

# THE LAUGHABLE CURRENTLY OPERATIVE AP PUSHBACK STORY

It has taken several days for the government – apparently, almost exclusively DOJ – to try to spin its secret seizure of AP call records. The new version of the government’s ever-evolving story is that the reason the AP story was so damaging was because it prevented CIA from using the mole to locate Ibrahim al-Asiri, AQAP’s bomb-maker.

Here’s how the guy who headed DOJ’s Office of Legal Policy until last year explained this on Friday.

About a year ago, someone within the government who had access to highly classified information about an intelligence operation in Yemen involving a double agent saw fit to talk about it with the Associated Press. When senior government officials learned that the Associated Press had this story and intended to publish it, those officials realized that the agent’s cover had been blown. Anxious for his safety, the officials prevailed on the AP to delay publication so that first the agent’s family and then the agent himself could be extracted to safety. The AP then published its story, which focused on thwarting a plot to use a new and improved underwear bomb to blow up an airplane bound for the United States.

What went completely without mention in the initial coverage was the fact that thwarting this plot was not the objective of the ongoing undercover operation. Its true objective was to gain enough intelligence to locate and neutralize the master bomb builder, Ibrahim Hassan al-Ashiri, who works with

an Al-Qaeda affiliate, Al-Qaeda in the Arabian Peninsula (AQAP). Penetrating AQAP is incredibly difficult. This double agent provided a rare opportunity to gain critical, life-saving information. Whoever disclosed the information obtained by the AP had not only put the agent's life and his family's life in danger. He also killed a golden opportunity to save untold more lives that now remain at risk due to al-Ashiri remaining at large.

Here's how three former high-ranking DOJ officials explained it in an op-ed today.

The United States and its allies were trying to locate a master bomb builder affiliated with Al Qaeda in the Arabian Peninsula, a group that was extremely difficult to penetrate. After considerable effort and danger, an agent was inserted inside the group. Although that agent succeeded in foiling one serious bombing plot against the United States, he was rendered ineffective once his existence was disclosed.

And here's how Walter Pincus reported it today.

Whoever provided the initial leak to the Associated Press in April 2012 not only broke the law but caused the abrupt end to a secret, joint U.S./Saudi/British operation in Yemen that offered valuable intelligence against al-Qaeda in the Arabian Peninsula.

One goal was to get AQAP's operational head, Fahd Mohammed Ahmed al-Quso. That happened one day before the AP story appeared.

A second goal was to find and possibly kill AQAP bombmaker Ibrahim Hassan al-Asiri, whose first underwear device almost killed Prince Mohammed bin Nayef,

Saudi Arabia's anti-terrorism chief.

[snip]

Hitting targets in the United States is one of AQAP's goals. In association with Saudi intelligence, the CIA inserted a Saudi who convinced AQAP that he wanted to be a suicide bomber. Eventually he was outfitted with Asiri's newest device, which he was to use on a U.S. aircraft. After the device was delivered to U.S. officials, someone or several people leaked the information to the AP. [my emphasis]

Now, Pincus' story is generally balanced. Unlike the other two, he admits that Fahd al-Quso got killed while the AP held their story and that, in killing Quso, the government accomplished at least one objective of the mole's mission and did so thanks to AP's willingness to cede to government requests about this story. He also admits that before the AP ever came to the government with the story, the mole's UndieBomb had already been delivered to the US.

That chronology is important. And it is one backed by the government's official timeline (not to mention the CNN report that said the mole had turned over the bomb around April 20 and the report that Robert Mueller traveled to Yemen for an unscheduled 45 minute meeting on April 24). The day after the AP story, Jay Carney said that Obama had been informed about the plot in "early April."

Q Do you expect that he'll address at all – I know we got statements yesterday, but the Yemeni al Qaeda plot, do you think he will address that at all in his remarks today?

MR. CARNEY: I don't expect him to address that issue in his remarks. I mean, I will say that he's certainly pleased with the success of our intelligence and counterterrorism

officials in foiling the attempt by al Qaeda to use this explosive device. It is indicative of the kind of work that our intelligence and counterterrorism services are performing regularly to counter the threat posed by al Qaeda in general, and AQAP in particular.

