

This copy is for your personal, non-commercial use only. Distribution and use of this material are governed by our Subscriber Agreement and by copyright law. For non-personal use or to order multiple copies, please contact Dow Jones Reprints at 1-800-843-0008 or visit www.djreprints.com.

<https://www.wsj.com/articles/how-robert-mueller-shredded-the-fbis-credibility-centralization-intelligence-investigation-crossfire-hurricane-bush-911-clinton-email-sussmann-11663173014>

OPINIONCOMMENTARY

How Robert Mueller Shredded the FBI's Credibility

His post-9/11 attempts to change the culture led to politicized investigations like Crossfire Hurricane.

is J. Baker

2:44 pm ET

Four days after 9/11, Robert Mueller was summoned to the presidential retreat at Camp David. It was little more than a week since he'd become director of the Federal Bureau of Investigation.

That Saturday morning, Mr. Mueller gave President George W. Bush the FBI's initial report on the attacks. The Pentagon/Twin Towers Bombing Investigation, or Penttbom, would become the largest ever conducted by the FBI. It had already identified the 19 hijackers as well as their roles, nationalities, travel documents and histories. The focus had turned to establishing links between the hijackers and al Qaeda.

Mr. Bush, wearing a leather bomber jacket, sat at the head of a big square conference table in the rustic oak cabin. Condoleezza Rice, the national security adviser, was at the president's right. Mr. Mueller, as he later acknowledged, was confident in the report. The FBI had done what it does best—investigate.

Expecting praise or thanks, Mr. Mueller was taken aback when the president interrupted him. “Bob, I expect the FBI to determine who was responsible for the attacks and to help bring them to justice,” he said. “What I want to know from you—today—is what the FBI is doing to prevent the next attack.” That same morning Central Intelligence Agency Director George Tenet presented a proposed plan of action. At the conclusion of Mr. Tenet's presentation, Mr. Bush exclaimed, “That's great.” He turned toward Mr. Mueller and said, “That's what I want to hear.” Mr. Mueller told me later that he felt humiliated.

After his experience at Camp David, for reasons that might have seemed justified at the time, Mr. Mueller resolutely set about to change the “culture” of the FBI. That's the word he used.

He was going to make the bureau into an intelligence agency, or in his repeated terminology, an “intelligence driven” organization. Unintended consequences followed. The organization I had served for 33 years would undergo a cultural change in subsequent years, culminating in the ugly disaster of Crossfire Hurricane, the fruitless but disruptive investigation of the Trump campaign and Russia.

As a federal prosecutor, Mr. Mueller had worked with FBI special agents in Boston and San Francisco, but he didn't know the FBI's culture or how it functioned. He also displayed disdain for the special agents in charge of each of the FBI's 50-plus field offices.

Mr. Mueller didn't understand the FBI's office-of-origin system, which has been in use for nearly a century. On a typical case, an office of origin would run things, sending out leads to other field offices who'd track them down and report back. In the case of the 9/11 attacks, the logical office of origin would have been the New York or Washington field office. Both had experienced international squads. New York had the investigative capacity, it was near Ground Zero, and up to then had been the office of origin for the entire al Qaeda case.

But Mr. Mueller wanted centralization. He wanted all information to run through FBI headquarters, which would make all the decisions. Mr. Mueller's predecessor, Louis Freeh, who started his career as a field agent, strongly believed in empowering the field offices. Not Mr. Mueller, who accelerated centralization; he also believed special agents in charge presided over their territories like dukes. His words.

Penttbom would thus become the first case in FBI history run from headquarters. It set a bad precedent, which would yield poisonous fruit in the Hillary Clinton email investigation and then in the Russian collusion fiasco, when a small clique at headquarters called all the shots.

Mr. Mueller made other moves to change the FBI's culture, which had negative consequences. Replacing agent executives, he brought in outside professionals to take over key headquarters positions—perhaps enhancing short-term technical proficiency in those positions but losing long-term commitment and an invaluable knowledge of the institution and its culture. The outsiders didn't have the institutional knowledge of career agents.

During the directorships of Mr. Mueller and his successor, James Comey, nonagents ran the FBI's public-affairs and congressional-affairs offices and served as its general counsel. These are precisely the positions in which the ugliness of Crossfire Hurricane and its aftermath eventually manifested itself. As the trial of Clinton lawyer Michael Sussmann demonstrated, FBI General Counsel James Baker, a nonagent, accepted misdirection from Mr. Sussmann,

causing the bureau to chase the fabricated Alfa Bank connection. A special agent would have known better how to interview Mr. Sussmann.

The change in FBI culture initiated by Mr. Mueller after his September 2001 experience with Mr. Bush led directly to today's problematic FBI. Director Christopher Wray, or his successor, must turn the FBI back into a "swear to tell the truth" law enforcement agency.

Mr. Baker is a retired FBI special agent and legal attaché and author of "The Fall of the FBI: How a Once Great Agency Became a Threat to Democracy," forthcoming in December.



Appeared in the September 15, 2022, print edition as 'How Robert Mueller Shredded the FBI's Credibility'.