# A TICKING TIME BOMB

## COUNTERTERRORISM LESSONS FROM THE U.S. GOVERNMENT'S FAILURE TO PREVENT THE FORT HOOD ATTACK

**A Special Report by**
**Joseph I. Lieberman, Chairman**
**Susan M. Collins, Ranking Member**
**U.S. Senate Committee on Homeland Security and Governmental Affairs**
**Washington D.C. 20510**



**February 2011**

# A TICKING TIME BOMB

## COUNTERTERRORISM LESSONS FROM THE U.S. GOVERNMENT'S FAILURE TO PREVENT THE FORT HOOD ATTACK

---

A SPECIAL REPORT BY
JOSEPH I. LIEBERMAN, CHAIRMAN
SUSAN M. COLLINS, RANKING MEMBER

UNITED STATES SENATE COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

FEBRUARY 3, 2011

# "A Ticking Time Bomb:" Counterterrorism Lessons From The U.S. Government's Failure To Prevent The Fort Hood Attack

**By**
**Joseph I. Lieberman, Chairman**
**Susan M. Collins, Ranking Member**
**Committee On Homeland Security And Governmental Affairs**
**United States Senate**

Table of Contents

EXECUTIVE SUMMARY 5

PART I: INTRODUCTION 13

Chapter I: Purpose Of The Investigation 15

Chapter II: The Ideology Of Violent Islamist Extremism And The Growth Of Homegrown Radicalization 17

PART II: MAJOR HASAN'S RADICALIZATION TO VIOLENT ISLAMIST EXTREMISM AND THE STRING OF GOVERNMENT FAILURES TO INTERVENE AGAINST HIM PRIOR TO THE FORT HOOD ATTACK 23

Chapter III: "A Ticking Time Bomb:" DoD's Failure To Respond To Major Hasan's Public Displays Of Radicalization To Violent Islamist Extremism 27

Chapter IV: "That's Our Boy:" The FBI's Superficial Inquiry Into Major Hasan Prior To The Attack 35

PART III: RECOMMENDATIONS FOR IMPROVING U.S. DEFENSES AGAINST VIOLENT ISLAMIST EXTREMISM 41

Chapter V: Strengthening DoD Policies And Training To Prevent Radicalization Of Servicemembers To Violent Islamist Extremism 45

Chapter VI: Strengthening The FBI To Prevent Domestic Terrorist Attacks 51

Chapter VII: The United States Needs A Comprehensive Approach To Countering The Threat Of Homegrown Terrorism 79

APPENDIX: COMPILATION OF FINDINGS AND RECOMMENDATIONS 83

**"A Ticking Time Bomb:"**
**Counterterrorism Lessons From**
**The U.S. Government's Failure To Prevent The Fort Hood Attack**

**By**
**Joseph I. Lieberman, Chairman**
**Susan M. Collins, Ranking Member**
**Committee On Homeland Security And Governmental Affairs**
**United States Senate**

Full Table of Contents

| | | |
|---|---|---|
| EXECUTIVE SUMMARY | | 5 |
| PART I: | INTRODUCTION | 13 |
| Chapter I: | Purpose Of The Investigation | 15 |
| Chapter II: | The Ideology Of Violent Islamist Extremism And The Growth Of Homegrown Radicalization | 17 |
| A. | The Ideological Principles, Radicalization Process, And Recruitment Narrative Of Violent Islamist Extremism | 17 |
| B. | The Internet's Criticality For Radicalization To Violent Islamist Extremism, And The Diversification Of The Homegrown Terrorist Threat | 18 |
| C. | The Role Of "Virtual Spiritual Sanctioners" Exemplified By Anwar al-Aulaqi | 20 |
| PART II: | MAJOR HASAN'S RADICALIZATION TO VIOLENT ISLAMIST EXTREMISM AND THE STRING OF GOVERNMENT FAILURES TO INTERVENE AGAINST HIM PRIOR TO THE FORT HOOD ATTACK | 23 |
| Chapter III: | "A Ticking Time Bomb:" DoD's Failure To Respond To Major Hasan's Public Displays Of Radicalization To Violent Islamist Extremism | 27 |
| Chapter IV: | "That's Our Boy:" The FBI's Superficial Inquiry Into Major Hasan Prior To The Attack | 35 |
| PART III: | RECOMMENDATIONS FOR IMPROVING U.S. DEFENSES AGAINST VIOLENT ISLAMIST EXTREMISM | 41 |
| Chapter V: | Strengthening DoD Policies And Training To Prevent Radicalization Of Servicemembers To Violent Islamist Extremism | 45 |

A. Major Hasan Should Have Been Removed From Military Service Despite Deficiencies In Policy And Training Concerning Violent Islamist Extremism Among Servicemembers 45

B. DoD's Review Of The Fort Hood Attack And DoD's Follow Up To The Review Do Not Confront The Threat Of Violent Islamist Extremism Among Servicemembers Directly 47

C. DoD Should Update Its Policies And Training To Identify And Protect Against Violent Islamist Extremism Among Servicemembers 48

Chapter VI: Strengthening The FBI To Prevent Domestic Terrorist Attacks 51

A. FBI Transformation Begins After 9/11 52

B. The FBI's Inquiry Into Hasan Was Impeded By Division Among Its Field Offices, Insufficient Use Of Intelligence Analysis, And Outdated Tradecraft 55

1. The Hasan inquiry was plagued by disjunction between two field offices and the lack of coordination by FBI headquarters 55

2. The FBI's inquiry into Hasan failed to utilize intelligence analysts fully in order to drive the purpose of the investigation and assess Hasan's communications 61

3. The FBI did not update its tradecraft used in the investigation of the Suspected Terrorist, which contributed to the FBI's failure to understand the significance of Hasan's communications with that individual 64

C. The Inquiry Into Hasan Focused On The Narrow Question Of Whether He Was Engaged In Terrorist Activities And Not Whether He Was Radicalizing To Violent Islamist Extremism And Thus Could Become A Threat 66

D. Our Investigation Of The Hasan Case Raises Questions About Whether The Joint Terrorism Task Forces Have Become Fully Effective Interagency Coordination and Information-Sharing Mechanisms 67

1. DoD and the FBI disagree concerning which agency has the lead for counterterrorism investigations of servicemembers 67

2. DoD and the FBI disagree concerning the status of detailees to JTTFs as primary information-sharing channels of JTTF information back to DoD 70

3. FBI corrective action since the Fort Hood attack facilitates information-sharing with DoD but does not resolve the larger policy issues 72

4. The FBI's failure to link Hasan's first [REDACTED] communications to the Suspected Terrorist to his later ones stemmed in part from JTTF detailees' lack of access to key information, which suggests a major impediment to JTTFs' overall effectiveness 73

5. We are concerned that JTTFs are not fulfilling the FBI's vision of being interagency information-sharing and operational coordination mechanisms but rather may merely be appendages of the FBI 74

E. The FBI's Training Materials Contemporaneous To The Hasan Inquiry Did Not Adequately Cover The Ideology Of Violent Islamist Extremism 76

Chapter VII: The United States Needs A Comprehensive Approach To Countering The Threat Of Homegrown Terrorism 79

APPENDIX: COMPILATION OF FINDINGS AND RECOMMENDATIONS 83

# EXECUTIVE SUMMARY

On November 5, 2009, a lone attacker strode into the deployment center at Fort Hood, Texas. Moments later, 13 Department of Defense (DoD) employees were dead and another 32 were wounded in the worst terrorist attack on U.S. soil since September 11, 2001.

