

# ABOUT THAT FBI INVESTIGATION OF THE BENGHAZI ATTACK...

The NYT's Eric Schmitt reports that JSOC is preparing target packages for those who attacked the Benghazi consulate.

The American military's top-secret Joint Special Operations Command is preparing detailed information that could be used to kill or capture some of the militants suspected in the attack last month in Libya that killed Ambassador J. Christopher Stevens and three other Americans, senior military and counterterrorism officials said on Tuesday.

[snip]

It remained unclear precisely how many of the "target packages" are being prepared – perhaps a dozen or more – but military and counterterrorism officials said that the Libyan authorities had identified several suspected assailants based on witness accounts, video and other photographs from the scene.

"They are putting together information on where these individuals live, who their family members and their associates are, and their entire pattern of life," said one American official who has been briefed on the target planning now under way.

American intelligence-gathering assets – spies, satellite imagery, electronic-eavesdropping devices, among others – are finite, so counterterrorism authorities preparing the "target packages" must prioritize which militants in Benghazi – or elsewhere if they have fled the area since the attack

– need to be monitored on a nearly hour-by-hour, if not minute-by-minute, basis.

To help with this effort since the attacks, the Pentagon has increased the frequency of surveillance drones that fly over eastern Libya, collecting electronic intercepts, imagery and other information that could help planners compile their target lists. American intelligence agencies have assigned additional analysts to concentrate on the suspects. [my emphasis]

Schmitt doesn't breathe a word about this in yesterday's article, but four days before he wrote that JSOC article, he contributed to this article describing the FBI's difficulties investigating the attack.

Sixteen days after the death of four Americans in an attack on a United States diplomatic mission here, fears about the near-total lack of security have kept F.B.I. agents from visiting the scene of the killings and forced them to try to piece together the complicated crime from Tripoli, more than 400 miles away.

[snip]

The Libyan government has advised the F.B.I. that it cannot ensure the safety of the American investigators in Benghazi. So agents have been conducting interviews from afar, relying on local Libyan authorities to help identify and arrange meetings with witnesses to the attack and working closely with the Libyans to gauge the veracity of any of those accounts.

"There's a chance we never make it in there," said a senior law enforcement official.

Also hampering the investigation is fear

among Libyan witnesses about revealing their identities or accounts in front of Libyan guards protecting the American investigators, because the potential witnesses fear that other Libyans might reveal their participation and draw retribution from the attackers.

[snip]

Assigning culpability also complicates the American response. For now, the administration awaits the F.B.I. investigation and updated intelligence reports. President Obama has said the United States will bring to justice those responsible for the attacks. But there is little appetite in the White House to launch drone strikes or a Special Operations raid, like the one that killed Osama bin Laden, in yet another Muslim country. [my emphasis]

So I take it in the interim four days—particularly with Mitt’s team seeking to turn this into their Jimmy Carter plan—things have changed? We’ve gone from awaiting the results of an investigation to preparing target packages without that investigation? We’ve gone from having no stomach for launching drone strikes or JSOC raids to preparing targeting packages for such responses?

Now, I’m not saying that had they waited for the FBI to go to a gutted consulate in Benghazi they’d get any meaningful evidence (though I do recall the USS Cole investigative team, among others, struggled through similar concerns and dangers as exist in Libya).

But I am saying that the reporting on this story has not noted the interim step—where both political pressure (the Jimmy Carter plan) and the availability of other options led the Administration to give up on an FBI investigation and proceed directly to the targeting step.

And note the kinds of intelligence: FBI was never developing its own leads; it was relying on Libyan partners (that happens a lot in international FBI investigations, for legal as well as cultural reasons). The FBI's efforts to interview witnesses was challenged by the intelligence vulnerabilities that made the consulate a target: the assumption that hostile militia members are surveilling the US Embassy in Tripoli, and an understanding among Libyans that America's Libyan guards may be part of that surveillance. (The story says nothing about the fact that attackers took diplomatic records away from the Benghazi consulate that exposed the identities of people working closely with Americans; potential witnesses may have reason to fear their cooperation with the US has already been compromised.)

And so now, rather than have the FBI investigate directly (to say nothing of collecting forensic evidence from the consulate, which would have been nearly impossible given how quickly the consulate was looted), we're relying on some spies (this, in spite of reports the CIA has pulled out of Benghazi too), but largely intercepts, imagery, and "other information" collected via drones and electronic surveillance. Sure, all that builds off the same Libyan cooperation in identifying suspects the FBI was using, and assuming that's more reliable than the Libyan guards everyone seems to suspect have divided loyalties, that's a great start.

There are a number of circumstances (the election being a big one) that make this shift to relying on drones understandable. I'm not faulting the Administration for doing so.

But what it shows is both an increasingly common impulse in American counterterrorism, to shift quickly to the tools that are easy. And all that's built on the inherent problems with a belief that our new method of intervention can rely primarily on local partners who not only don't have reason to be loyal to us, but also may not bring security to the country.