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Legal concerns make the CIA 'risk averse'

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Second of three parts

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Bill Gertz, defense and national security reporter for The Washington Times, in his new book, "Breakdown" (Regnery Publishing), details pervasive intelligence problems that allowed the United States to be blindsided by Islamist terrorists on September 11.

The National Security Agency flagged the intercepted electronic communication from Iran as an urgent message. The next day, its contents were on the desk of White House National Security Adviser Anthony Lake.

The Iranian message said the CIA, using the White House National Security Council as cover, was planning to assassinate Iraqi dictator Saddam Hussein. The plot, it said, was being hatched by a CIA officer working in northern Iraq under the code name Robert Pope.

The top-secret report detailed a message snatched from the air by NSA's worldwide network of electronic eavesdropping stations after it was sent from the Iranian Ministry of Intelligence and Security in Tehran to a foreign station.

A furious Mr. Lake assumed the information was accurate, and that the CIA was moving against Saddam on its own. He called President Clinton and said he needed to see him right away. Inside the Oval Office, the national security adviser waved the NSA report at the president and shouted: "How can I run foreign policy with the CIA running rogue coups?"

Mr. Clinton advised Mr. Lake to ask the FBI to start an investigation. Mr. Lake telephoned FBI Director Louis Freeh, who obediently pursued the request.

It was March 1, 1995. Several weeks later the CIA recalled clandestine service officer Robert Baer, one of its few Arabic-speaking case officers, to agency headquarters in Langley. Mr. Baer was pulled home from a covert operation in northern Iraq backing opponents of Saddam, an operation that the CIA hoped would lead to a coup in Baghdad.

His supervisor, Fred Turco, informed Mr. Baer that two FBI agents were waiting to talk to him. "We're conducting an investigation of you for suspicion of attempting to assassinate Saddam Hussein," one agent told the astonished CIA officer.

The Bob Baer case illustrates how the Central Intelligence Agency is no

longer "central" or an "intelligence" agency, but very much an agency of government in the worst sense of the term - where preservation of its budget takes precedence over its performance.

What matters to the well-informed, highly trained Mr. Baer after September 11 is not how he became a whipping boy for Anthony Lake. What matters is how a vindictive CIA bureaucracy later ignored intelligence on Osama bin Laden's al Qaeda terrorists that Mr. Baer urgently supplied after leaving the agency and writing a book about it.

The FBI investigation of Mr. Baer was not frivolous. Assassination of foreign officials is prohibited by a presidential executive order dating to the 1970s. Every CIA officer sent to the field must sign a statement confirming that he understands the prohibition.

But the Clinton Justice Department decided to investigate Mr. Baer, then a 19-year CIA veteran, for more than violating an executive order. He faced prosecution under a federal murder-for-hire statute.

The intercepted message turned out to be false information from the Iranians. The fact that a U.S. national security adviser trusted the Iranian government over the CIA, however, showed the low regard for that service held by Mr. Clinton and top advisers.

Mr. Baer explained to the FBI that he was not "Robert Pope," and that the Iranian assertion of an assassination attempt against Saddam was a lie. But it would take until April 1996, more than a year later, before the Justice Department would issue a "declination" letter stating that it would not prosecute one of the CIA's best field officers. Mr. Baer was cleared only after agreeing to take a lie-detector test.

The CIA did not come to the defense of its agent, an FBI official said. In fact, it was the FBI that warned Justice Department lawyers that the Baer investigation could be devastating for morale. But a CIA less concerned with results than political correctness had come to accept such probes as routine.

"Look, Bob, you've been overseas for almost 20 years," CIA lawyer Rob Davis told Mr. Baer. "Washington really has changed a lot. These kinds of investigations go on all the time now."

Lawyers, not spies

The CIA had years to penetrate the inner circle of bin Laden's al Qaeda network before the attacks of September 11. It had years to try to work successfully with other Middle Eastern intelligence services that managed to get fairly close. But the CIA failed.

And today's CIA sends scores of new officers into the field under the same failed, risk-avoiding policies that left the spy agency blind to and ignorant of the September 11 terrorist attacks.

Case officers, those who are supposed to conduct espionage operations,

routinely file embassy-based reports to Washington instead of working the streets and befriending terrorists (or at least their friends and supporters).

"All this pads reporting volume and builds careers," one intelligence professional in the U.S. government says. "And yet we will have no new assets, we will not have penetrated the hard targets and we will not know more about anything central to our national interest. But the political people - most of them anyway - will not understand this, or want to understand it."

A 20-year-old Islamic convert from California, John Walker Lindh, was able to join the Taliban in Afghanistan. Why is it that the CIA did not have a single agent or case officer working inside Afghanistan - let alone in the Taliban or al Qaeda?

CIA Director George J. Tenet, promoted to the job by Mr. Clinton in 1997 after two years as deputy director despite no professional training as an intelligence officer, said after September 11 that his agency had "a huge asset base" in Afghanistan before the attacks. More likely the CIA had one or two sources.

Lawyers, not field agents, are the pervasive force inside the CIA, as in any other Washington bureaucracy. Lawyers accompany agents in the field to make sure the government won't be sued for their actions. Indeed, the CIA seems to fear its own.

The CIA doesn't like specialists or Arabic-speaking officers who get "too close to the Arabs," or agents who get too close to foreigners in general, Mr. Baer says.

"Unless one of bin Laden's foot soldiers walks through the door of a U.S. consulate or embassy, the odds that a CIA counterterrorist officer will ever see one are extremely poor," former senior CIA officer Reuel Marc Gerech warned months before September 11.