The U.S. Senate Committee on Homeland Security and Governmental Affairs launched an investigation of the events preceding the attack with two purposes: (1) to assess the information that the U.S. Government possessed prior to the attack and the actions that it took or failed to take in response to that information; and (2) to identify steps necessary to protect the United States against future acts of terrorism by homegrown violent Islamist extremists. This investigation flows from the Committee's four-year, bipartisan review of the threat of violent Islamist extremism to our homeland which has included numerous briefings, hearings, consultations, and the publication of a staff report in 2008 concerning the internet and terrorism.

In our investigation of the Fort Hood attack, we have been cognizant of the record of success by DoD and the Federal Bureau of Investigation (FBI) in the ten years since 9/11. We recognize that detection and interdiction of lone wolf terrorists is one of the most difficult challenges facing our law enforcement and intelligence agencies. Every day, these agencies are presented with myriad leads that require the exercise of sound judgment to determine which to pursue and which to close out. Leaders must allocate their time, attention, and inherently limited resources on the highest priority cases. In addition, the individual accused of the Fort Hood attack, Army Major Nidal Malik Hasan, is a U.S. citizen. Even where there is evidence that a U.S. citizen may be radicalizing, the Constitution appropriately limits the actions that government can take.

In presenting our findings and recommendations below, we are grateful for the service given by our nation's military, law enforcement, and intelligence personnel. Our aim in this investigation was not to single out individual negligent judgment; such instances are for the agencies to deal with, as appropriate. Nor do we seek to second-guess reasonable judgments. Instead, we act under our Constitutional duty to oversee the Executive Branch's performance and thus to determine – independently from the Executive Branch's own assessment – what, if any, systemic issues are exposed by the Hasan case. The specific facts uncovered by the Committee's investigation necessarily led us to focus our key findings and recommendations on DoD and the FBI. But the Hasan case also evidences the need for a more comprehensive and coordinated approach to counterradicalization and homegrown terrorism across all agencies, including federal, state, and local entities, which are critical to keeping our country safe.

Our basic conclusion is as follows: Although neither DoD nor the FBI had specific information concerning the time, place, or nature of the attack, they collectively had sufficient information to have detected Hasan's radicalization to violent Islamist extremism but failed both to understand and to act on it. Our investigation found specific and systemic failures in the government's handling of the Hasan case and raises additional concerns about what may be broader systemic issues.

Both the FBI and DoD possessed information indicating Hasan's radicalization to violent Islamist extremism. And, to the FBI's credit, it flagged Hasan from among the chaff of

intelligence collection for additional scrutiny. However, the FBI and DoD together failed to recognize and to link the information that they possessed about Hasan: (1) Hasan was a military officer who lived under a regimented system with strict officership and security standards, standards which his behavior during his military medical training violated; and (2) the government had [REDACTED] communications from Hasan to a suspected terrorist, [REDACTED], who was involved in anti-American activities and the subject of an unrelated FBI terrorism investigation. This individual will be referred to as the "Suspected Terrorist" in this report.[1] Although both the public and the private signs of Hasan's radicalization to violent Islamist extremism while on active duty were known to government officials, a string of failures prevented these officials from intervening against him prior to the attack.

- Evidence of Hasan's radicalization to violent Islamist extremism was on full display to his superiors and colleagues during his military medical training. An instructor and a colleague each referred to Hasan as a "ticking time bomb." Not only was no action taken to discipline or discharge him, but also his Officer Evaluation Reports sanitized his obsession with violent Islamist extremism into praiseworthy research on counterterrorism.

- FBI Joint Terrorism Task Forces (JTTFs) are units in FBI field offices that conduct counterterrorism investigations and are staffed by FBI agents and employees from other federal, state, and local agencies. A JTTF learned that Hasan was communicating with the Suspected Terrorist, flagged Hasan's initial [REDACTED] communications for further review, and passed them to a second JTTF for an inquiry. However, the ensuing inquiry failed to identify the totality of Hasan's communications and to inform Hasan's military chain of command and Army security officials of the fact that he was communicating with a suspected violent Islamist extremist – a shocking course of conduct for a U.S. military officer. Instead, the JTTF inquiry relied on Hasan's erroneous Officer Evaluation Reports and ultimately dismissed his communications as legitimate research.

- The JTTF that had reviewed the initial [REDACTED] communications dismissed the second JTTF's work as "slim" but eventually dropped the matter rather than cause a bureaucratic confrontation. The JTTFs now even dispute the extent to which they were in contact with each other in this case. Nonetheless, the JTTFs never raised the dispute to FBI headquarters for resolution, and entities in FBI headquarters responsible for coordination among field offices never acted. As a result, the FBI's inquiry into Hasan ended prematurely.

As noted, DoD possessed compelling evidence that Hasan embraced views so extreme that it should have disciplined him or discharged him from the military, but DoD failed to take action against him. Indeed, a number of policies on commanders' authority, extremism, and

[1] The redactions in this report were required by the Intelligence Community pursuant to Executive Branch classification policies and are the result of intensive negotiations spanning three months. We take issue with the extent of these redactions, some of which we believe are unjustified, but we have consented to them in order to produce this report in a timely manner.

personnel gave supervisors in his chain of command the authority to take such actions. It is clear from this failure that DoD lacks the institutional culture, through updated policies and training, sufficient to inform commanders and all levels of servicemembers how to identify radicalization to violent Islamist extremism and to distinguish this ideology from the peaceful practice of Islam.

To address this failure, the Department of Defense should confront the threat of radicalization to violent Islamist extremism among servicemembers explicitly and directly and strengthen associated policies and training. DoD launched an extensive internal review after the Fort Hood attack by commissioning a review led by two former senior DoD officials (former Army Secretary Togo West and retired Chief of Naval Operations Admiral Vern Clark) and requiring multiple reviews across the Military Services of force protection and related issues. DoD has also instituted a regimented process for instituting and monitoring implementation of recommendations from these reviews, which included two memoranda from Secretary of Defense Robert Gates assessing and adopting particular recommendations from the West/Clark review. However, DoD – including Secretary Gates's memoranda – still has not specifically named the threat represented by the Fort Hood attack as what it is: violent Islamist extremism. Instead, DoD's approach subsumes this threat within workplace violence or undefined "violent extremism" more generally. DoD's failure to identify the threat of violent Islamist extremism explicitly and directly conflicts with DoD's history of directly confronting white supremacism and other threatening activity among servicemembers. DoD should revise its policies and training in order to confront the threat of violent Islamist extremism directly.

More specifically, DoD should update its policies on extremism and religious accommodation to ensure that violent Islamist extremism is not tolerated. DoD should also train servicemembers on violent Islamist extremism and how it differs from Islamic religious belief and practices. Without this improved guidance and training, the behavioral tendency among superiors could be to avoid proper application of the current general policies to situations involving violent Islamist extremism.

