

2 AGENTS 3 HOURS A DAY WEREN'T REALLY READING ANWAR AL-AWLAKI'S EMAIL

Former CIA Deputy Director John McLaughlin wants you to believe the NSA wasn't really reading Anwar al-Awlaki's communications content, on whose emails (including the web-based ones) the NSA had a full-time tap at least as early as March 16, 2008.

In my experience, NSA analysts err on the side of caution before touching any data having to do with U.S. citizens. In 2010, at the request of then-Director of National Intelligence Dennis Blair, I chaired a panel investigating the intelligence community's failure to be aware of Umar Farouk Abdulmutallab, the "underwear bomber" who tried to blow up a commercial plane over Detroit on Dec. 25, 2009.

The overall report remains classified, but I can say that the government lost vital time because of the extraordinary care the NSA and others took in handling any data involving a "U.S. person." (Abdulmutallab, a Nigerian, was recruited and trained by the late Anwar al-Awlaki, a U.S. citizen based in Yemen.)

And maybe that's the case.

Except it doesn't seem to square with the report that two FBI Agents were spending 3 hours a day each reading Awlaki's mail. It doesn't seem to accord with the efforts those Agents made to chase down the Nidal Hasan lead – which, after all, infringed on the privacy of two American citizens, against one of whom probable cause had not been established. You'd think it would be

far easier to chase down the Abdulmutallab messages, particularly given what has been portrayed as more clearly operational content, given that Abdulmutallab would have gotten no protection as a US person.

Sure, those Agents complained about the “crushing” volume of the communications content they had to review every day, but that was a factor of volume, not any restrictions on reading FISA target Anwar al-Awlaki’s email.

Don’t get me wrong. I’m thrilled someone has raised Abdulmutallab in the context of assessing NSA’s dragnet, which I’ve been calling for since October.

UndieBomb 1.0 was the guy who was allegedly plotting out Jihad with Anwar al-Awlaki – whose communications the FBI had two guys reading – over things like chats and calls. That is, Umar Farouk Abdulmutallab was a guy whose plot the NSA and FBI should have thwarted before he got on a plane. (To say nothing of the CIA and NCTC’s fuck-ups.)

And yet, he got on that plane. His own incompetence and the quick work of passengers prevented that explosion, while a number of needles went unnoticed in the NSA’s most closely watched haystacks.

Nevertheless, the lesson DiFi takes is that we need more haystacks.

Shouldn’t the lessons of UndieBomb 1.0 be just as important to this debate as the partial, distorted, lessons of 9/11?

(I’ve also been wondering why Faisal Shahzad, who was getting instructions, including hawala notice, from known targets of drone strikes in Pakistan, before his attack, wasn’t identified by phone and Internet dragnet analysis as a person of interest through those contacts, though that may legitimately be because of

turmoil in both dragnet programs.)

But for McLaughlin's claims to be true then the description of the treatment of the Awlaki wiretaps in the Webster report on the Nidal Hasan investigation wouldn't seem to make sense.

By all means, let's hear what really happened back between 2008 and 2010, when the NSA missed multiple contacts with top AQAP targets and TTP targets and as a result missed two of the three main international terrorist attacks on this country since 9/11. That should be part of the debate.

But let's be very clear whether it was really limits on US person data, when we see FBI reading content of two US persons directly, or rather the sheer volume we're collecting (as well as the crappy computer systems FBI had in place in 2009) that caused the dragnet to fail.