

TWO WMD TERRORISTS, THE PRESIDENT'S DAILY BRIEFING, AND LONE WOLVES

This Time article is designed to be a swan song to Robert Mueller's career; it builds over almost 6,500 words to the conclusion that, "Most people inside the bureau believe that the blown opportunities to head off 9/11 would not recur today." Mueller, the article suggests, has fixed the problems that led the FBI to miss 9/11.

But a number of details make the article well worth a very close read. For example, it:

- Provides an example of the kinds of things that make it into Mueller's daily brief
- Describes how Mueller almost quit when the White House ordered the FBI to return materials seized from William Jefferson's congressional office
- Describes one of Mueller's futile attempts to get our supposed partner in the war on terror, President Ali Abdullah Saleh, to arrest Jamal al-Badawi, the USS Cole bomber

Of particular interest, though, is the article's description of the FBI's parallel tracking of two alleged WMD terrorists: the Saudi Khalid Ali-M Aldawsari and the white supremacist Kevin William Harpham.

Two men, 1,300 miles apart, had

Mueller's attention when he convened his operations brief on Feb. 17. Khalid Ali-M Aldawsari, a 20-year-old Saudi national, studied chemical engineering at Texas Tech University. Kevin William Harpham, 36, an unemployed Army veteran and avowed white supremacist, lived in a small town near Spokane. On this day the FBI's interest was a closely guarded secret, but indictments to come would allege that the two men were behind separate plots to set off powerful homemade bombs. Until recently, the FBI had not heard of either man.

The Spokane attack struck without warning on Jan. 17. Shortly before the start of Spokane's Martin Luther King Jr. Day parade, city workers found an abandoned backpack along the route. Inside was an explosive core laced with rat poison – an anticoagulant – and surrounded by lead fishing weights. A remote car starter and cell-phone parts were mated in a detonation circuit. The FBI lab in Quantico, Va., recovered DNA, but there was no suspect to test for a match.

Good luck and shoe leather led the FBI to Aldawsari, the Saudi student. One of the trip-wire programs rolled out after 9/11 invited vendors of hazardous goods to report unusual purchases to the feds. Aldawsari went undetected at first as he acquired the ingredients of TNP, an explosive used in World War I artillery shells. Amazon.com filled an order for 3 gal. of concentrated sulfuric acid, and the Georgia-based QualiChem Technologies shipped 10 boxes of nitric acid to a FedEx mail drop. Neither reported the buys. Aldawsari also dodged a student-visa review after flunking out of Texas Tech. Only on Feb. 1, when he ordered phenol, his last ingredient, did Aldawsari trip an alarm. Carolina

Biological Supply tipped the FBI's Charlotte, N.C., field office, and Con-Way Freight, where Aldawsari planned to take delivery, sent word to the Dallas field office by way of the Lubbock police.

By showing the parallel pursuit, Time reveals something disturbing about our country's pursuit of terrorists. While the President gets briefed on suspected Islamic terrorists, he doesn't get briefed on suspected right wing terrorists.

Harpham's plot, if the allegations prove true, turned out to be the more advanced. He had built a powerful bomb and placed it, for maximum carnage, atop a metal bench with a brick wall behind it to focus the blast. The half-complete work of Aldawsari, an Arab whose jihadi aims fit the popular image of a terrorist, received far more public attention. More than a year ago, Mueller raised some eyebrows when he testified that "homegrown and lone-wolf extremists pose an equally serious threat." But that message did not take root in the body politic or even in the national-security establishment. As the FBI chased the twin terrorist plots all through February, President Obama's team heard daily reports about Aldawsari's case but not Harpham's. Some of Mueller's lieutenants marveled at the contrast.

Domestic plots are not routinely included in the President's daily briefing or the interagency threat matrix, an FBI official says, even though "the degree of harm is often greater" than in jihadi terrorist plots.

This is a troubling revelation, particularly in an article that concludes the FBI would have prevented 9/11. It suggests that the FBI—and the

President—might still miss a similar attack launched by the next Timothy McVeigh. Billions of dollars and an entire shift of focus, and yet we're still not watching white terrorists as closely as we watch brown ones.

And on the subject of terrorism investigation, the Time article explains—but does not emphasize—an important detail about the investigation of Aldawsari. As I noted when he was arrested, he was the perfect candidate for a Lone Wolf warrant. He was a non-resident alien and when we got a lead on him he appeared to be (and in fact turned out to be) acting alone. He's just the kind of self-radicalized non-US person whom the PATRIOT Act's Lone Wolf provision is meant to target. But, as Acting head of DOJ's National Security Division Todd Hinnen revealed to Congress in March, we didn't use the Lone Wolf provision to investigate Aldawsari. Time provides some details about what we did use.

When Mueller convened his executive team on Feb. 17, Aldawsari had been under a microscope for two weeks. Four shifts of agents watched the Saudi engineering student 24 hours a day. Vehicles equipped with StingRay transceivers followed him around greater Dallas, recording his cell-phone calls. Agents had slipped secretly into Aldawsari's apartment, armed with a warrant from the Foreign Intelligence Surveillance Court. They inventoried his chemicals, cloned his computer drive and copied a journal handwritten in Arabic.

Hours before that morning's briefing, Aldawsari had published a blog post alluding to a special celebration of his upcoming 21st birthday. One of his handwritten journal entries, according to a hasty FBI translation, said, "And now, after mastering the English language, learning how to build explosives and continuous planning to

target the infidel Americans, it is time for jihad.”

[snip]

In Lubbock, the team that searched Aldawsari’s apartment had been interrupted and did not have time to learn whether he had unpacked his chemicals or whether he had the makings for a high explosive that required no phenol. The hasty retreat also left a gap in electronic surveillance, which nowadays has to include not only phone taps and pinhole cameras but voice-over-Internet, social-network messaging and online-gaming consoles. The Texas plot was unfolding across three e-mail addresses, which sent one another lists of “targets” and “nice targets” and directions for handling TNP. Was it one man? Two? Three?

The search team had to get back in. Mueller had no patience for explanations that agents were doing “pattern-of-life analysis” to find an opening. “You’re not getting it done,” Mueller said. “What are you going to do about it?” Later that day, the sneak-and-peek squad got it done. Then the investigators solved the mystery of the three e-mail addresses: Aldawsari was using all of them, they concluded, to send notes to himself.

While this passage doesn’t explain all of the warrants (or lack thereof) the FBI used to investigate Aldawsari, it’s clear they were able to get a Sneak and Peek warrant (as well as, presumably, warrants to wiretap his communications) without having to resort to the Lone Wolf provision. That seems to support the argument of those like Julian Sanchez, that investigators have the tools they need to find someone like Aldawsari without continued approval of the Lone Wolf provision.

Besides, the Lone Wolf wouldn't be available to investigate the far more dangerous bomb used in the MLK Day attempt. Maybe we should focus on guarding against terrorist attacks by American citizens rather than trying to extend powers we don't need to investigate the non-citizens we're already scrutinizing closely.