The 9/11 attacks led the FBI Director, Robert Mueller, to act to transform the FBI's institutional and operational architecture. He declared that the FBI's top priority would henceforth be preventing domestic terrorist attacks and that the FBI needed to become an intelligence-centric rather than purely law-enforcement-centric organization. The FBI has made substantial progress in transforming itself in these ways. The FBI is more focused on producing counterterrorism intelligence and more integrated than it had been. Its initiatives are headed in the right direction. To its credit, the FBI moved swiftly after the Fort Hood attack to conduct an internal review, identify gaps, and implement changes in response; the FBI also commissioned an outside review by former FBI Director and Director of Central Intelligence Judge William Webster. Nonetheless, our investigation finds that the Fort Hood attack is an indicator that the current status of the FBI's transformation to become intelligence-driven is incomplete and that the FBI faces internal challenges – which may include cultural barriers – that can frustrate the on-going institutional reforms. The FBI needs to accelerate its transformation.

- In the Hasan case, two JTTFs (each located in a different field office) disputed the significance of Hasan's communications with the Suspected Terrorist and how vigorously he should be investigated. The JTTF that was less concerned about Hasan controlled the inquiry and ended it prematurely after an insufficient examination. Two key headquarters units – the Counterterrorism Division, the "National JTTF" (which was created specifically to be the hub among JTTFs), and the Directorate of Intelligence – were not made aware of the dispute. This unresolved conflict raises concerns that, despite the more assertive role that FBI headquarters now plays, especially since 9/11 in what historically has been a decentralized organization, field offices still prize and protect their autonomy from headquarters. FBI headquarters also does not have a written plan that articulates the division of labor and hierarchy of command-and-control authorities among its headquarters units, field offices, and the JTTFs. This issue must be addressed to ensure that headquarters establishes more effective strategic control of its field office operations.

- In the Hasan case, the FBI did not effectively utilize intelligence analysts who could have provided a different perspective given the evidence that it had. The FBI's inquiry focused narrowly on whether Hasan was engaged in terrorist activity – as opposed to whether he was radicalizing to violent Islamist extremism and whether this radicalization might pose counterintelligence or other threats (*e.g.*, Hasan might spy for the Taliban if he was deployed to Afghanistan). This critical mistake may have been avoided if intelligence analysts were appropriately engaged in the inquiry. Since 9/11, the FBI has increased its intelligence focus by creating a Directorate of Intelligence and Field Intelligence Groups in the field offices and hiring thousands of new and better qualified analysts. However, the FBI must ensure that these analysts are effectively utilized, including that they achieve significant stature in the FBI. The FBI must also ensure that all of its agents and analysts are trained to understand violent Islamist extremism.

- In the Hasan case, the FBI did not identify the need to update its tradecraft (*i.e.*, the methods and processes for conducting investigative or intelligence activities) regarding the processing and analysis of communications [REDACTED] until after the Fort Hood attack. This delay led to a failure to identify all of Hasan's communications with the Suspected Terrorist and the extent of the threat contained within them. The FBI has had numerous successes against homegrown terrorist cells and individuals since 9/11 that have saved countless American lives. However, the FBI should still ensure that all of its tradecraft is systemically examined so that flaws can be corrected prior to failures. The FBI leadership should continue to oversee this element of its transformation to a first-class, intelligence-driven counterterrorism organization.

- In the Hasan case, the JTTF model did not live up to the FBI's strong vision of JTTFs as an effective interagency information-sharing and operational coordination mechanism. JTTFs have been expanded significantly since 9/11 and are now the principal domestic federal operational arm for counterterrorism investigations and intelligence collection. They perform critically important homeland security functions and have produced numerous successes in disrupting and apprehending potential terrorists. However, the

specific handling of the Hasan case, and systemic disputes between DoD and the FBI concerning JTTFs which remain unresolved, raise concerns that the JTTF model requires additional review and improvement in order for JTTFs to function as effectively as our nation requires.

We ask that DoD and the FBI review and respond to the concerns identified in this report on an urgent basis.

Finally, we request that the National Security Council and Homeland Security Council lead in the development of an integrated approach to law enforcement and intelligence domestically and a comprehensive national approach to countering homegrown radicalization to violent Islamist extremism. The threat of homegrown radicalization goes beyond the capabilities of the law enforcement, intelligence, and homeland security agencies and requires a response from a broad range of our government which will produce plans to translate and implement this comprehensive national approach into specific, coordinated, and measurable actions across the government and in cooperation with the Muslim-American community.

# PART I: INTRODUCTION

## I. Purpose Of The Investigation.

On November 5, 2009, 13 Americans – 12 servicemembers and one civilian employee of DoD – were killed and 32 were wounded in an attack at the military base at Fort Hood, Texas. This tragedy was the deadliest terrorist attack within the United States since September 11, 2001. Major Nidal Malik Hasan, a U.S. Army officer and psychiatrist, was arrested and is standing trial for murder and other charges in military court-martial proceedings.

On November 8, 2009, the Senate Committee on Homeland Security and Governmental Affairs launched an investigation of the events preceding the attack pursuant to the Committee's authority under Rule XXV(k)(1) of the Standing Rules of the Senate, Section 101 of S. Res 445 (108th Congress), and Section 12 of S. Res. 73 (111th Congress). Our jurisdiction includes legislative authority concerning the organization and reorganization of the Executive Branch and investigative authority related to "the efficiency and economy of operations of all branches and functions of the Government with particular reference to . . . the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems."

President Barack Obama himself acknowledged the importance of a congressional investigation of the government's performance. As he said during his weekly radio address on November 14, 2009, "I know there will also be inquiries by Congress, and there should."[2]

The purpose of the Committee's investigation is two-fold: (1) to assess the information that the U.S. Government possessed prior to the attack and the actions that it took or failed to take in response to that information, and (2) to identify steps necessary to protect the United States against future acts of terrorism by homegrown violent Islamist extremists – that is, by terrorists radicalized largely within the United States to violent Islamist extremism.[3] Notably, our investigation has not examined Hasan's culpability for the attack or the facts of what happened during the attack, which are the subject of an Army court-martial proceeding.

This investigation into the Hasan case flows from our Committee's four-year, bipartisan review of the threat of violent Islamist extremism to our homeland. This work has included 14 hearings, numerous briefings from the Executive Branch on threat trends and specific plots, extensive and sustained consultations with non-government experts and former government officials, and the 2008 release of a staff report, *Violent Islamist Extremism, the Internet, and the Homegrown Terrorist Threat*, which argues that the internet's exploitation by terrorists would lead to an increase in homegrown terrorism. In addition, our assessment of the government's counterterrorism capabilities builds upon the Committee's leadership in enacting the Homeland Security Act of 2002 (which created the Department of Homeland Security) and the Committee's

---

[2] *See* http://www.whitehouse.gov/blog/2009/11/14/weekly-address-veterans-day-and-fort-hood. For a transcript of the address, *see* http://middleeast.about.com/od/document1/qt/obama-fort-hood.htm.

[3] The Congressional Research Service defines homegrown violent Islamist extremism as "terrorist activity or plots perpetrated within the United States or abroad by American citizens, legal permanent residents, or visitors radicalized [to violent Islamist extremism] largely within the United States." John Rollins, *American Jihadist Terrorism: Combating a Complex Threat*, Congressional Research Service (2010).

authorship of the Intelligence Reform and Terrorism Prevention Act of 2004 (which created the Director of National Intelligence and the National Counterterrorism Center).

