Who Ya Gonna

By Chitra Ragavan

When Robert Mueller began his tenure as director of the Federal Bureau of Investigation on Sept. 4, 2001, he could not have known that just a week later, terrorists would test his leadership and transform the agency he had just signed up to lead. A tough former marine and veteran prosecutor, the 57-year-old Mueller came to the job expecting to knock heads and bruise egos. After the Robert Hanssen spy case and the evidence foul-up in the Timothy McVeigh case—to cite just the most recent black marks against the bureau—Mueller was charged by Attorney General John Ashcroft with putting an end to amateur hour and getting the force of 11,300 special agents back on track. The failure of the FBI to anticipate and prevent the 9/11 attacks only raised the stakes.

Now Mueller is finally ready to unveil his makeover. This week, after five months of conversations with his deputies, U.S. attorneys, state and local police, and his agents, the director is expected to reveal the key elements of his plan to the FBI's powerful field bosses. In some ways, Mueller's FBI will make a break with the past with a new focus on fighting terrorism. But in many other ways, the FBI will remain the same controversial bureaucracy, with agents in its 56 field-office fiefdoms setting their own agendas and scrapping to preserve their turf at all cost. The proposed reforms don't exactly match the rhetoric of Ashcroft, who has vowed an all-out war on terror. But rather than give up chasing bank robbers or drug kingpins, Mueller still expects the FBI to do it all.

Headquarters. The proposed reforms will include a complete overhaul of the counterterrorism and counterintelligence divisions, senior FBI officials tell *U.S. News*. In a major shift, Mueller will consolidate all terrorism investigations at the bureau's Washington headquarters, rather than allow field offices to take the lead. He will more than double the re-

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The FBI has to retool to fight the war on terror. Remember the line about old dogs and new tricks?

sources for the new division, adding a hundred new intelligence analysts to shore up the FBI's chronic weakness at strategic analysis. Mueller also plans to recruit more Arabic speakers—in short supply at the FBI now. The new hires will work with the CIA and local police to help identify and prevent terrorist strikes. "We are fundamentally different from where we were," says a senior FBI official. "Prevention, counterterrorism, and counterintelligence, without question, are the priorities getting all the attention, all the resources, all the focus."

Well, not *quite* all. Mueller's other new top priorities, such as cybercrime, intellectual-property theft, and economic espionage, will also get plenty of attention. And the FBI will continue to track organized crime, healthcare fraud, civil rights violations, and public corruption, assuming, Mueller cautions, that sufficient resources are available.

Cops and robbers. The most unexpected element of the Mueller plan is that—contrary to signals from Mueller just weeks ago—the bureau won't be shifting massive numbers of agents out of traditional jurisdictions like bank robberies and drug trafficking. In the end, Mueller deferred to the FBI's field offices and to the desire of agents to keep working local crimes. "There will not be wholesale withdrawal in any one area," says Van Harp, who heads the FBI field office in Washington and leads the anthrax investigation. "We will not get out of drugs; we will not get out of white-collar crime; we're not getting out of violent crime." Bailing out of local bank robbery or drug investigations, Mueller decided, would hurt the FBI's important relationships with local police. "His thinking evolved," says one FBI official. "In the end, state and local police officials had an enormous influence on Mueller." Adds Harp: Mueller realized that "every move he makes will result in a ripple effect."

So, the FBI will scale back in those areas, not abandon them. That plan seems to conflict with Ashcroft's post-9/11 willingness to shift the entire focus of the agency. "We can't be all things to all people," Ashcroft said recently, in a

not-so-oblique reference to the FBI's tendency to do just that. Says Laurie Robinson, a former top Justice official now at the University of Pennsylvania: "Institutions have a way of not *really* shifting."

Congress's generosity is one important reason Mueller may be able to have it all. After the terrorist attacks, lawmakers quickly authorized money to hire 966 new FBI agents this year, including spending to replace the 435 agents who are leaving the force. This may allow Mueller to keep some of his agents happy by letting them chase bank robbers and drug dealers—which they love doing—even as he devotes more resources to counterterrorism. Despite this bounty, however, "there will be changes," warns a bureau official. "There is a tendency to do street-level crime. They won't have the latitude to do that kind of stuff." For example, G-men won't be solving any more "note jobs"—the classic cases where an unarmed robber passes a note through a bank teller's window and simply demands money.

