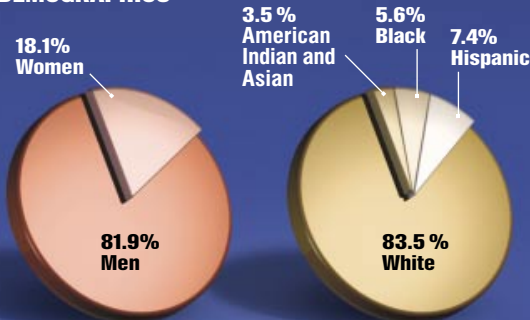
Director Robert Mueller's effort to focus on the fight against terror requires changes in the way the FBI has traditionally done business—changes involving the bureau's workload and prosecution strategy as well as the makeup of its workforce. The charts below document a "work in progress."



STILL A SMALL SLICE
Those terror-related referrals still represent only a tiny percentage of the bureau's overall caseload.



FBI DEMOGRAPHICS



Sources: FBI, Syracuse University's TRAC Reports Inc.

attorney, and former homicide prosecutor, Mueller, 58, has spent 30 years in law enforcement, much of it as a federal prosecutor (story, Page 24). "He has a hard-driving management style that doesn't tolerate people who don't give 100 percent," says David Schertler, who supervised Mueller in the homicide section of the U.S. attorney's office in Washington, D.C. In San Francisco, when he was brought in to overhaul the U.S. attorney's office there, Mueller ruffled plenty of feathers, but in the end, he boosted morale and increased prosecutions. Even at Princeton, friends say, Mueller was a man in a hurry, but he's a man in a deadly serious hurry now. "We're in a race," Mueller says, "against the next terrorist attack."

The race is far from over, but Mueller can point to some evidence that the FBI is closing the gap with the terrorist groups that seemed to operate with impunity before 9/11. There hasn't been a major attack on U.S. soil in 20 months. And the FBI has been successful in identifying "sleeper cells" in the United States and disrupting al Qaeda operations in places like Detroit and Lackawanna, N.Y. But these have been smaller-scale investigations, mainly of secondary players. Most of the planning for the attacks on New York and Washington, by contrast, occurred overseas. "So by definition," the FBI's Mefford explains, "our intelligence agencies are going to be in key roles for us, and it's

going to be very difficult without that information to be as effective as we need to be. It's a partnership."

Critics have a different take. The FBI, they say, has simply been unable to penetrate the world of violent Islamic fundamentalists on its own. "As 9/11 was being planned," says a former intelligence official, "there was not one [successful FBI] penetration in al Qaeda." The FBI's inability to find the most dangerous terrorists, adds John Martin, the Justice Department's former top counterintelligence official, "indicates a lack of penetration of cells in this country."

Mother ship. The FBI's miscues in the months before the 9/11 attacks have been well documented. The first was headquarters' refusal to approve a request by FBI agents in Minneapolis for an intelligence wiretap on Zacarias Moussaoui, now charged with being a 9/11 conspirator. The second was the failure of FBI headquarters to heed the now infamous memo from a Phoenix-based agent urging a study of the large numbers of Middle Eastern men training at U.S. flight schools.

In order to ensure that such leads get stitched together in the future, Mueller is making big changes. The first has to do with the role of FBI headquarters. Since the 1993 bombing of the World Trade Center, the FBI's sprawling New York field office

Continued on page 26

A MAN CALLED 'MULS'

Driven and demanding, with maybe the toughest job in town

BY CHITRA RAGAVAN

If Robert Mueller looks as if he doesn't have much to smile about these days, it's not just because dealing with a hidebound bureaucracy is no laughing matter—friends say that's just the way he is. In the Hoover building, Mueller is known as "the director." But old friends like Joe Luongo call him "Bobby" or "Muls." Luongo spent a wild junior year in a Princeton dormitory with Mueller and 22 close friends from the Class of '66. "I could spend five hours talking about all the antics the 23 of us did," says Luongo, "but I would have to testify that Bobby had nothing to do with it at all."

He was, in fact, the reverse of the frat-boy type. After Princeton, he pulled a three-year hitch in Vietnam. A Marine Corps platoon leader, he was wounded in combat, earned a Bronze Star, the Purple Heart, and the Vietnamese Cross of Gallantry. "He's a true patriot," says another old friend, Bob Breakstone. "There's no other way I can describe him."