This investigation has centered on the actions of DoD and the FBI with respect to Hasan. In examining DoD and FBI actions, we have been cognizant of DoD's and the FBI's record of success in the nine years since 9/11. The FBI, in partnership with other federal agencies and state and local law enforcement, has achieved dramatic successes in protecting the United States against homegrown terrorism. The men and women of DoD and the FBI have taken aggressive action to undermine the capabilities of foreign terrorist networks. These efforts, both at home and abroad, have made our nation safer. Nonetheless, the tactics of our terrorist adversaries continue to evolve, and our nation's counterterrorism efforts must continue to improve in order to deter, detect, and disrupt future terrorist attacks.

In conducting our review, we have been cognizant of three risks confronting every investigation of government performance, particularly those relating to intelligence and law enforcement activities. *First*, hindsight can obscure the ambiguity that officials faced at the time. To avoid this pitfall, we focused our investigation on what information was readily available to and actually considered by the key government personnel at the time and whether their actions were reasonable based on that information. *Second*, hindsight can obscure the competing priorities that officials faced. Accordingly, we sought to determine what priority they placed on the information that they possessed and how conflicts over priorities were resolved. *Third*, to avoid the temptation to hold individual personnel to unrealistic standards, our investigation has focused primarily on what, if any, systemic problems were exposed by the government's performance in this particular incident. Nonetheless, we expect DOD and the FBI to hold individual personnel accountable for performance deficiencies identified in this and other reports on the Hasan case.

The findings and recommendations of our investigation require that the report explain violent Islamist extremism and the signs of Hasan's radicalization to violent Islamist extremism. We provide that information in this report with the explicit intention of distinguishing violent Islamist extremism from the millions of Muslim-Americans and Muslims around the world who reject that ideology and practice their faith in peace. We acknowledge with gratitude the contributions of Muslim-Americans to this nation and the patriotism of Muslim-American servicemembers in defending our freedoms.

Furthermore, our report's findings and recommendations should not be construed as implying that the Executive Branch has learned nothing from the Fort Hood attack. In fact, President Obama ordered a review after the attack, the FBI instituted several systemic changes, and DoD has been engaged in an extensive review effort involving an independent panel, the Office of the Secretary of Defense, and the Military Services. Our conclusion is not that the Executive Branch has avoided learning lessons but rather there are more lessons to be learned and changes to be implemented.

## II. The Ideology Of Violent Islamist Extremism And The Growth Of Homegrown Radicalization.

America's enemy today, just as it was seven years ago when the 9/11 Commission released its report, is not simply terrorism or a particular terrorist organization such as al Qaeda or its affiliates. The enemy is in fact the ideology of violent Islamist extremism – the ideology that inspired the attacks of 9/11 as well as a myriad of attacks large and small around the world prior to and after 9/11. As the 9/11 Commission report stated, we are not fighting "'terrorism,' some generic evil," and "our strategy must match our means to two ends: dismantling the al Qaeda network and prevailing in the longer term over the ideology that gives rise to Islamist terrorism."[4]

Despite the remarkable work of America's military, intelligence, and law enforcement agencies in preventing individual terrorist attacks, the ideology that inspired 9/11 and other attacks and plots around the world continues to motivate individuals to commit terrorism. The threat is exemplified by Omar Hammami, an American from a typical upbringing in Alabama who now fights for the violent Islamist extremist group al-Shabaab in Somalia and recruits Westerners to its cause in English over the internet. As Hammami said, "they can't blame it on poverty or any of that stuff … They will have to realize that it's an ideology and it's a way of life that makes people change."[5]

### A. The Ideological Principles, Radicalization Process, And Recruitment Narrative Of Violent Islamist Extremism.

The core principles of violent Islamist extremism are essentially as follows: A global state – or caliphate – should be created in which the most radical interpretation of *Shari'ah* (Islamic religious law) will be enforced by the government. Adherents to violent Islamist extremism should prioritize the global Islamist community – the *ummah* – ahead of the community and country in which they live. To accomplish these goals, violence is justified, including against the West generally, military personnel, and civilians. Muslims who oppose these principles and reject its perversion of the Islamic faith are also considered by violent Islamist extremists to be the enemy.

The process by which an individual transitions to a violent Islamist extremist is known as radicalization. Research into radicalization has continued to evolve as it becomes more prevalent, but experts have generally identified four phases of such radicalization.[6] *Pre-radicalization* is the period before the individuals begin their journey to violent Islamist extremism. They possess or acquire psychological or other precursors that underlie the individuals' eventual openness to this ideology. During *Self-Identification*, individuals

---

[4] National Commission on Terrorist Attacks Upon the United States, *9/11 Commission Report* (2004), at 363. The 9/11 Commission used the term "Islamist terrorism" – what this report calls "violent Islamist extremism" – to describe the most radical manifestation of Islamism or Islamist ideology.

[5] "The Jihadist Next Door", *The New York Times* (January 31, 2010).

[6] This framework is adapted from a publicly available description of the radicalization process by the New York Police Department's ("NYPD") Intelligence Division. New York Police Department, *Radicalization in the West: The Homegrown Threat* (2007).

experience a crisis or have a grievance – whether social, economic, political, or personal – that triggers a "cognitive" opening that compels them to search for answers to their grievances.[7] During *Indoctrination*, individuals adopt violent Islamist extremist ideology and begin to see the world as a struggle against the West. Finally, they reach the *Violence* stage in which they accept their individual duty to commit violence, seek training, and plan attacks.[8]

Individuals often enter the radicalization process after being exposed to a common recruitment narrative. The narrative's main thrust is that the West, led by the United States, is engaged in a war against Islam.[9] Purveyors of the narrative are particularly effective in tying the narrative to personal, local, or regional grievances – in other words, in convincing aggrieved individuals that their grievances result from the West being at war with Islam and that these individuals must rise up to defend Islam via terrorist activity.

B. The Internet's Criticality For Radicalization To Violent Islamist Extremism, And The Diversification Of The Homegrown Terrorist Threat.

In the past, face-to-face interactions were essential for violent Islamist extremist groups to identify followers and to facilitate the radicalization process. However, face-to-face interactions have begun to be replaced by the internet as the primary means by which violent Islamist extremism has spread globally. Al Qaeda and other violent Islamist extremists recognized the potency of the internet after 9/11 when they created a relatively structured, online media campaign that targeted western audiences. Over time, violent Islamist extremists have continued to evolve and improve their ability to use the Web to broadcast the ideology. Their violent propaganda has spread from password protected forums to include "mainstream" sites. The Committee's 2008 staff report concluded that the threat of homegrown terrorism inspired by violent Islamist extremist ideology would increase due to the focused online efforts of that ideology's adherents and how individuals were using the internet to access this propaganda.[10] Indeed, the incidence of homegrown terrorism has increased significantly in the past two years as compared to the years since 9/11. From May 2009 to November 2010, there were 22 different homegrown plots, contrasted with 21 such plots from September 2001 to May 2009.[11]

---

[7] *Id.*

[8] Mitchell D. Silber, Director of Intelligence Analysis, New York City Police Department, *Statement before the Senate Homeland Security and Governmental Affairs Committee* (November 19, 2009).

[9] The importance of the narrative in the recruitment and radicalization of homegrown violent Islamist extremists cannot be understated. An American recruit to violent Islamist extremism is unlikely to have read or fully understood the ideological writings of Sayid Qutb, Yousef al-Ayyiri, or Abdullah Azzam, but the narrative is easier for such an individual to comprehend. The narrative provides a way to explain contemporary events through the lens of the ideology and to motivate potential adherents to take action.

