

THE WARSAME MODEL

I'll have more to say about the unsealing of the Ahmed Warsame guilty plea as the week goes forward.

But for the moment I wanted to note a few details of this story describing how the government plans to use the Warsame case as a model for other alleged terrorists – captured, interrogated under law of war conditions for months, and then clean-teamed by the FBI for prosecution in US civilian courts.

Family affairs?

First, note the terse comment from Warsame's attorney:

Priya Chaudhry, an attorney for Warsame, said she could not comment on his cooperation. She said she was "working very hard to keep his family safe," adding that the U.S. government was helping.

The impression I've gotten from my scant access to the coverage of this case is that this concept – our promise to keep Warsame's family safe as one reason he cooperated – has been interpreted as keeping the family safe from al Qaeda associates. And the plea agreement actually talks about the Witness Security Program, suggesting Warsame's family could be resettled in the US or elsewhere in exchange for his cooperation. Kudos to us if we in fact used Warsame's family solely as some guarantee that his cooperation wouldn't get them killed.

But remember there's also been an increasing trend of using threats against family members to coerce cooperation from alleged terrorists and the like, from the kidnapping of Khalid Sheikh Mohammed's kids to the detention of Faisal Shahzad's family. Given that history, I'd suggest we might ask whether we're protecting Warsame's family from al-Shabaab or from the US?

I look forward to learning more about this, because if the US has finally returned to using carrots as well as – or even better, when innocent family members are involved, instead of – threats against the family, that would be a worthwhile development. But in the very recent past – indeed, even since Warsame’s capture – we have preferred to use threats.

Magic Awlaki information

I’m also interested by the timing of the unsealing of the Warsame plea.

The timing of the unsealing may be most closely connected to the sentencing of Mohamed Ibrahim Ahmed, a Somali-Swede who was sentenced to nine-plus years on Wednesday for materially supporting al Shabaab. Warsame would have testified against Ahmed if his case had gone to trial, though that was made clear before Ahmed himself plead guilty last June, so it’s not new information. As Ahmed’s attorney Sabrina Shroff describes, “It’s like you’re using the consigliere as a snitch against the soldier.” But because the revelation of the unsealing and the Ahmed’s sentencing coincided, it provides an easy way for the government to point to tangible intelligence that Warsame had provided, against however minimal a target.

Nevertheless, I wonder if this news flash doesn’t tie to the government’s efforts to lay out a case against Awlaki (and the still promised talk from the President about drones, and presumably Awlaki’s targeting).

If I’m not mistaken, the first we explicitly heard of Warsame implicating AQAP members comes from the NYT Awlaki production, which described Warsame providing intelligence on Samir Khan.

In April 2011, the United States captured Ahmed Abdulkadir Warsame, a Somali man who worked closely with the Qaeda affiliate in Yemen. He was held aboard a naval vessel for more than two months and spoke freely to interrogators, including about his

encounters with the former North Carolina man now editing the group's magazine, Samir Khan.

While the United States had long tracked Mr. Khan, the new details from the Warsame interrogation raised the question of whether another American citizen should be considered for targeting. There was still scant evidence tying Mr. Khan to any specific plot, so the administration left him off the list. But events would not turn out so neatly.

Note what that information amounted to: nothing tying Khan to any plot, still nothing indicating he was operational. Indeed, if Khan had been rendered rather than killed, Warsame's failure to tie Khan to operations might have counted as exonerating information.

Now, the WaPo story reveals that Warsame also provided intelligence on Awlaki.

He also provided information about Awlaki, who had become a major target for a capture or kill operation after he was tied to an attempt to bring down a commercial aircraft over Detroit. "He was a guy who was in fairly regular contact with Awlaki and talked about his contacts with Awlaki and Awlaki's patterns of life," said the former administration official.

But again, neither the WaPo nor the earlier NYT (which relied on information about Warsame's interrogations) describes information implicating Awlaki. Rather, the WaPo seems to imply Warsame helped to track down Awlaki (remember: Awlaki had a near miss in May 2011, a month after Warsame's capture).

All that said, I wouldn't be surprised if we got magical leaks in upcoming days stating that Warsame did provide intelligence against Awlaki

in 2011. That would add something to the government narrative they currently utterly lack – any reasonably fresh intelligence against Awlaki at the time he was killed, rather than the 12 and 20-month old and problematic intelligence tied to the toner cartridge and underwear bomb plots. It would also give us something they don't otherwise have: someone who would have testified against Awlaki.

The NYT case against Awlaki not only had significant holes and slanted coverage, but there are further problems with the Umar Farouk Abdulmutallab intelligence I hope to lay out going forward. Ultimately, just weeks after Awlaki's death the government went forward with a conspiracy charge against Abdulmutallab but never (as far as we know) indicted the guy they much later claimed was the key driver of that conspiracy, Awlaki. That says something about the confidence they had in the case against Awlaki even as they killed him, at least as it related to the underwear bomb plot.

Which is why, if Warsame did provide more viable intelligence against Awlaki, I expect we'll be hearing about it in upcoming weeks.