

How The Pentagon's Top Killers Became (Unaccountable) Spies

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This is what people think of when they imagine the Joint Special Operations Command, or JSOC -- the secretive, über-elite military unit that killed Osama bin Laden. The leader of a JSOC unit in Iraq, known as K-Bar, gets shot in the chest by insurgents. K-Bar waves away his medic until he finishes killing his assailants. His reward? Leading JSOC's operations in Afghanistan.

Ludicrous acts of superhuman bravado are part of JSOC's myth and mystique. That mystique is hard to penetrate: JSOC is so secretive that it instructs its members not to write down important information, lest it be vulnerable to disclosure under the Freedom of Information Act. But a new book reveals that killing might not even be the most important thing JSOC does.

Marc Ambinder, a former reporter for *The Atlantic* and *National Journal*, goes deep inside JSOC to reveal that it has become perhaps the government's most effective intelligence agency. Unassuming office buildings around the Washington area and beyond have become unlabeled spy centers that process untold volumes of information extracted from JSOC's hunting missions, with such a rapid analytic turnaround time that the

"shooters" of the unit can quickly begin planning their next kills. In fact, Ambinder reports in *The Command*, his just-published eBook, the integration of tactical spying within JSOC is so thorough that it's hard to distinguish "shooters" from analysts.

Yet JSOC operates with practically no accountability. In Iraq, it ran a torture chamber at a place called Camp Nama -- until its leader, Stanley McChrystal and his intelligence chief, Michael Flynn, cleaned it up. (There's a debate in military circles about whether McChrystal or his friend and successor, Adm. William McRaven deserve credit for JSOC's resurgence; but Ambinder's reporting suggests Flynn is the real father of the modern JSOC.) The unit is supposed to answer to the chain of command, but it advised President Obama not to ask which Navy SEAL actually killed Osama bin Laden -- and then wouldn't tell Obama's chief of staff, who ignored the advice. Even while the CIA works intimately with JSOC, it whispers to reporters, self-interestedly, that the unit is out of control.

But JSOC has the biggest trump card of all to play, institutionally: it works. Killing bin Laden was just the culmination of a furious, decade-long pace of lethal operations, involving hundreds of Afghanistan night raids in a single year; what Ambinder describes as a "free hand" in Somalia, including last month's dramatic hostage rescue; and unseen counterterrorism mission from Pakistan to, of all places, Peru. JSOC is so busy its leadership thinks it's exhausted, and prominent analysts claim it needs to step up its game to prevent nuclear terrorism.

Danger Room spoke with Ambinder about JSOC's successes -- and the implications for the secretive organization's expanded reach into the spy world, especially as it becomes the lead force waging America's Shadow Wars.

Danger Room: How did JSOC become an intelligence agency?

Marc Ambinder: It was born of necessity. As the insurgency in Iraq became too much for commanders to bear, there was a scramble to figure out how to get tactical intelligence out of anyone they captured. And it seemed like the military's first response, generally, to use a broad over generalization, for the important people, we'll rough them up. At least they'll say something, and that'll give us something tactical. But obviously it didn't work very well, it's immoral. They hadn't really figured out beforehand that [Iraq] would require a lot of tactical intelligence. All the intelligence planning that went on for the Iraq war was strategic.

So there was a huge need for it. Also, there was the timing of it. JSOC was in charge of finding and interrogating high value targets in Iraq. They had just launched internal investigation inside the command into what happened at Camp Nama. There was a lot of sensitivity to the interrogation techniques that were used there. There are different accounts as to how precisely this sort of investigative police directive doctrines became embedded in the minds of the elite, tier-one warriors. But most people give credit to the J2 [intelligence chief] at the time, Gen. Mike Flynn. As he describes it, he would observe your average JSOC operation and you would see insurgents, or whomever, rounded up, put in the same room, with all the stuff they had in their hands, all the pocket litter, would be separated and just kept in a trash bag. And it was brought back to one of the other bases for processing. That was way too inefficient and way too slow for the

operational tempo of the insurgents. In his mind, Flynn envisioned the insurgency to be this ever-expanding spider's web, and the U.S. military would be like this tiny mouse, clawing at one end of it. And you needed to speed up.



DR: How complicit was JSOC in torture?