[10] Senate Committee on Homeland Security and Governmental Affairs, Majority and Minority Staff Report, *Violent Islamist Extremism, the Internet, and the Homegrown Terrorist Threat*, (May 8, 2008).

[11] *American Jihadist Terrorism: Combating a Complex Threat*, Appendix A. Many of these plots are recounted elsewhere in this report, particularly the list of cases in which Anwar al-Aulaqi's literature played a role. Cases not mentioned elsewhere in this report include the apprehension of Hosam Smadi (plot to blow up a Dallas skyscraper, 2009) and Michael Finton (alleged plot to blow up a Federal building in Illinois, 2009). Since 9/11, only two plots resulted in American casualties domestically (the attack by Carlos Beldsoe and the Fort Hood attack).

The homegrown terrorist threat also has become "diversified" in two ways, which has helped cause the number of attacks to reach its current peak over the last two years.[12]

First, the need for interaction between individual terrorists and outside groups is evolving. Individual plotters are identifying with an increasingly varied number of foreign terrorist organizations or may no longer need to be tied directly to outside groups. The threat can come from al-Qaeda (in September 2009, Najibullah Zazi was allegedly under al-Qaeda's direction when planning suicide attacks on New York City transit systems);[13] al-Qaeda affiliates (in 2008 and 2009, at least 20 young men from the United States joined al-Shabaab in Somalia including Shirwa Ahmed, the first known American suicide bomber); al-Qaeda's ideological allies (in May 2010, Faisal Shahzad, a U.S. citizen who had received training from Tehrik-i-Taliban Pakistan,[14] attempted to set off a vehicle-based explosive device in Times Square); homegrown groups (in July 2009, seven individuals allegedly attempted to receive training overseas and plan attacks on the homeland, including a small-arms assault on the Marine base in Quantico, Virginia);[15] and individual homegrown terrorists or "lone wolves" (in June 2009, Carlos Bledsoe, a self-described follower of al-Qaeda in the Arabian Peninsula (AQAP),[16] allegedly killed one soldier and wounded a second outside of a recruiting station in Little Rock, Arkansas).

As the Committee warned in its 2008 report, lone wolf terrorists present a unique problem for law enforcement and intelligence agencies.[17] These lone actors, inspired by violent Islamist extremist ideology, plan attacks without specific guidance from foreign terrorist organizations. Because much of their radicalization process is isolated from others, lone wolves are less likely to come to the attention of law enforcement and intelligence agencies.[18] From September 11th until the Fort Hood attack occurred, the only attack on the homeland that resulted in deaths was perpetrated by a lone actor Carlos Bledsoe.

Second, the threat is diverse because there continues to exist no single profile of violent Islamist extremists, especially in the United States where individuals from various backgrounds have gravitated to violent Islamist extremism.[19] Nor is there a general time frame over which the process of radicalization to violent Islamist extremism occurs, although the internet has almost certainly accelerated the radicalization process over the past couple of years.[20] Indeed, as a result of the internet and other variables, the time frame between the beginning of radicalization

---

[12] Michael Leiter, Director, National Counterterrorism Center, *Statement before the Senate Homeland Security and Governmental Affairs Committee* (September 22, 2010).
[13] *U.S. v. Medunjanin, Naseer, El Shukrijumah, Rehman, Lnu*, Superseding Indictment (July 7, 2010).
[14] *U.S. v. Shahzad*, Sentencing Memorandum (September 29, 2010).
[15] *U.S. v. Boyd*, Indictment (July 22, 2009).
[16] Carlos Bledsoe, Letter to Judge Herbert Wright (January 14, 2010).
[17] Senate Committee on Homeland Security and Governmental Affairs, Majority and Minority Staff Report, *Violent Islamist Extremism, the Internet, and the Homegrown Threat*, (May 8, 2008).
[18] *Id.*
[19] Peter Bergen and Bruce Hoffman, *Assessing the Terrorist Threat* (Bipartisan Policy Center, September 10, 2010).
[20] Garry Reid, Deputy Assistant Secretary of Defense, Special Operations and Combating Terrorism, *Statement before the Senate Armed Service Subcommittee on Emerging Threats and Capabilities* (March 10, 2010).

and the onset of terrorist activity has decreased substantially, further exacerbating the challenge to law enforcement and intelligence agencies to detect and disrupt attacks.

C. The Role Of "Virtual Spiritual Sanctioners" Exemplified By Anwar al-Aulaqi.

Proceeding in the radicalization process from the level of *Self-Identification* to the levels of *Indoctrination* and *Violence* has been made easier by "virtual spiritual sanctioners."[21] These individuals provide a false sense of religious justification for an act of terrorism over the internet. Though many individuals around the globe have become purveyors of violent Islamist extremism, a foremost example of a "virtual spiritual sanctioner" is Anwar al-Aulaqi, a U.S. citizen now operating from Yemen.[22] In 2008, then-Department of Homeland Security Undersecretary for Intelligence and Analysis Charlie Allen stated publicly, "Another example of al Qaeda reach into the Homeland is U.S. citizen, al Qaeda supporter, and former spiritual leader to three of the September 11th hijackers Anwar al-Aulaqi – who targets U.S. Muslims with radical online lectures encouraging terrorist attacks from his new home in Yemen."[23]

Al-Aulaqi's role as an online provocateur of homegrown terrorism has been well known to the U.S. Government, including the FBI:

- Over four years prior[24] to the Fort Hood attack, Mahmud Brent, a man who admitted to attending a Lashkar-e-Taiba training camp in Pakistan was found with "audiotapes of lectures by Anwar Al-Awlaki."[25]

- Nearly three years prior[26] to the Fort Hood attack, six individuals planned to attack Fort Dix, New Jersey, and to kill "as many soldiers as possible."[27] The FBI arrested the group in May 2007. According to expert testimony at the trial, al-Aulaqi's lecture explaining *Constants on the Path to Jihad* was a cornerstone of their radicalization to violent Islamist extremism.[28]

---

[21] Mitchell D. Silber, Director of Intelligence Analysis, New York City Police Department, *Statement before the Senate Homeland Security and Governmental Affairs Committee* (November 19, 2009).
[22] Other examples of virtual spiritual sanctioners include the Jamaican citizen Abdullah el-Faisal, Australian Feiz Mohammad, and American Samir Khan.
[23] Charles E. Allen, Undersecretary for Intelligence and Analysis /Chief Intelligence Officer, Keynote Address at GEOINT Conference (October 28, 2008), available at http://www.dhs.gov/xnews/speeches/sp_1225377634961.shtm.
[24] U.S. *v. Mahmud Faquq Brent*, Sentencing Memorandum (July 23, 2007). The al-Aulaqi audiotapes were found in a FBI search of Brent's residence on August 4, 2005. In addition, the sentencing memorandum cites the 9/11 Commission that describes al-Aulaqi as the "spiritual advisor to two of the September 11 hijackers."
[25] *Id.*
[26] Evan F. Kohlmann, Expert Report II, *U.S. v. Mohamad Ibrahim Shnewer et al.* (September 2008). The recorded conversations between Shain Duka and another individual regarding al-Aulaqi took place on March 9, 2007.
[27] Department of Justice, *Five Radical Islamists Charged with Planning Attack on Fort Dix Army Base in New Jersey* (May 8, 2007).
[28] Evan F. Kohlmann, Expert Report II, *U.S. v. Mohamad Ibrahim Shnewer et al.* (September 2008).

