

AN INTERESTING FEW DAYS FOR AL-AWLAKI

Earlier today, bmaz and I asked a series of questions about the significance of Anwar al-Awlaki's name on the list of US citizens who can be assassinated with no due process.

bmaz: So, the US can put Awlaki on a list for death by assassination, but couldn't, and apparently still cannot, form the basis to prosecute him criminally??

ew: And cannot prosecute him having had a tap on his phones going back—at the very least—at least a year?

ew: I wonder if [the targeting of Awlaki] is what happened to the William Webster inquiry into Awlaki's communications with Nidal Hasan?

Today, Declassified blog's Mark Coatney asked a related question that I had earlier raised: Why was the Administration, immediately, so chatty about the Underwear Bomber, even while it remains very close-lipped about Nidal Hasan? (The Administration—though not, apparently, Webster—was supposed to brief the Intelligence Committees on the Hasan investigation today, which I guess makes it safe to assume Dana Priest's article came up in the briefing, if Congress didn't already know about the assassinations of American citizens.)

Capitol Hill officials say that the Obama White House and relevant government agencies have been very cooperative in supplying congressional oversight committees with a torrent of information—both raw intelligence and law-enforcement material and results of internal administration inquiries—about alleged would-be Christmas Day underpants airplane bomber Umar Farouk

Abdulmutallab. President Obama and other senior administration officials have said that in the months before Abdulmutallab boarded his flight from Amsterdam to Detroit, U.S. agencies had collected various “bits and pieces” of intelligence, which, had they been properly knitted together, might well have enabled U.S. authorities to foil Abdulmutallab’s attempted airplane bombing before he boarded his flight.

By contrast, the same officials allege that the administration has been relatively tightfisted with information, both from raw intelligence and law-enforcement files and from postmassacre investigations, on the background of the accused Fort Hood shooter. Congressional officials say they don’t know why the administration has been more reticent about Fort Hood than about the failed underpants attack, but that the contrast between how the cases have been treated up until now has been striking.

I’m glad I wasn’t the only one noticing the disparity in treatment of the two extremists.

More interesting than the confirmation that I’m not crazy in seeing the disparity, though, is the timeline revealed in several recent details on Al-Awlaki.

December 17, 2008: Nidal Hasan sends first email to al-Awlaki “asking for an edict regarding the [possibility] of a Muslim soldier killing his colleagues who serve with him in the American army”

November 5, 2009: Hasan killings in Ft. Hood

November 8, 2009: Al-Awlaki blesses Hasan’s killings

November 19, 2009: Underwear Bomber Umar Farouk Abdulmutallab’s father alerts US

embassy of his concerns about his son

December 4, 2009: Abdulmutallab leaves Yemen, having met with al Qaeda Arabian Peninsula members, possibly including al-Awlaki

December 22, 2009: FBI Deputy Director John Pistole provides classified briefing to Senate Homeland Security Committee on Fort Hood

December 23 (?), 2009: Al-Awlaki does interview with al-Jazeera that is subsequently posted to many jihadi forums

December 24, 2009: Strike in Yemen mistakenly thought to have hit al-Awlaki

December 25, 2009: Abdulmutallab attempts to blow up plane outside of Detroit

December 26, 2009: Crazy Pete Hoekstra says there may have been ties between al-Awlaki and Abdulmutallab

After December 24 but before end of 2009: Al-Awlaki added to JSOC list of those to be killed or captured

December 29: Moonie Times reports that al-Awlaki blessed Abdulmutallab's plot beforehand (based on intelligence source)

If you match this timeline with the assertion that Awlaki had some tie with Abdulmutallab and that he was placed on the assassination list(s) just after Abdulmutallab's attempted attack, then it seems clear that, after al-Awlaki's ties to Hasan became clear, and after the attempted attack in Detroit, the Obama Administration almost immediately placed him on the list. (Note, ABC had one of those dubious Brian Ross pieces on Monday claiming that Al-Awlaki was not yet on the assassination list, and that that was why he had not yet been taken out; that may be

why Senior Administration Officials were telling Priest that he **was** on the list for today's article.)

That established, let's go back to bmaz and my questions: I'm not so much interested, now, in how they justified placing him on the assassination list (though that's obviously still a huge legal issue). Rather, I'm curious how the over a year of intercepts of Al-Awlaki's communications played into both the lack of attention on Hasan and Abdulmutallab, as well as the quick placement of Al-Awlaki on the assassination list after the attempted Christmas bombing. After all, if Awlaki was such a threat before Hasan's attack on November 5, why weren't officials watching him more closely—closely enough to pick up his purported (and less well-proven) role in Abdulmutallab's preparations? But if there wasn't anything that damning, then how was it so easy to move Al-Awlaki to the assassination list just after the Christmas bombing attempt? Or is it simply that officials became aware of Al-Awlaki's ties to Abdulmutallab from the latter's testimony here in Detroit?

All of which is just an elaborate way of saying their high-falutin' surveillance is not working. If, after the Hasan connection, they couldn't keep track of al-Awlaki well enough to have an eye on Abdulmultallab, it's not doing what it should be (even while our privacy is being sacrificed in the process).

And al-Awlaki, for his part, is rubbing it in. Here's al-Jazeera's follow-up to Al-Awlaki's description of Hasan's email about whether a Muslim soldier could kill his American colleagues.

Q: "So he asked you that question about a year before the operation was carried out?"

A: "Yes. And I wondered how the American security agencies, who claim to be able to read car license plate numbers from space, everywhere in the world, I wondered how

[they did not reveal this].”

Which may get us back to Administration’s reluctance to give more information on Hasan (and therefore, earlier intercepts from al-Awlaki) to Congress.

Now Declassified’s Coatney makes it clear that Congress has gotten many of the intercepts. And, interestingly, al-Awlaki gives fairly detailed—and, according to Coatney’s sources—accurate—descriptions of some, but not all, of the emails Hasan sent him in his al-Jazeera interview.

People familiar with the contents of the secret NSA versions of al-Awlaki–Hasan messages say that the messages described by al-Awlaki in the Al-Jazeera interview do exist and that he describes them accurately, though in the interview he does not describe all the messages that NSA intercepted.

Which leads to al-Awlaki’s accusation that the Administration (not al-Jazeera) is burying the remainder of the emails.

In the interview, al-Awlaki accuses the U.S. government of trying to suppress his correspondence with Hasan and says he has provided Al-Jazeera with copies of the exchange of messages. To date, however, the Web site has not published any of the messages verbatim. The news organization did not reply to a NEWSWEEK e-mail requesting access to the materials, although a reporter involved in the story at one point suggested that he might be willing to share the messages in return for payment, which NEWSWEEK declined.

Like I said, al-Awlaki seems to be rubbing in the fact that US surveillance, though it picked up all these emails, did not prevent the Hasan attack. And remember, this Al-Awlaki interview

was just days before the attempted strike on him in Yemen and Abdulmutallab's attempted strike in Detroit, quite literally when Abdulmutallab was already en route.

All of which doesn't answer my questions. But does leave me with the lurking suspicion that the Administration is tight-lipped about Hasan's ties to al-Awlaki—even while boasting that it aims to assassinate the cleric—out of both a delayed alarm at his power and a sense of embarrassment that our great surveillance system doesn't serve the purpose it's supposed to.