MA: I would say JSOC was moderately complicit. The number of actual interrogators and tier-one operators who actually participated in torture was very small. Less than 50. But the number of people who knew about it, even in a closed culture like JSOC, had to be much larger. And one of the big questions that still hangs over the head of Gen. McChrystal, who's otherwise widely admired for turning JSOC around and moving it away from these [torture] techniques, is that it took him seemingly a long time when he took over the command to get his arms around how the command's interrogation practices were actually working. There's a legitimate and still open question of how much he knew, and what did about it.

I was able to learn that he did initiate an internal investigation that resulted in about 30 people being disciplined, with some of them kicked out of the military or transferred to other units. Because it's a secret organization for most part the results of the investigations remain secret. JSOC prefers to keep its record of accountability in-house. But if you look at the time line, and look at what's public -- the torture report from the Senate intelligence committee blacked out all the references to JSOC. Quite clear that even on a senior level, task force commanders in Iraq knew what was going on.

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DR: So they torture people until Flynn figures out there's a better way to get intelligence?

MA: I know that sounds like a neat narrative, and this is a complicated story. But in essence, that is what happened. While you have to say the command was complicit in the rough, bad stuff early on, they figured out what was happening, and they figured out a much better, humane and more effective way of doing it. Then they proselytize it, and make sure rest of the military knows they're doing it that way. You can't ever erase the stain of torture, but this command deserves credit for figuring out what to do about it, and how to meet the need for intelligence without roughing people up, and how to get inside the decision loops of the insurgents.

DR: What were some of the intelligence tactics that JSOC would use?

MA: Some of the tactics were as simple as equipping your tier-one operators -- i.e., a Delta Force shooter or a SEAL Team Six demolition expert, the elite of the elite -- with a camera. Instead of rounding up insurgents, bringing them to one area of a house, they'd have pictures of them exactly where they are, and take pictures what they have on them exactly. They'd keep them with their pocket litter until they were processed. And they'd send pictures back in real time to an intelligence fusion center. The main one in Iraq was in Balad but there were others. And you'd have analyst who could use many of various databases that JSOC had access to, and many that JSOC was building. The common metaphor was that you're building the airplane as it's taking off. You built all these databases for intelligence and had secret biometrics processes. There were teams of U.S. intelligence officers who were trying to get as many fingerprints, DNA samples and so forth of anyone in Baghdad as they could. The analysts would be able to create link analysis charts from them.

If you captured Abu So-and-So, you'd be able to say within a minute, "Hey, I know your uncle is this person, who we really want to get to. If you can tell me where this person is right now, we'll give you a break and even let you go." And often, that would be what Abu So-and-So would do, because it would be in his best interest. Within maybe 20 minutes, JSOC could launch a second raid targeting the uncle of Abu So-and-So.

At a ground level, those kind of techniques, by 2007-8, were used not just by the elite special operations forces, but also the so-called white special operations forces -- Green Berets and other Navy SEAL elements, as well as conventional human intelligence brigades that were attached to combat units.

DR: Is JSOC now the tactical intelligence agency of choice for the U.S. government?

MA: Not only are they the tactical intel of choice, they also have the operational capacity to act on that intelligence. So they generate intelligence, they analyze it, and they act on it, all in one package.

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DR: What does that mean for holding JSOC accountable? This is an extraordinarily secretive military unit.

MA: There are a lot of buried caches in West Virginia and Virginia of JSOC documents. I only say that with some exaggeration. This is obviously a command that had to be secret when it was stood up in part because secrecy is the coin of realm when doing one-off special operations. The problem generally here is that by law, JSOC can't really collect strategic intelligence or intelligence for its own sake, depending on where they are. In the war zone, in Iraq or Afghanistan, it's different; they can collect and use intelligence there. But they also operate outside of designated war zones in North Africa, in South America, in Asia, and they use these intelligence collection techniques there as well.

It's under the rubric of what they call "Operational Preparation of the Environment." Which is to say, any time there's JSOC operation, you don't want them to fly in blind, so you have to collect *some* intelligence. But in practice they really stretch that definition. Elements of JSOC run their own human intelligence sources. I didn't put this in the book, but I had one former senior JSOC operator describing to me a very elaborate JSOC operation in Beirut where a dozen more human sources were recruited to steal a variety of documents, relating to international narcotics trafficking. Which sounds great, until you remember that it's not law enforcement officers or the CIA doing it, but the U.S. military doing it.