His soldiering days over, Mueller, a Republican, spent the next three decades hopscoching between private-sector law firms and a number of high-profile jobs in the Justice Department, during both Republican and Democratic administrations. Former coworkers describe him as organized and disciplined, a skilled prosecutor, a fair but demanding manager. But he has also earned his share of brickbats. "I briefed Mueller on espionage cases," says a former top Justice Department counterintelligence official, John Martin, "and he had a difficult time wrapping his arms around the issues."

High-tech. Mueller's hallmarks are attention to detail, reaching out to a wide spectrum of friends and foes, and a fascination with technology. He's also known for taking a job just because it interests him. In 1995, Mueller gave up a lucrative job defending white-collar criminals and took a line prosecutor's job in the homicide section of the U.S. attorney's office in Washington. "There's a real satisfaction helping people . . . by bringing closure to a family

of a homicide victim," he says. "It's one of the most challenging things you can do in the legal profession."

Mueller's passion for technology is legendary. When a police officer named Brian Gibson was shot to death in February 1997, Mueller, then the chief of homicide prosecutions, had his lawyers use special litigation software to analyze grand-jury transcripts, witness statements, and other police documents, says Lynn Leibovitz, a former fellow prosecutor who is now a judge. "To me," Mueller says, "it's kind of

like doing crossword puzzles."

Unlike a lot of prosecutors, Mueller established close ties with the cops whose cases he and his lawyers brought to court. One reason for their trust was that, even when he was head of the homicide section, Mueller took the time to go to crime scenes. Today, he does the same thing, sort of, traveling to Afghanistan and Yemen—or even downtown Washington, when a disgruntled tobacco farmer recently drove his tractor into a pond near the Washington Monument, saying the rig was filled with explosives.

MARIO TAMA—GETTY IMAGES



Mueller's obsession with discipline and organization has made for some peculiar stories over the years. In a complex murder case, Mueller warned Leibovitz not to remove any of his color-coded files, unless she left a library-style "out card" behind. Never one for socializing, Mueller invited his team of homicide prosecutors to his house for dinner one night. "He made sure we all knew," Leibovitz says, "that at 9 o'clock we should all leave because he was going to bed." Sure enough, when the clock struck 9, Leibovitz recalls, Mueller "turned up the lights and told us the party was over." They all put down their drinks and left.

In 1998, Mueller was named acting U.S. attorney in San Francisco. His job: to restore morale and beef up prosecutions of white-collar crime. "The office was a slumbering dinosaur," says Nancy Clarence, a prominent Bay Area de-

fense attorney, "overweight with white guys who thought they'd park in the office for the rest of their careers." Mueller made a series of changes big and small. He met with the staff every morning for 15 minutes to catch up on cases. "He got rid of lethargy," says Beth McGarry, assistant U.S. attorney in San Francisco. Mueller promoted women and minorities to key positions and recruited new talent from white-shoe law firms.

His precedent-setting technology advances have been implemented nationwide. He created the first computer hacking and intellectual property unit in the nation. It was modeled on the computer crimes section that Mueller had created at the Justice department in 1990. He was one of the first U.S. attorneys to create a Web site for his office and post press releases and electronic links to indictments. He created a com-

puterized case-management system called Project Alcatraz for prosecutors and supervisors to access and analyze documents. He also created one of the first automated litigation-support units, complete with database experts and graphics artists, to help trial attorneys use PowerPoint presentations and computer-generated graphics during trials.

"They rolled me." Mueller's success led President Clinton to take the "acting" out of his U.S. attorney title. He held that job until he was named FBI director, although he also served as John Ashcroft's deputy attorney general during some of that time.

One of Mueller's biggest skills, former colleagues say, is building bridges. "I'm a liberal Democrat and a defense lawyer," says Clarence, "so we disagree on everything, but we had an unlikely friendship." As U.S. attorney, Mueller met once a month with San Francisco defense attorneys for off-the-record jawboning sessions. He came alone, says Clarence, and wrote everything down. "More often than not, he used to say 'no' to us, oh, say, 100 percent of the time," laughs Clarence. "But he came back with his reasons. They were well considered." Mueller says he didn't always say no. "They rolled me," he says, "a few times."

Judge Marilyn Hall Patel, the chief judge in the U.S. district for northern California, says Mueller never forgot judges, either. "I would get periodic letters advising of, 'Here are some changes we made to the office,'" says Judge Patel, "and really being thoughtful about the relationship between the court and the office."

