

These new rules, however, did not make major changes in the 1995 guidelines, and were clearly insufficient to change the institutional culture that had developed within the FBI and the Justice Department around what was now the virtually unchallenged conventional wisdom of the “no coordination” myth. Investigators working before September 11 to get to the bottom of alarming terrorist cases such as those of Khalid al-Mihdhar, Nawaf al-Hazmi, and Zacarias Moussaoui repeatedly ran into the “Wall” and its institutional side-effects: an investigative culture positively allergic to LEA/IC information-sharing and coordination, and remarkably ignorant about how much such cooperation was actually allowed.

FBI special agents in the New York Field office working on the Bureau’s investigation of the bombing of the Navy destroyer *USS Cole* by Al-Qa’ida, for instance, met with CIA officials in June 2001 in an effort to obtain information. At this point, the CIA knew both that al-Mihdhar and al-Hazmi were linked to a prime suspect in the *Cole* attack *and* that they were both in the United States, but it refused to give the FBI this information. Former CIA CTC chief Cofer Black later testified before Congress that the CIA’s refusal to tell the FBI about these two terrorists loose in the United States had been entirely consistent with “rules against contaminating criminal investigators with intelligence information.”⁹⁷ As one of the FBI agents involved in this episode put it,

“‘[t]he Wall’, and implied, interpreted, created or assumed restrictions regarding it, prevented myself [sic] and other FBI agents working a criminal case out of the New York Field Office

⁹⁷ Cofer Black, written statement presented to joint SSCI/HPSCI hearing (September 26, 2002), at 3.