- Nearly a year and a half[29] prior to the Fort Hood attack, U.S. citizen Barry Bujol was allegedly seeking al-Aulaqi's advice and counsel on how to join a terrorist organization. In June 2009, the FBI arrested him for attempting to provide material support to AQAP. Bujol had emailed al-Aulaqi requesting assistance on "jihad" and wanting to help the "mujahideen," and in response al-Aulaqi sent his *44 Ways of Supporting Jihad.* Bujol believed that al-Aulaqi's email would attest to his bona fides to AQAP.[30]

- A year and three months[31] prior to the Fort Hood attack, Hysen Sherifi, one of seven men in North Carolina charged in a plot to attack the Marine base in Quantico, Virginia, allegedly told an informant that he was going "to send [the informant] more books on Islam and jihad and that one of the books was '44 Ways to Help the Mujihadin' by Anwar Aleki [*sic*]."[32]

- Four months prior to the Fort Hood attack,[33] in a case investigated by the FBI's Washington Field Office, U.S. citizen Zachary Chesser reached out to al-Aulaqi through al-Aulaqi's Web site for spiritual guidance and solicited al-Aulaqi's recommendations on his desire to join al-Shabaab in Somalia. In charging documents against Chesser, the FBI noted that "various Islamic terrorists were in contact with Aulaqi before engaging in terrorist acts." Chesser explained to investigators that "Aulaqi inspires people to pursue jihad."[34] He watched online videos and listened to digitized lectures "almost obsessively" including those by his favorite spiritual leader, al-Aulaqi. Al-Aulaqi responded to two of Chesser's messages.

Al-Aulaqi's role as a virtual spiritual sanctioner in U.S. terrorism cases has continued since the Fort Hood attack.[35] Furthermore, al-Aulaqi has taken an operational role in terrorist plots including, but not limited to, the Christmas Day attack by Umar Faruk Abdulmutallab.[36]

---

[29] *U.S. v. Barry Bujol*, Application for Search Warrant (May 28, 2010), Affidavit of TFO Sean McCarroll, FBI JTTF. According to the search warrant, Bujol began his communication with al-Aulaqi in "mid-2008."
[30] *Id.*
[31] *U.S. v. Hysen Sherifi, et al.*, Application for Search Warrant (July 27, 2009). According to the search warrant, the conversation between Sherifi and the informant occurred on February 7, 2009.
[32] *Id.* The search warrant continues, "Sherifi translated the book and put it on a website and he told [the informant] that translating is one of the 44 ways to help the Mujihadin."
[33] *U.S. v. Zachary Chesser*, Application for Search Warrant (July 21, 2010), Affidavit of FBI Special Agent Mary Brandt Kinder. According to the FBI Affidavit, "a court-ordered search of Chesser's email account zchesser@gmu.edu, revealed that on July 13, 2009, Chesser contacted Anwar Awlaki directly through Awlaki's email address."
[34] *Id.*
[35] *U.S. v. Alessa, Almonte*, Criminal Complaint (June 4, 2010), *U.S. v. Shaker Masri*, Criminal Complaint (August 3, 2010), *U.S. v. Paul Rockwood*, Sentencing Memorandum, (August 16, 2010), *U.S. v. Abdel Shehadeh*, Complaint in Support of Arrest Warrant (October 21, 2010), *U.S. v. Farooque Ahmed*, Search and Seizure (October 26, 2010), *U.S. v. Antonio Martinez*, Criminal Complaint (December 8, 2010).
[36] Janet Napolitano, Secretary of Department of Homeland Security, *Statement before the Senate Homeland Security and Governmental Affairs Committee* (September 22, 2010); Michael Leiter, Director, National Counterterrorism Center, *Statement before the Senate Homeland Security and Governmental Affairs Committee* (September 22, 2010).

# PART II: MAJOR HASAN'S RADICALIZATION TO VIOLENT ISLAMIST EXTREMISM AND THE STRING OF GOVERNMENT FAILURES TO INTERVENE AGAINST HIM PRIOR TO THE FORT HOOD ATTACK

Both the public and the private signs of Hasan's radicalization to violent Islamist extremism while on active duty were known to government officials, but a string of failures prevented these officials from intervening against him. His radicalization was well known during his military medical training to his superiors and colleagues, but no action was taken to discipline or discharge him. In fact, signs of his radicalization to violent Islamist extremism that troubled many of his superiors and colleagues were sanitized in his Officer Evaluation Reports into praise of his supposed research on violent Islamist extremism. Hasan's radicalization to violent Islamist extremism subsequently [REDACTED] engaged in communication with the Suspected Terrorist [REDACTED] that were clearly out of bounds for a military officer. The ensuing JTTF inquiry, however, was only aware of his initial [REDACTED] communications (despite the fact that the FBI had obtained information on subsequent communications prior to the attack) and was conducted superficially – dismissing these first [REDACTED] communications as benign because of the misleading Officer Evaluation Reports praising his research.

## III. "A Ticking Time Bomb:" DoD's Failure To Respond To Major Hasan's Public Displays Of Radicalization To Violent Islamist Extremism.

Major Nidal Hasan's public displays of radicalization toward violent Islamist extremism during his medical residency and post-residency fellowship were clear and led two officers to describe him as a "ticking time bomb."[37]

Born in Arlington, Virginia, in 1970, he graduated from Virginia Tech with an engineering degree in 1992 and began active duty with the U.S. Army in 1995. In 1997, he entered medical school at the Uniformed Services University of the Health Sciences ("USUHS"), the Military Services' leading educational institution for medical professionals, and graduated in 2003. From 2003 to 2007, Hasan was a resident in the psychiatric program at Walter Reed Army Medical Center, and from 2007 to 2009 he was a fellow in a post-residency graduate program at USUHS. During his medical residency and post-residency fellowship, his views were no secret to his superiors and colleagues, and he showed clear evidence of escalating radicalization to violent Islamist extremism. Witnesses reported that Hasan expressed support in open class presentations for many of the principles of violent Islamist extremism, and this support is reflected in written academic papers Hasan prepared during this time frame.

That conduct disturbed many of his superiors and colleagues, yet no action was taken against him. In fact, his Officer Evaluation Reports were uniformly positive – and even described his exploration of violent Islamist extremism as something praiseworthy and useful to U.S. counterterrorism efforts. Notwithstanding his manifestations of violent Islamist extremism and his concomitant poor performance as a psychiatrist, Hasan was not removed from the military but instead was promoted to the rank of major in May 2009 and eventually ordered to be deployed to Afghanistan in the fall of 2009.

Many servicemembers have deeply held religious views (whether Christian, Jewish, Muslim, Hindu, or Buddhist), but such views are not a cause for concern. The issue that must be countered is the adoption of radical ideology that is a corruption of religion and leads to intolerance or violence or is detrimental to military operations. An individual who embraces violent Islamist extremist ideology clearly is unfit to serve in the U.S. military.[38] What follows is a summary of the key facts regarding Hasan's deepening embrace of violent Islamist extremism and DoD's failure to respond.