Deeply private, Mueller is extremely responsive to employees' special needs, former colleagues say. One of Mueller's two daughters was born with spina bifida. Friends say it was a traumatic experience for Mueller and his wife, Ann, who raised the girl to be a feisty and independent world traveler. "He had a lot of compassion for employees who were ill," says McGarry, "and whose family members were sick. He did it in a very quiet way. Only the people who were ill knew it."

Mueller is taking a similar approach in his attempts to revamp the FBI, trying to teach agents to convert their seemingly insurmountable obstacles in the post 9/11 era into opportunities for success. "The culture of the FBI is the agents," Mueller says. "The culture is one of dedication, is one of service to the country. The culture is that of hard work." ●



Mueller, seeing for himself in Afghanistan

CAREER PATH

SEPT. 4, 2001

Sworn in as FBI director

AUG. 2, 2001

Confirmed as FBI director

JANUARY–MAY 2001

Acting deputy attorney general

1998–AUGUST 2001

U.S. attorney, northern district California

1995–1998

Prosecutor, homicide section, U.S. attorney's office, District of Columbia

1993–1995

Litigator, Hale & Dorr, Washington

1990–1993

Assistant attorney general, criminal division, Department of Justice

1989–1990

Assistant to Attorney General Richard L. Thornburgh

1988–1989

Litigator, Hill & Barlow, Boston

1982–1988

U.S. attorney, Boston

1976–1982

Assistant U.S. attorney, San Francisco

1973–1976

Litigator, Pillsbury Madison & Sutro, San Francisco

served as the “office of origin” for all terrorism cases. That, Mueller says, was both wrong and unfair. “I can’t turn to New York,” he explains, “and say, ‘You in the New York field office [are] responsible for protecting the United States.’” Instead, Mueller has made the FBI headquarters, just seven blocks from the White House, the “office of origin” for all terrorism inquiries. Ultimately, FBI brass will have 1,200 special agents and analysts assigned to counterterrorism work; 570 are on board so far. The new team is responsible for coordinating all terrorism investigations, ensuring, theoretically, that disparate strands of information are sifted, analyzed, and understood, and then shared as needed. Field offices can no longer open and close a terror investigation without notifying headquarters. “It’s very important that there be responsibility in one place . . .” Mueller says, “because only from the headquarters view can you see whether or not there are leads in Portland or Seattle that would tie in to a lead in Miami or elsewhere.” President Bush has also ordered the FBI to join forces with the CIA and others in a new center for analyzing terrorist threats.

More than a few agents question the wisdom of “headquarters knows best.” After all, they say, both the Moussaoui and Phoenix screw-ups originated aboard the mother ship. Mueller and his deputies counter that the new system will ensure that agents get the best guidance. “There’s still a tremendous



An exodus of veterans means relying on new blood; new agents at the FBI Academy

amount of respect for the field agent,” says Pat D’Amuro, executive assistant director for counterterrorism and counterintelligence. “What the field needs to understand is there will be oversight. . . . That *does* cause tension because people don’t want headquarters running their cases.”

Following Tiger. Mueller’s second big change is to upgrade the bureau’s Stone Age computers. A technology buff, Mueller is a big believer in former GE chairman Jack Welch’s philosophy that transforming an organization’s technology can transform the organization. Last June, Mueller hired former IBM executive Wilson Lowery to direct a multimillion-dollar upgrade. The challenge, says Lowery, an avid golfer, is “like teeing off 200 yards behind Tiger Woods.” But the challenge, Mueller says, must be met: “We have to transform ourselves, from a organization that is paper driven, that can be somewhat slow to move . . . to a flexible organization that can move quickly.”

He’s got a long way to go. Before the September 11 attacks, FBI agents were still using old “386” and “486” computers and had no Internet access or FBI E-mail addresses. After the attacks, FBI

NEW YORK STORY

A LEGEND’S BLIND SPOT

The late John O’Neill was a legendary investigator who began his posting as FBI counterterrorism chief the same day Pakistani police captured Ramzi Yousef, who plotted the 1993 bombing of the World Trade Center. Years later, Yousef’s uncle, Khalid Shaikh Mohammed, aka KSM, would become Osama bin Laden’s top operative and take credit for masterminding the 9/11 attacks. O’Neill was one of the victims. After retiring from the bu-

reau, O’Neill showed up on the morning of Sept. 11, 2001, for his second day of work as head of security at the World Trade Center.

