

THE TRIP WIRES IN THE ANWAR AL-AWLAKI INVESTIGATION

Congressman Frank Wolf doesn't believe what the FBI told him during an August 1 hearing on the Webster report. He suspects that Anwar al-Awlaki was an informant for the FBI (or some other agency), something that FBI'd Executive Assistant Director for National Security denied. But evidence from the report about how the FBI dealt with the Awlaki wiretap as a "trip wire" makes it clear that even by 2009 the FBI wasn't using Awlaki's contacts as they had other extremists, like Hal Turner, to proactively generate new leads.

Frank Wolf suggests Awlaki was approached to be an informant

Now, Wolf's questions about Awlaki generally are based, in part, on intelligence sources—like the NYPD and Andrew McCarthy—that are suspect. And he seems confused about the line between loathsome radical speech and evidence of terrorist intent.

But he does ask worthwhile questions, notably the unexplained treatment of Awlaki after 9/11, particularly about suggestions that Awlaki may have been approached as an informant. Wolf starts by noting that in the last installment of Inspire [safe PDF courtesy of Jihadology], an article attributed to Awlaki revealed he had been approached to be an informant in 1996, shortly after San Diego authorities busted him in a—he claims—trumped up prostitution sting.

However, Awlaki's own words could potentially indicate otherwise. In his final column for Inspire, Awlaki wrote: "I was visited by two men who introduced themselves as officials with the US government (they did not specify which government organization they belonged to) and that they are interested in my

cooperation with them. When I asked what cooperation did they expect, they responded by saying that they are interested in having me liaise with them concerning the Muslim community in San Diego."

Wolf then notes that—at a time when Awlaki was under investigation, was on a terrorist watch list, and had a Diplomatic Security warrant out for his arrest for passport fraud—he was allowed to enter the country in October 2002.

The unclassified version of the Webster Commission report confirmed that around 2001, "WFO opened a full investigation" on Aulaqi, and it remained open until May 2003, after Aulaqi again fled the U.S. for the U.K. and, later, Yemen.

As noted above, NYPD reported that Aulaqi was placed on the federal government's Terror Watchlist in Summer 2002. Please explain why and how Aulaqi was permitted to board a flight to the U.S. in October 2002 if he was already included on the watchlist?

Additionally, if, as Mr. Giuliano testified, the FBI "knew [Aulaqi] was coming in" before he landed at JFK, what information was communicated to the U.S. attorney's office that would set off this strange series of events early in the morning of October 10? Please provide for the record the full series of communications between the FBI and the U.S. attorney's office and the customs office?

During the hearing, I raised the question of whether the FBI requested that Aulaqi be allowed into the country, without detention for the outstanding warrant, due to a parallel investigation regarding Aulaqi's former colleague al Timimi, a radical imam who was

recruiting American Muslims to terrorism. Notably, the Timimi case was being led by the same WFO agent who called the U.S. attorney's office and customs on the morning of October 10. Did WFO want Aulaqi released to assist in its investigation of Timimi?

Public records demonstrate a nexus between these cases. According to Schmidt's article, after flying to Washington on October 10, Aulaqi visited Timimi. Timimi's own attorney in a court filing wrote, "Aulaqi attempted to get al Timimi to discuss issues related to the recruitment of young Muslims," for jihad. "Timimi was sentenced in 2005 to life in prison for inciting young Muslims to go to Afghanistan after 9/11 and to wage war against the United States. Eleven of his followers were convicted of charges including weapons violations and aiding a terrorist organization."

Here's the Sue Schmidt article he references (which came out just weeks before the wiretap on Awlaki started); see also this article for background).

Wolf clearly suggests that Awlaki was (in spite of his denials in Inspire) an informant, at least in the years both before and after 9/11.

The Awlaki wiretap was not used as a "trip wire" until after the Hasan (and Abdulmutallab?) attacks

Now, I confess I've had similar suspicions about Awlaki's ties to the government, particularly in the years around 9/11. I've also wondered whether he—and to an even greater degree, Samir Khan—were used the way Hal Turner was with the right wing: as a radical propagandist the FBI could use to identify potential terrorists.

