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Two agencies, two turfs, and no communications

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BODY:

It's blame-game time. Every day, we discover another agonizing misstep, another missed clue that might have prevented the Sept. 11 terrorist attacks.

There's the 1999 intelligence report suggesting that Osama bin Laden might use suicide hijackers to hit the Pentagon or other government buildings. The star FBI agent who warned in July 2001 that bin Laden could be training terrorists in U.S. flight schools - a warning that never made it to the top of the FBI or a single intelligence agency. The refusal of FBI headquarters to seek a search warrant for the "20th hijacker," Zacarias Moussaoui, an Arab flight-school student who field agents were convinced was plotting a terrorist attack with a large aircraft. The two FBI "watch list" hijackers who opened bank accounts, listed telephone numbers and bought plane tickets in their own names. And the president's Aug. 6 CIA briefing that apparently included none of this information.

No doubt there will be more. Much more. Fingers are pointing, but in the wrong direction. In the past two weeks, politicians, pundits and the press have focused on individual performances - on who failed to do what, and when. But this kind of thinking rests on a mistaken assumption: If only people had done their jobs better, the events of Sept. 11 could have been averted. Yes, individuals made mistakes. But it was the system that failed us.

We will never really know whether the World Trade Center and Pentagon attacks could have been foiled. But we do know that the right information did not get to the right people at the right time. When so many things fall through the cracks, the logical conclusion can only be that there are too many cracks.

Three organizational problems have crippled the federal government's ability to combat terrorism. First, there's a structural split between the FBI and the CIA that is based in law. The National Security Act of 1947 established clear boundaries between foreign intelligence and domestic law enforcement. In this division of labor, the FBI deals with bad guys at home and the CIA deals with bad guys abroad. It's not just that these agencies operate on different playing fields - they operate by different rules. Laws designed to protect American civil liberties mean that it's harder for the FBI to track terrorists in California than it is for the CIA and other intelligence agencies to track them in Cairo.

One result of this structural split is a yawning communications gap. Why didn't the FBI and CIA compare notes in the summer of 2001? The simplest answer is that they usually don't. These two agencies have never talked to each other as well as they should.

Second, the FBI's core mission has always been investigating past crimes, not preventing future terrorist attacks. The Bureau's culture and procedures are geared toward building prosecutable cases. When an agent follows a lead, he is thinking about how it fits into his existing case file and about how he can gather evidence that will be admissible in court. Process matters because one procedural slip can let a guilty person go free. This mind-set fits

new information into old files and moves carefully, but slowly, when tracking down leads. Foresight and urgency are the casualties of this approach.

Take, for example, the case of Khalid al-Midhar and Nawaq Alhamzi, the two hijackers on the FBI's watch list. Although the Bureau quickly learned of their arrival and dispatched agents to find them, the hijackers were assumed to be connected to the ongoing USS Cole investigation. And because the FBI naturally focuses on past crimes, no one, it seems, considered the possibility that two men believed to be involved in one terrorist attack might be in the United States to commit another.

The third problem is that the Central Intelligence Agency is central in name only. It is just one of 13 major U.S. agencies that collect and analyze intelligence, including the National Security Agency and the military intelligence services.

Although the CIA director is supposed to set broad strategies and coordinate efforts across the far-flung intelligence community, he has little actual power to do so. He controls less than 15 percent of the intelligence budget (the Secretary of Defense controls most of it) and has only limited authority over the 12 agencies outside the CIA. When the CIA director has only whining rights over most intelligence agencies, it should come as no surprise that the Aug. 6 CIA briefing to President George W. Bush missed so much. The dots can't get connected if they don't end up in one place.

Two steps would go a long way toward addressing these critical problems. First, we need to end the fiction that the FBI can be transformed into an effective counter-terrorist outfit. It can't. Its culture, traditions, mission and procedures all work against such a dramatic transformation.

Instead, we should let the FBI do what it does best - catch criminals - and place counter-terrorism responsibilities in a new domestic intelligence agency. Doing so will require a sea change in American values, a new willingness by all of us to sacrifice some liberty for greater security.

But these sacrifices do not have to lead us down the slippery slope to government abuse. Many of the world's Western democracies, including Great Britain, have long lived with domestic intelligence agencies.

The second step is giving the CIA director the power to do his job. This means passing legislation that grants him much greater budgetary, personnel and program authority over the entire intelligence community. Quantum improvements in intelligence will come only by empowering the director to match resources against priorities in a comprehensive and coordinated fashion.

These steps will not be easy to take. Bureaucracies rarely change on their own; they are not designed to be nimble. They are built to perform standard tasks in routine ways. This is not altogether bad. Standard operating procedures ensure that Social Security checks get sent and guide military operations in times of crisis, when stakes are high and the margin for error is slim. But the downside of bureaucracy is that it cannot easily adapt to new problems. Just ask the U.S. Army, which kept a horse cavalry until World War II.

Forcing change from the outside is equally difficult. History has shown that legislators are very good at holding hearings, but not so good at doing much with the findings. And who can blame them? Senators and representatives get on the nightly news for airing dirty laundry, not for actually cleaning it. The congressional committee system only makes matters worse. For nearly a decade, members of the House and Senate intelligence committees have pressed for major organizational reforms, but their efforts have been blocked by colleagues in the armed services committees, who stand to lose enormous power and budgetary authority. As one congressional staffer recently lamented, "The intelligence committees just don't have the juice to get much done."

In the face of this new terrorist threat, Bush should take a lesson from another president who faced daunting new challenges to this nation's security: Harry Truman. In 1947, at the dawn of the Cold War, Truman created a radically new national security apparatus that included the CIA, the National Security Council and the Department of Defense. The fight was fierce, and the result was far from perfect. But it was a dramatic improvement over what had existed before. Truman's efforts got him no votes and made him no friends in Congress or his own executive branch. He did it anyway: He knew the country needed it.

Until now, Bush has fought the war on terrorism abroad. It is time for him to bring the fight home. Instead of defending the bureaucracy, he should press vigorously for legislation to change it. Even then, he may not succeed. But not trying would be even worse.

GRAPHIC: Newsday Illustration / Gary Viskupic- Two spies with their backs to each other holding different pieces of the Osama bin Laden puzzle. Photo - Amy **Zegart**

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