Ironically, KSM was one of O’Neill’s few blind spots. Around 1998, *U.S. News* has learned, O’Neill tried to shut down a probe of Mohammed by the FBI-NYPD terrorism task force. Agent Frank Pellegrino had begun pursuing KSM in 1995, after police in the Philippines discovered his name in Yousef’s laptop, along with details of a plan



Uncle Khalid: spilling the beans

to blow up airliners. A year later, Yousef was convicted of the trade center bombing. Pellegrino chased Mohammed around the globe. But back then, “nobody

gave a s- -” about KSM, says Tom Corrigan, a retired task force detective. The surveillances and wiretaps involved in the chase were costing too much. O’Neill wanted out.

But agent Pat D’Amuro—now a top counterterrorism official—prevailed on O’Neill to trust Pellegrino’s instincts. Pellegrino couldn’t be reached, but D’Amuro noted that O’Neill “made mistakes, just like everybody.” KSM was arrested in March. He has since provided valuable leads in the search for other al Qaeda terrorists. —C.R.



headquarters staff had to send photographs of the 19 hijackers to the 56 field offices by FedEx because they lacked scanners. “Top managers, including [former director] Louis Freeh, didn’t use computers and weren’t chagrined about it,” says the Justice Department’s inspector general, Glenn Fine. For decades, agents struggled with a balky software package called Automated Case Support that was anything but automated, requiring 11 keystrokes for every search. In the past year, Lowery has distributed 22,000 new computers to field offices. Agents now have shared Internet capabilities and individual FBI E-mail addresses.

When Mueller arrived at the Hoover building, the FBI had already embarked on a technology upgrade package known as Trilogy, but Lowery says it didn’t offer agents sophisticated new search capabilities. Mueller revised the hardware requirements and nixed the Trilogy package. He brought in a team of agents, supervisors, analysts, and secretaries to come up with an alternative and took personal interest in the project, even attending technical meetings. Says Deputy FBI Director Bruce Gebhardt: “You [could] see his eyes light up.”

The new \$596 million software package will be unveiled in December, six months behind schedule and \$138 million over budget, but Lowery says it will be worth it. For the first time, agents will be able to do complex searches, E-mail color photos of suspects, and search for trends. All 56 FBI field offices will have access to the same information. The upgrade includes a 40 million-page terrorism database of evidence dating back to the 1993 bombing of the World Trade Center, documents seized from Afghanistan, and 2 million pages of cable traffic. Agents searching for vulnerabilities to terrorists can now access even the Phoenix memo—instantly.

It all sounds good—on paper. But despite the change in the role of FBI headquarters, and after all the new computers are plugged in, Mueller’s biggest challenge will be to sell the “prevention first” philosophy to a workforce that may simply be unwilling to buy into it. Busting criminals is still the FBI’s bread and butter, and busting criminals is still what the FBI is doing most. Mueller has shifted 500 agents from drug squads to counterterrorism work, and he has tripled the number of agents devoted to terrorism. But that still means only a fifth of the 11,500-agent workforce is devoted to counterterrorism. Terrorism prosecutions are up, but they constitute just a fraction of the bureau’s total workload, according to a *U.S. News* analysis of statistics compiled by the Transactional Records Access Clearinghouse, a Syracuse University research group (chart, Page 22). And the FBI’s conviction rate for terrorism cases is lagging behind that of other crimes.

Former IBM exec Lowery: introducing FBI agents to the wonders of the 21st century

develop sources working those kinds of cases. U.S. attorneys also control powerful fiefdoms around the country and can exert a strong influence on what kinds of cases FBI agents in their jurisdictions pursue. In January, Thomas DiBiagio, the U.S. attorney in Baltimore, excoriated the FBI field office there for having become “a marginal presence at best.” In a letter, DiBiagio complained to the special agent in charge of the Baltimore field office, Gary Bald, that the bureau’s focus on terrorism had distracted agents from DiBiagio’s top priorities—violent crime, white-collar fraud, and public corruption. “The FBI has become distracted,” DiBiagio wrote, “and almost useless.” Bald says terrorism “is the FBI’s No. 1 priority, and if it causes us to be providing fewer criminal cases for prosecution, it’s an undesirable byproduct, but it’s got to be tolerated.” Sources say Mueller and DiBiagio exchanged sharp words. DiBiagio got the message. “There was a failure on my part to adjust to the change quickly enough,” he now says. “. . . I wish I would have figured it out sooner.”