So he was regularly – as you know, he was made aware of this development in early April and he was regularly briefed on it by John Brennan. [my emphasis]

The NSC's official statement on that day also said Obama had been informed of the plot in April.

So the government rolled up the plot in April – almost certainly by April 24 – and then the AP came to the CIA and White House with their story about a foiled plot on May 2.

It's that timing that undermines the claim that the government still hoped to use the mole to get at Ibrahim al-Asiri. Because to maintain that claim, you'd have to explain how an AQAP operative who had been entrusted with the latest version of Ibrahim al-Asiri's UndieBomb sometime in early April, had left (at least as far as Sanaa), had not apparently succeeded in his mission (which was, after all, meant to be a suicide bombing), could return to AQAP without the UndieBomb and infiltrate even further than he had the first time.

"Oh, hi, AQAP gatekeeper" – their story must imagine the mole saying as he returned to AQAP – "I've both failed in my mission and somehow lost the bomb you gave me, but based on that would you be willing to let me spend some quality time with even higher-ranking AQAP operatives?"

The government must believe AQAP has far worse counterintelligence than Asiri's longevity would seem to suggest. Alternately, they're just inventing stories right now to justify their seizure.

The CIA (and MI6 and the Saudis) may have hoped to infiltrate far enough to locate Asiri when the mole first infiltrated AQAP (though I wonder how much the \$5 million reward for killing Quso was used to motivate the mole, because millionaires are much harder to convince to risk their lives in such dangerous operations). But once Quso handed the mole a bomb and a mission – and according to the White House’s own story, that happened before the AP ever came to them with the story – it’s hard to imagine how they could still use him in any case.

Now all of that is not to say the story, as it developed, was not damaging. I’m completely sympathetic to claims that because subsequent stories – all follow-up stories to John Brennan’s hints about us having an infiltrator – pissed off the Brits for exposing their role in the plot. I’m completely sympathetic to claims that the revelation that we had an infiltrator – all follow-up stories to John Brennan’s hints – exposed the degree to which we are using infiltrators in AQAP. Though the prior exposure by Arabian peninsula sources of Mazin Salih Musaid al-Awfi and Jabir al-Fayfi, would have already have done at the time, as have Morton Storm’s stories about trying to locate Anwar al-Awlaki have done subsequently. Moreover, Ansar al-Sharia’s execution of three alleged spies in February 2012 shows that they were acutely worried about spies during precisely the time the mole in this case successfully infiltrated the group. I can also imagine that the revelation that we rolled up the plot because of an infiltrator and not because of Rapiscan machines or some other technological surveillance might have exposed anyone who helped the mole infiltrate AQAP.

But damage from the revelation that we had a mole in the plot all traces back to John Brennan’s ill-considered push-back on the AP story, not from the AP story itself.

You know? John Brennan? The guy who got a big promotion nine months after sloppily exposing a

mole? The guy who, as a result, now serves as the original classification authority for some of our nation's most sensitive secrets?

It's hard to believe that the harm from exposing the mole was so significant yet Obama nevertheless promoted the guy whose bad judgment and blabby mouth inadvertently led to that harm.

Now, maybe the AP story created different kinds of harms. Maybe AP scooping the White House prevented the White House from rolling out the story – as they had before with the toner cartridge plot – in a way that would have better fit their re-election narrative. Maybe it revealed that the government significantly ramped up security at the Osama bin Laden anniversary purely as a propaganda stunt (though if that's the case, the exposure of that ramp-up might count as genuine whistle-blowing). Maybe the AP story revealed that the harm the Administration was going to use to justify signature strikes in Yemen was just a Saudi sting, not a real danger. Maybe the AP story just alerted the government to transparency on its actions in Yemen, actions which might not withstand that kind of scrutiny.

There are a whole slew of possible harms – some that relate to US national security, some that relate to the political security of members of our national security establishment – that might arise from the AP story. But, particularly given the subsequent promotion of John Brennan, they can't logically be the ones these people are claiming.

Update: I can think of one detail that would make everything make sense. But it might also be far, far worse for the government if it's the case. More, in a follow-up post.

Update: According to the Times of London, the mole and his handler were pulled from Yemen on April 20, 17 days before the AP published their story.