---

During the investigation, Committtee staff was briefed by DoD about relevant military policies and procedures. These briefings will be referenced by the name of the briefer. In addition, DoD provided three Hasan-specific briefings to HSGAC staff. Two of these briefings provided the contents of 30 interviews of witnesses conducted by the DoD Criminal Investigative Division (CID) and the FBI in November 2009 immediately after the Fort Hood attack. Those briefings will be referenced as "CID-FBI Briefing, Witness __" and "CID-FBI Briefing 2, Witness __". The third Hasan-specific briefing provided the contents of 34 interviews that were carried out by the staff conducting the DoD internal review, headed by former Secretary of the Army Togo West and Admiral Vern Clark (ret.), the former Chief of Naval Operations, which led to the *Protecting the Force* report and separate DoD Hasan Annex. That briefing will be referenced as "Panel Review Briefing, Witness __".

[37] Panel Review Briefing, Witness 14 and Witness 19.

[38] Kelly R. Buck et al, *Screening for Potential Terrorists in the Enlisted Military Accessions Process,* Defense Personnel Security Research Center (April 2005), at 6-7.

While Hasan's evident radicalization to violent Islamist extremism occurred gradually and escalated over time, the fact that he obviously had strong religious views that created conflicts with his military service manifested during the early part of his residency (2003-2006). One classmate told investigators that Hasan openly questioned whether he could engage in combat against other Muslims.[39] During the third year of his residency, Hasan's conflicts with service obligations ripened to the point that one of his supervisors tried twice to convince him to leave the military. The first time, Hasan's superior told him, "I don't think you and the military will fit," and offered Hasan "a way out" to "just say goodbye."[40] Later, after that adviser and Hasan unsuccessfully explored whether Hasan qualified for conscientious objector status, that supervisor again tried to convince Hasan to resign.[41]

The next two years were the final year of Hasan's Walter Reed residency and the first year of his USUHS fellowship (2006-2008), and it was then that his radicalization to violent Islamist extremism came into plain view. In the last month of his residency, he chose to fulfill an academic requirement to make a scholarly presentation on psychiatric issues by giving an off-topic lecture on violent Islamist extremism.[42] The presentation was a requirement for graduation from the residency, commonly referred to at Walter Reed as "Grand Rounds."[43] Hasan's draft presentation consisted almost entirely of references to the Koran, without a single mention of a medical or psychiatric term.[44] Hasan's draft also presented extremist interpretations of the Koran as supporting grave physical harm and killing of non-Muslims.[45] He even suggested that revenge might be a defense for the terrorist attacks of September 11, 2001.[46] Hasan's superiors warned him that he needed to revise the presentation if he wanted to graduate[47] and concluded that it was "not scientific," "not scholarly," and a mere "recitation of the Koran" that "might be perceived as proselytizing."[48]

At about the same time, the Psychiatric Residency Program Director, who was one of the superiors who reviewed the draft Grand Rounds presentation, questioned whether Hasan was fit to graduate.[49] He thought Hasan was "very lazy" and "a religious fanatic."[50] Ultimately, Hasan improved the presentation sufficiently to receive credit, although a review of the PowerPoint

---

[39] Panel Review Briefing, Witness 2.
[40] *Id.*, Witness 27.
[41] *Id.*
[42] *Id.*, Witness 20.
[43] *Id.*
[44] *Using the Koran to Understand Muslims and the Establishment of an Islamic State*, DoD Production, Stamp DoD 000973-001020 ("Draft Presentation"). Documents that were produced by DoD to HSGAC during the investigation are cited as "DoD Production, Stamp DoD #".
[45] *Id.*
[46] *Id.*, Stamp DoD 001016.
[47] Memorandum for CPT Nidal Hasan, Re "Scholarly Project," From Program Director, NCC Psychiatry Residency Training (May 21, 2007), Hasan DoD File, Stamp 20091202-127. Documents from Hasan's personnel, training and credentials files, which were made available by DoD for HSGAC review, but which were not kept or retained by HSGAC, are cited as "Hasan DoD File, Stamp #".
[48] Panel Review Briefing, Witness 17.
[49] CID-FBI Briefing, Witness 20.
[50] *Id.*

presentation and a video of the event shows that it was still essentially a collection of Koranic verses with minimal scholarly content.[51] According to the Program Director, a major reason that his presentation was acceptable was because standards for such presentations did not yet exist.[52] He graduated despite the Program Director's reservations.

The most chilling feature of both the draft and final presentation was that Hasan stated that one of the risks of having Muslim-Americans in the military was the possibility of fratricidal murder of fellow servicemembers.

Hasan advanced to a two-year fellowship at USUHS. As a threshold matter, had established procedures been followed, he would not have been accepted into the fellowship. According to the Army Surgeon General, fellowships are typically reserved for elite medical professionals.[53] Officers involved in the fellowship selection process recounted that Hasan was offered a fellowship because he was the only Army applicant and the Army did not want to risk losing that fellowship if it was not filled.[54] Hasan confided to a colleague that he applied for the fellowship to avoid a combat deployment in a Muslim country; one of Hasan's supervisors realized that he had the wrong motivation for applying and warned against accepting him.[55]

Hasan's radicalization became unmistakable almost immediately into the fellowship, and it became clear that Hasan embraced violent Islamist extremist ideology to such an extent that he had lost a sense of the conduct expected of a military officer. Classmates – who were military officers, some outranking Hasan – described him as having "fixed radical beliefs about fundamentalist Islam" that he shared "at every possible opportunity" or as having irrational beliefs.[56]

Less than a month into the fellowship, in August 2007, Hasan gave another off-topic presentation on a violent Islamist extremist subject instead of on a health care subject. This time, Hasan's presentation was so controversial that the instructor had to stop it after just two minutes when the class erupted in protest to Hasan's views. The presentation was entitled, *Is the War on Terror a War on Islam: An Islamic Perspective?* Hasan's proposal for this presentation promoted this troubling thesis: that U.S. military operations are a war against Islam rather than based on non-religious security considerations.[57] Hasan's presentation accorded with the narrative of violent Islamist extremism that the West is at war with Islam. Hasan's paper was full of empathetic and supportive recitation of other violent Islamist extremist views, including defense of Osama bin Laden, slanted historical accounts blaming the United States for problems in the Middle East, and arguments that anger at the United States is justifiable.[58] Several

---

[51] Draft Presentation, Stamp DoD 001018; Powerpoint presentation, *The Koranic World View as it Relates to Muslims in the U.S. Military*, at 13, 50.
[52] Panel Review Briefing, Witness 20.
[53] Schoomaker Briefing.
[54] Panel Review Briefing, Witness 9 and Witness 20.
[55] *Id.*, Witness 2 and Witness 27; CID/FBI Briefing, Witness 2.
[56] *Id.*, Witness 25.
[57] Nidal Hasan, *Is the War on Terror a War on Islam: An Islamic Perspective?*, DoD Production, Stamp DoD 20100205-466.
[58] *Id.*, at 1-3.

colleagues who witnessed the presentation described Hasan as justifying suicide bombers. These colleagues were so alarmed and offended by what they described as his "dysfunctional ideology" and "extremist views" that they interrupted the presentation to the point where the instructor chose to stop it.[59] The instructor who stopped the presentation said that Hasan was sweating, quite nervous, and agitated after being confronted by the class.[60]