It’s not just philosophical, cultural, or bureaucratic obstacles that could stymie Mueller’s changes. There’s also the reality that proactive operations to penetrate terror cells are riskier than straight criminal investigations. “When you are proactive, it’s a double-edged sword,” says Tom Corrigan, a retired New York detective who spent 16 years on the FBI-NYPD joint terrorism task force. “If you get your feet dirty, it can come back to kick you in the ass.” In the early 1990s, FBI officials shut down surveillance operations on radical Islamic fundamentalists in Brooklyn and Jersey City, N.J., who would turn out to be players in the 1993 bombing of the World Trade Center and other planned attacks. Why? Supervisors feared costs and liabilities. Recently, the FBI has taken flak for interviews of Iraqi exiles here and research on mosques. These efforts “don’t keep us safer, but destroy fundamental freedoms,” says the American Civil Liberties Union’s Dalia Hashad. Some FBI officials are nonplussed. “The bureau was beaten following 9/11 for not knowing,” says an FBI official. “And now [we’re] beaten for trying to find out.” Still, some agents find the prevention concept legally suspect. “How do you grab someone who hasn’t done anything,” asks former agent Ed Stroz, “but you knew he was about to do something?”

And how, in an intensely careerist place like the FBI, will per-

One reason could be that while Mueller has made terrorism a priority, Congress has not reduced the number of laws the FBI must enforce; terror cases are also complex. Changing any institution takes time, and the FBI has been resistant to change. Many agents signed up because they love the thrill of chasing bank robbers and drug dealers. “You’re saying, ‘Eighty percent of all the stuff you were doing for the last 15 years is not important anymore?’” asks one agent. “Huh?”

Risk city. Change may come slowly for other reasons. Some FBI supervisors believe it would be a mistake for special agents to stop investigating bank robberies, white-collar crimes, and drug syndicates because they

formance of agents be measured in Mueller's brave new world? In the old days, supervisors counted the number of arrests an agent made; even today, promotion rests on making cases. But what is the right way to measure prevention? Mefford is trying to develop a new performance-measurement system. No longer will agents be rated simply on things like how many bank robberies they solved. It's going to be how many criminal and intelligence wiretap applications they write, how many informants they develop, and the quality of the intelligence that they come up with. In the meantime, Mueller's prevention mantra may be catching on, albeit slowly. The number of nonterrorism criminal cases the FBI referred to U.S. attorneys has plunged since 9/11 (chart, Page 22), though it's unclear how much of this reflects a shift toward more proactive, preventive operations.

The change, skeptics say, is going to come grudgingly, if at all. "I believe Mueller is trying to make the FBI . . . more responsible," says Sen. Charles Grassley, an Iowa Republican and FBI critic. "But there's an institutional disease there that is going to be very difficult for him to change." Sen. John Edwards, a North Carolina Democrat—and presidential contender—believes the FBI is juggling two inherently incompatible missions: intelligence gathering and law enforcement. "The nature of law enforcement is linear," he says. "Intelligence is never-ending."

Insular institution. Others say the FBI's demographics are ill-suited to combating terrorism. With 500 agents eligible to retire this year and with a young and inexperienced workforce—average age, 31—the FBI's institutional memory on terrorism is largely gone. Worse, Mueller must combat radical Islamic fundamentalism, global terrorism, and international crime syndicates with a workforce that's mostly white and male. Only 76 agents speak Arabic. Mueller has hired nearly 300 language translators and created an FBI language center. He wants to hire 700 intelligence analysts. But his efforts have been stymied by stiff security checks. "The bureaucracy is stifling," says one senior official, "and he's trying to break through it."



On every front, Mueller keeps pushing, trying to instill a sense of urgency. "We can't take any information or source for granted," says Van Harp, who just retired as the head of the FBI field office in Washington. "It all has to be vetted, run to the ground." Agents' workloads have dramatically increased, supervisors say. "You used to look at threats; you knew what had validity; you'd get to them after you got all these other things out of the way," says one official. "Now,

POLICE

NO LOVE LOST

After terrorists rammed a plane into the Pentagon, Arlington County, Va., police chief Edward Flynn worked shoulder to shoulder with FBI agents. "I had no anger towards the FBI on 9/11," says Flynn. But that changed in the weeks that followed, asserts Flynn, because the FBI denied him intelligence data, saying he lacked clearances. "And I said, 'That's a bunch of bu-

reaucratic b- - - - -!'" Flynn explodes. "I already had one plane in my backyard, and you're telling me you can't trust me to tell me when there's going to be another one?"