Drug fighting will take the biggest hit. The FBI drug budget skyrocketed 76 percent, from $278 million in 1993 to $489 million last year. But the budget for 2002 has plunged 35 percent, to $320 million, back to 1994 levels. Jack Lawn, a 20-year FBI veteran and retired head of the Drug Enforcement Administration, says Mueller has no choice but to redirect experienced narcotics agents to the fight on terror. It would take years to train new agents to conduct such sophisticated investigations; rookies typically track stolen cars across state lines. But Lawn says shifting veteran narcotics agents will hurt the drug fight. "I know in 1993, with the first attack on the World Trade Center, everyone was working just on terrorist incidents," says Lawn. "After 9/11, same thing. But drug law enforcement needs to be constant." Lawn believes that the DEA should have been given sole jurisdiction of the narcotics beat long ago, something the FBI always resisted—and continues to resist, even under Mueller.

Precisely how many agents working drug-related and street-crime cases will be reassigned is still unclear, even to Mueller's aides. The answer is at the heart of a deep philosophical divide between FBI agents and their supervisors on the one side, and Ashcroft on the other—with Mueller caught in the middle. In theory, Mueller will allow field-office heads—known as special agents-in-charge, or SACs—to set their own priorities. But many SACs worry about having to gut cherished programs so that Mueller can round up enough agents from the field offices for the terror fight. "I think it's critical for the FBI to remain in those programs that have been at the heart and soul of the FBI's successes even while preventing terrorism," says Michael Rolince, who heads the criminal division of the Washington, D.C., field office and helped direct the 9/11 investigation at headquarters.

Mueller's first instinct was to kill the FBI's counternarcotics programs altogether. "He wanted to move a lot of bodies," says Rolince, "and there are a lot of bodies in drugs." Mueller believed that the DEA could fill the void. But FBI agents, as well as senior officials and police, convinced Mueller that if the FBI gave up its drug jurisdiction, it would sever valuable links used in the fight against organized crime, money laundering, and public corruption. They also reminded Mueller that the bureau plays a unique role when it uses federal racketeering statutes—once used against the Mafia—to target midlevel criminal gangs that distribute drugs and terrorize inner-city neighborhoods.

Riding shotgun. Such cases illustrate why Mueller is wary of fracturing these delicate and important relations between the FBI and local cops. There is no empirical evidence to show that these investigations reduce street crime, says University of Pennsylvania criminologist Lawrence Sherman. But FBI agents who work with local police say they cannot ignore the kinds of "urban terrorism" they witness. "These are the cases that rip your guts out," says Special Agent Daniel Reilly, a veteran of the Washington Safe Streets task force, one of 56 that help police across the country combat robbery rings and drug gangs. "At the end of the day," Reilly says, "at least you have some satisfaction because these are the kinds of victims who otherwise would never get any solace." And local police have come to count on an assist from the FBI. "Will the FBI get out of violent crime?" asks Wanda King, supervisory special agent of the D.C. task force. "We can't. We can't leave our partners behind."

In the end, the biggest change at Mueller's FBI won't be measured by cuts in one program or another. Instead, says Harp, the bureau's culture will be remade. From Mueller on down, the FBI must think about preventing crime first, then prosecuting it. "That means," says Harp, "bringing a case forward even when it feels premature by old standards." It also means, he says, "reacting quicker to all threats and warnings, not just the more serious ones." There are practical consequences to this change in approach. For example, in fiscal year 2000, the FBI investigated 90 anthrax hoaxes. Between September 11 and December 2001, it investigated 67,000, at enormous cost to taxpayers. Before September 11, the FBI would have been busy trying to build court cases against the more than 330 men captured in Afghanistan and held at Guantánamo Bay, Cuba. But now, building those cases is less important than gathering intelligence to protect U.S. forces and eliminating new threats, say officials. Harp adds that it's been a difficult new mind-set to acquire.

It is difficult, says John Martin, the Justice Department's former top spy catcher, because the message from Ashcroft—who was not a prosecutor—is confusing to agents trained to put criminals behind bars. Martin says Ashcroft's murky vision for the FBI reminds him of an apocryphal but oft-told story about J. Edgar Hoover. Hoover hated long memos. So a nervous typist crammed the details of a long and complex case into the margins. Hoover signed off on the document but chastised the typist: "Watch the borders!" FBI officials, accustomed to following the letter of Hoover's law, immediately dispatched agents to the Mexican and Canadian frontiers. Or so the story goes. "This is Ashcroft's 'watch the borders,' " chuckles Martin. "Nobody is quite sure what he means."

BIO

"Respected and feared"

BORN Aug. 7, 1944

FAMILY Married, two children

EDUCATION B.A., Princeton University, 1966; M.A., New York University; J.D., University of Virginia, 1973

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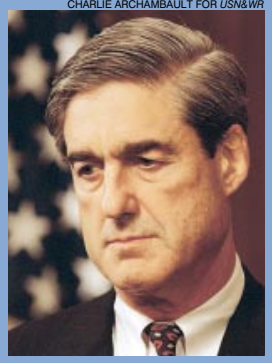

FBI Director Robert Mueller