There are legal restrictions on what the CIA can do in terms of covert operations. There has to be a finding, the president has to notify at least the "Gang of Eight" [leaders of the intelligence oversight committees] in Congress. JSOC doesn't have to do any of that. There is very little accountability for their actions. What's weird is that many in congress who'd be very sensitive to CIA operations almost treat JSOC as an entity that doesn't have to submit to oversight. It's almost like this is the president's private army, we'll let the president do what he needs to do. As long as you don't get in trouble, we're not gonna ask too many questions.

You don't want the command to brief members of Congress before every operation. On other hand, regular briefings every three months might give some sense of the military intelligence collection that goes on. And when you collect intelligence, it's not just satellites that's listen to conversation. You're making in a lot of cases very difficult, grey, moral choices like the CIA does all the time. There's an argument to be made -- incidentally, it's one that Republican [Rep.] Mike Rogers, the head of the House intelligence committee agrees with -- for more regular briefings from JSOC, to get a more granular sense of how JSOC uses and distributes the money it's given for intelligence gathering. He understands that a lot of vital strategic intelligence isn't being collected by CIA, it's being collected by JSOC, in pursuit of legitimate objectives without oversight.

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DR: Does JSOC need to get better at preventing nuclear terrorism, as some critics you cite allege? You wrote a piece recently that discussed U.S. planning to seize loose Pakistani nukes. Won't it be JSOC that does that?

MA: Adm. Eric Olson, the former commander of [U.S. Special Operations Command], has begun to express that worry publicly. JSOC has become the world's premiere counterterrorism force, but other skills have atrophied, and that includes the ability to secure nuclear weapons. The command is aware of that. They will tell you that they still have the same number of people trained to do counterproliferation work. But you can argue that over the past ten years that the amount of counterproliferation work needs to be done, or the level of threat from nuclear proliferation has increased or is rising to the level that requires JSOC to reorient its focus. One argument is that JSOC should be used for special missions, not your average Army Ranger door-knock operation. That's something Gen. McChrystal came to believe, something I believe Adm. McRaven also agrees with. So I think you'll see over the next couple years the command reorient itself around counterproliferation.

DR: What does that mean in practice? JSOC is going to swoop into former Soviet states and snatch nuclear material?

MA: They have done that. In practice, though, the real secret of the Pakistan nuclear question is that there's no way that there are enough trained American -- or American and British and Israeli -- soldiers to go into Pakistan and seize their nuclear arsenal and render it safe. There's just no way. It would take an entire army

of people who were extremely well trained to do that. But the concern is that, in general, you have proliferation concerns and you have forces that haven't trained to confront them in a way that they should.

DR: What was JSOC doing in Peru?

MA: My understanding is that they were pursuing the Iranian Revolutionary Guard Corps and Hezbollah elements that were laundering money and using Peru as a base of operations for that type of activity throughout South America. Technically JSOC was attached to the embassy through the cover of one of these Defense Intelligence Agency programs. There were [bureaucratic] outposts that Donald Rumsfeld created to expand JSOC's footprint across the world.

DR: Should we expect to see JSOC become a global strike force, rather than one that operates at the periphery of the war on terror?

MA: Yes. McRaven has not told me this directly, but I believe he wants to turn JSOC into the non-missile equivalent of Prompt Global Strike. If there's an acute problem somewhere in the world, not just a bunch of people with guns can be there, but an entire integrated military operation can be transported there as a package, with all the branches -- communications, intelligence, everything -- devoted to the problem and can fix the problem. One gets the sense that the way the administration is budgeting for defense that they agree.

The phrase that's used all the time is "creating lilypads" across the world, from which you can hop into hot zones if necessary. It's a way to cope with the reduction in conventional forces. The idea is that elite forces are force multipliers. If you look at the way the command is structured now, with the number of command posts they have throughout the world, it's hard to see them as anything but a Prompt Global Strike capacity absent active wars. And very soon they'll have a larger presence in Afghanistan. But absent Iraq, absent Afghanistan over the next couple years, that's what it's gonna be. And their focus will be on counter-proliferation, counter-cyber -- that's a word we haven't really heard before; JSOC is building a cyber capacity -- counternarcotics.

I think one of big challenges will be to figure out how you create legal framework for that that allows for a prompt response that at the same time assures accountability. And I would hope members of Congress are thinking about that.

Photos: U.S. Air Force