Flynn, now the Massachusetts secretary of public safety, has worked through his anger, but many police chiefs haven't; they are still furious because they can't get security clearances quickly and because they feel trapped by the color-coded threat system, which

they say is based on fuzzy FBI intelligence.

Making enemies. Some chiefs prefer to keep their misgivings to themselves; it's not easy fighting the bureau. Just ask Col. Ed Norris, chief of the Maryland State Police, who's been a critic for a decade, since he was a New York cop. When Norris criticized the FBI's skills in congressional testimony, bureau officials were enraged. "People were threatening to ruin my career," says Norris, "at cocktail parties."

Norris's feelings haven't changed, but he gives Mueller credit for at least trying. "Mueller called one day," says Norris, "and asked, 'What do you want?'"—prompting a thank-you note from Norris. Mueller says he'll call any cop with a beef. "It's the most important thing I do," he says. Flynn says relations improved last November when Mueller attended a national police conference and let the chiefs vent. Still, says Flynn, it was only then that bureau officials re-



Rescue workers search for simulated victims as part of a terror drill in Bedford Park, Ill.

lead, if that lead were followed, identifying somebody who wanted to kill Americans," he says, "is such that we just cannot afford to have that happen."

Last November, Gebhardt, the deputy director, sent an E-mail to field supervisors saying he was "amazed and astounded" by the failure of field agents to develop sources. "You need to instill urgency," Gebhardt wrote. "... You are the leaders of the FBI. You cannot fail at this mission. Too many people are depending on us." Gebhardt says his memo was meant to energize agents, not to scold them.

Perhaps. Many agents appreciate Mueller's efforts to solve problems. "He seems to be very honest, very approachable," says Nancy Savage, president of the FBI Agents Association. "He wants to know directly if there's a problem." But others are resentful of his push for change. "A lot of agents are saying, 'To hell with it—get someone else to do this,'" asserts former agent Stroz. They construe Mueller's urgency as impatience, his directness as a lack of regard. So far, Mueller and his laser focus on terror aren't creating a lot of warm and fuzzies among the troops. During one of Mueller's trips to a field office, an agent asked him about the status of "office of preference," a perk that allows agents to select a field office, once in their careers. It's especially important to New York agents, because that posting is considered the pits. The agents say Mueller was unsympathetic and replied that if an agent didn't like his posting, there were 70,000 applicants waiting to take his place.

Mueller says he never indicated he would discontinue the program. "I do believe it's important," says Mueller. "I have told agents, though, that... if there are skills that are needed someplace in the organization that sacrifice is necessary... The needs of the organization come first." ●

With Christopher H. Schmitt, Sheila Thalheimer, and Monica Ekman

no matter how bizarre or how routine, you go after them."

All terror threats get flashed on the pagers of senior executives, whether it's a suspicious package on a subway or an anthrax hoax. "You'll sit at a table with management," says Rolince, "and simultaneously every pager will go off." The agents say they are exhausted from chasing leads constantly. Mueller says he wants supervisors to use their judgment, but he insists that no lead can be ignored. "The possibility of that



Ed Norris giving congressional testimony in October 2001

vealed that applying for a "secret" clearance rather than "top secret" clearance would cut the chief's wait in half.

Flynn appreciates that Mueller showed up, but Michael Chitwood, police chief in Portland, Maine, where two of the hijackers boarded their flights, is unconvinced. Chitwood says he's gotten zero FBI information about the hijackers' ties to Portland. The Coast Guard, he says, recently called 911 and reported that a man was taking pictures of oil tank farms

and pipelines in the area. "The red flags go up," says Chitwood, who called the Boston FBI field office but was told, "There's nobody around; do you think you can make a report and send a copy to us?"

Many chiefs won't rely solely on the FBI anymore. "If you'd asked me before 9/11 what I'm doing to protect Fairfax County [Va.] from terror," says the county's police chief, J. Thomas Manger, "I'd say, 'Nothing; that's the FBI's job.' Now it occupies much of my day." —C.R.