But the Webster report seems to confirm Awlaki didn't play such a role. In fact, potentially

radicalized people communicating with Awlaki were only incidentally tracked until after the attack(s) in 2009; the wiretap on Awlaki was not considered primarily a source of leads.

The report explains that when the Nidal Hasan emails were first intercepted the wiretap (which appears to have started on March 16, 2008) occasionally served as a “trip wire” identifying persons of potential interest. (Remember that bracketed comments are substitutions for redactions provided in the report itself.)

The Aulaqi [investigation] [redacted] also served as an occasional “trip wire” for identifying [redacted] persons of potential interest [redacted]. When SD-Agent or SD-Analyst identified such a person, their typical first step was to search DWS-EDMS [their database of intercepts] and other FBI databases for additional information [redacted]. If the [redacted] [person] was a U.S. Person or located in the U.S., SD-Agent might set a lead to the relevant FBI Field Office. If the information was believed valuable to the greater intelligence community and met one of the FBI’s intelligence-collection requirements, SD-Analyst would disseminate it outside the FBI in an IIR.

[snip]

On December 17, 2008, Nidal Hasan tripped the wire. (40-41)

But all of the “trip wire” leads that came from this wiretap up to this point were set as “Routine Discretionary Action” leads. (44) That’s how Hasan’s initial emails were also treated.

That said, at this point, the wiretap was not considered primarily as a source of leads; it was primarily about investigating the target, Awlaki.

San Diego's principal target was Aulaqi, and SD-Agent did not view the Hasan information as important to, or something that would further, the Aulaqi investigation. (45)

[snip]

San Diego's quarry was a known inspiration for violent extremists. SD-Agent and SD-Analyst believed he had [ambitions beyond radicalization] [redacted]. [Redacted] [Their] primary purpose was to use [redacted] [the investigation] to gather and, when appropriate, disseminate intelligence about Aulaqi [redacted]. The "trip wire" effect of [redacted] [the investigation in identifying other persons of potential interest] was, in SD-Agent's words, a "fringe benefit." Certainly it was not the purpose or focus of the [redacted] investigation. (75)

The Hasan attack (and presumably subsequent investigations, as well as the Umar Farouk Abdulmutallab attack) appears to have brought about a change in the way wiretaps like Awlaki's are treated. Now, such wiretaps—deemed Strategic Collections—will have additional follow-up and management oversight.

The Hasan matter shows that certain [redacted] [intelligence collections] [redacted] serve a dual role, providing intelligence on the target while also serving as a means of identifying otherwise unknown persons with potentially radical or violent intent or susceptibilities. The identification and designation of Strategic Collections [redacted] will allow the FBI to focus additional resources—and, when appropriate, those of [redacted] [other government agencies]—on collections most likely to serve as "trip wires." This will, in turn, increase the scrutiny of

information that is most likely to implicate persons in the process of violent radicalization—or, indeed, who have radicalized with violent intent. This will also provide Strategic Collections [redacted] with a significant element of program management, managed review, and quality control that was lacking in the pre-Fort Hood [review of information acquired in the Aulaqi investigation] [redacted].

If implemented prior to November 5, 2009, this process would have [redacted] [enhanced] the FBI's ability to [redacted] identify potential subjects for "trip wire" and other "standalone" counterterrorism assessments or investigations. (99)

Let me be clear: I'm not saying I think this is why Hasan escaped attention (though it may be why Abdulmutallab did). We missed Hasan largely because we missed the DOD knowledge about him personally that would have exposed how dangerous he had become. And I actually suspect I'd think the government was doing too much follow-up on people contacting radicalized Muslims now, if I knew the extent of it.

But I have to say I was surprised that the FBI wasn't already using this wiretap to more proactively generate leads of potential threats. Then again, it seems clear there was (and presumably still is) such a flood of material that may not be possible.