Mr. Gerech quit the Directorate of Operations in frustration after nine years as a Middle East specialist. Officials were extremely "risk averse," he says, and refused to go after bin Laden in any serious way.

His overall conclusion, again months before September 11: "America's counterterrorism program in the Middle East and its environs is a myth."

Ignoring a cover-up

Twenty months after the FBI cleared him, on a cold night in December 1997, Mr. Baer met near the Syrian-Lebanese border with a former chief of police in the Persian Gulf sheikdom of Qatar.

The former police chief, exiled for antigovernment activities, told Mr. Baer that his government had uncovered a cell of al Qaeda terrorists. He said two of them, Shawqi Islambuli and Khalid Shaykh Muhammad, were identified as experts in airplane hijackings. The two were linked to Ramzi Yousef, another al Qaeda terrorist who was wanted by the FBI in connection with an airline

bombing.

The FBI contacted the Qatari government, which agreed to turn over the terrorists. But when a team of FBI agents arrived in Doha, the capital, authorities sent the agents to a hotel and instructed them to wait while the Qataris "put the handcuffs on," the police official told Mr. Baer.

"The Qataris say, 'We'll go get the guy,'" Mr. Baer recalls. "They come back 24 hours later and say, 'Gee, the house is empty.' It had obviously been ransacked, cleared of the documents."

The account by the former Qatari police chief exposed how the Doha government was working against U.S. efforts to catch Islamic terrorists.

The exiled police official said the government minister in charge of religious affairs arranged for the two terrorists to flee the country. They were provided with passports and travel expenses and sent to Prague, in the Czech Republic. The ringleader, Khalid Shaykh Muhammad, then set up shop to continue terror operations under the name Mustaf Nasir.

Mr. Baer, who by this time had left the CIA, recognized that the Qatari exile's account was an important piece of intelligence that could be useful in stopping the al Qaeda network.

"Here's a local country in the Gulf, one of our allies, covering up bin Laden terrorism in '95, '96," Mr. Baer said.

The CIA veteran did the right thing. He sent an e-mail to a friend at the CIA, who forwarded it to the agency's Counterterrorist Center.

"Nobody called me back," Mr. Baer says. "Nobody sent me an e-mail. There was just no interest. So I'm out of the business, and I shut my mouth. I don't know what's going on."

Mr. Baer had no explanation for why the CIA failed to act on intelligence of Qatari support for Islamic terrorists. But he figured out what happened.

"I'm in Beirut; I'm the only one meeting people like this," he says. "I don't work for the CIA anymore. The mentality is that, 'Well, Bob Baer is out and he left in a huff. Even though he got an intelligence medal, we're not going to listen to him.'"

Conflict of interest

The source of the intelligence did not fare well. The former Qatari police chief apparently got "burned," as they say in the spy business. He disappeared and was presumed kidnapped by the Qataris.

Did the CIA turn on the source to protect its relationship with the Qatari government? The answer probably is yes.

The politics of Qatar and Washington are complex, and intelligence linking

the Qatari government to bin Laden was ignored because of U.S. military concerns.

The Pentagon operates a secret air base in Qatar, Al Adid, that could be used for military action against Iraq. Al Adid, one of the largest such bases in the Gulf region, includes storage facilities for 100 warplanes and a 15,000-foot runway capable of accommodating the largest U.S. bombers, such as the B-52 and B-1.

The air base, built at a cost of \$1.5 billion, was constructed under an agreement with the Qatari government reached after an April 2000 visit by Mr. Clinton's defense secretary, William Cohen. Qatar also is used to house "pre-positioned" equipment for the U.S. military, enough for a heavy brigade of several thousand troops.

Mr. Baer gathered more valuable information that U.S. intelligence officials ignored.

In the summer of 2001, he and another former CIA officer struck gold in Qatar: a list of some 600 known Islamic extremists linked to bin Laden and operating inside Saudi Arabia and Yemen. They also learned that Yemen was covering up information on the October 2000 bombing of the USS Cole in Aden harbor.

Mr. Baer met with a Saudi official in Switzerland and gave him the list of names on a computer printout. The Saudi official never got back to him.

The list contained the names of 10 al Qaeda members living in Qatar who, after September 11, would be placed on the FBI's list of most-wanted terrorists.

Mr. Baer provided the same 600 names to a senior CIA officer, who passed them along to the Counterterrorist Center. Mr. Baer also faxed his new information about the Cole bombing to the CIA - to no avail.

"The CIA turned off free leads and information only because it did not like the source," Mr. Baer says, referring to himself.

The task ahead

The CIA made little headway in Iraq. Its operations against Saddam after the Persian Gulf war amounted to a dismal display of ineptitude, timidity and failure highlighting the vaunted spy agency's modern shortcomings, says foreign policy and intelligence consultant Randy Scheunemann.

"Coup plots were uncovered. Assets were killed. Sensitive equipment was lost," says Mr. Scheunemann, a former aide to Republican Senate leaders Bob Dole and Trent Lott whose proposed reforms at the CIA include repeal of the assassination ban. "The most promising venture - an umbrella coalition under the Iraqi National Congress (INC) - was first supported, then undermined, and, ultimately, abandoned by the CIA."

The CIA revived its efforts to oust the Iraqi dictator after September 11.

"Even today, CIA personnel spend more energy criticizing the INC than they do subverting Saddam Hussein," Mr. Scheunemann says.

"Running operations in the Soviet Union and Warsaw Pact was exceedingly difficult," he says of the CIA's Cold War glory days. "But the task of implementing operations that will disrupt and destroy terrorist networks and undermine their state sponsors is far more daunting."

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