Hasan's promotion of violent Islamist extremist beliefs continued after the presentation. One classmate said that Hasan supported suicide bombings in another class.[61] He told several classmates that his religion took precedence over the U.S. Constitution he swore to support and defend as a U.S. military officer. It is critically important to view Hasan's statements in the context of all of his conduct. His statement was not part of an abstract discussion on the relationship between duty to religion and duty to country, nor was it framed within the context of faith-based following of the military directive that servicemembers not follow illegal orders. Rather, Hasan's statements about the primacy of religious law occurred as he was supporting a violent extremist interpretation of Islam and suggesting that this radical ideology justified opposition to U.S. policy and could lead to fratricide in the ranks. Perhaps for this reason, Hasan's comments on his loyalty to religious law, which he made more than once, were so disturbing to his colleagues that they reported Hasan to superiors.[62]

Later in the fellowship, Hasan pursued another academic project in the ambit of violent Islamist extremism.[63] Hasan's written proposal for this project framed it in clinical terms, namely as a research study of whether Muslims in military service had religious conflicts. It was perceived as less controversial than his prior presentations. Nonetheless, it was the third project in the span of a year that Hasan dedicated to violent Islamist extremist views. Moreover, Hasan proposed to give Muslim soldiers a survey which implicitly questioned their loyalty and was slanted to favor the violent Islamist extremist views he had previously expressed. In one question, Hasan wanted to ask whether the religion of Islam creates an expectation that Muslim soldiers would help enemies of the United States in Iraq and Afghanistan.[64] And again, Hasan raised the ominous possibility of fratricide by Muslim-American servicemembers against fellow servicemembers as a central reason for his survey.[65]

In sum, Hasan engaged in the following conduct in front of or as reported to his superiors within little more than one year:

- Making three off-topic presentations on violent Islamist extremist topics instead of medical subjects.

---

[59] Panel Review Briefing, Witness 19; CID-FBI Briefing, Witness 10 and Witness 25.
[60] Panel Review Briefing, Witness 19.
[61] *Id.*, Witness 14.
[62] CID-FBI Briefing, Witness 10, Witness 14, and Witness 25.
[63] Nidal Hasan, *Religious Conflicts Among US Muslim Soldiers*, June 2008, DoD Production, Stamp DoD 20100205-469.
[64] *Id.*, at 23.
[65] *Id.*, at 3.

- Giving a class presentation perceived as so supportive of violent Islamist extremist conflict against the United States that it was almost immediately stopped by an instructor after classmates erupted in opposition to Hasan's views.

- Justifying suicide bombings in class at least twice, according to the accounts of classmates.

- Suggesting in writing in his proposals for presentations that some actions of Osama bin Laden may be justified.

- Telling several classmates that his religion took precedence over the U.S. Constitution he swore a military oath to support and defend.

- Stating three times in writing that Muslim-Americans in the military could be prone to fratricide.

Despite Hasan's overt displays of radicalization to violent Islamist extremism, Hasan's superiors failed to discipline him, refer him to counterintelligence officials, or seek to discharge him. One of the officers who reported Hasan to superiors opined that Hasan was permitted to remain in service because of "political correctness" and ignorance of religious practices.[66] That officer added that he believed that concern about potential discrimination complaints stopped some individuals from challenging Hasan.[67] We are concerned that exactly such worries about "political correctness" inhibited Hasan's superiors and colleagues who were deeply troubled by his behavior from taking the actions against him that could have prevented the attack at Fort Hood. However, none of the superiors cited "political correctness" as the reason for not acting against Hasan. Instead, the reasons given for their failure to act varied and included:

- <u>A belief that Hasan's ideological views were not problematic or were at least understandable</u>: Several of Hasan's superiors were simply not concerned with his views. One superior concluded that he was devoutly religious but not an extremist,[68] adding that he was not alarmed by his religious expressions because similar expressions of other religions would be accepted.[69] Another superior thought that his religion was part of his identity and that Hasan's inner conflict concerning military operations in Muslim countries was an understandable internal reaction by a servicemember to combat against that servicemember's co-religionists.[70]

- <u>Academic freedom and absence of academic standards</u>: Hasan was given a passing mark for his Grand Rounds project in his residency despite the fact that some of his superiors believed it virtually ignored legitimate psychiatric issues and was unscientific in its

[66] Panel Review Briefing, Witness 14.
[67] *Id.*
[68] *Id.*, Witness 3.
[69] *Id.*
[70] *Id.*

analysis.[71] His superiors offered the following reasons for giving Hasan academic credit for the presentation: (1) it fit within broad parameters of academic freedom to study subjects of choice,[72] (2) he presented a controversial subject with thoughtfulness and reflection,[73] (3) there were no set standards for judging such projects,[74] (4) spirituality was part of mental health,[75] and (5) although it was not among the best projects, it was good enough to pass.[76]

- A desire to preserve the USUHS fellowship by filling it with an Army applicant: According to officers involved in the fellowship selection process, Hasan was admitted to the USUHS fellowship because (1) he was the only Army candidate for the position he sought,[77] (2) the fellowship director was concerned that the fellowship would be terminated if it went unfilled,[78] (3) he received recommendations from senior officials,[79] and (4) it would have been problematic to rescind the fellowship offer once Hasan was accepted.[80]

- A belief that Hasan provided understanding of violent Islamist extremism as well as the culture and belief of Islam: Some of Hasan's superiors thought that his controversial projects on violent Islamist extremism were constructive. A senior Walter Reed official concluded that Hasan's Grand Rounds presentation addressed "a controversial topic with a degree of thoughtfulness and a degree of reflection that . . . was evenhanded."[81] One superior regarded Hasan's proposed USUHS survey on Muslim servicemembers' conflicts as a challenging but legitimate public health project that contributed to cultural understanding.[82] Even Hasan's final Program Director at the Walter Reed residency, who questioned whether Hasan should be permitted to advance, felt that "Hasan was a unique individual who could help understand Muslim culture and beliefs."[83]

- A belief that Hasan could perform adequately in an installation with other psychiatrists to assist him: Hasan was assigned to Fort Hood in part because some superiors thought it would be best to place him at a large base where there would be many psychiatrists to

---

[71] *Resident Evaluations for Psychiatry Scholarly Activity, Oral Presentation, June 20, 2007, Nidal Hasan, M.D.*, Hasan DoD File, Stamp 20100224-490R-488R; Email, Subject *Re: Hasan Scholarly Project (UNCLASSIFIED)* (June 22, 2007), DoD Production, DoD Stamp 20091202-307; Email, Subject *Re: Hasan Scholarly Project (UNCLASSIFIED)* (June 21, 2007), DoD Production Stamp 20091202-309.
[72] Panel Review Briefing, Witness 3.
[73] *Id.*
[74] *Id.*; Witness 20.
[75] *Id.*
[76] *Id.*, Witness 2.
[77] *Id.*, Witness 3 and Witness 20.
[78] *Id.*, Witness 3.
[79] *Id.*, Witness 9.
[80] *Id.*, Witness 3.
[81] *Id.*
[82] *Id.*, Witness 9; Witness 13.
[83] *Id.*, Witness 20.

monitor and report on his performance,[84] and in part because he seemed motivated to do patient care which was needed at Fort Hood.[85]

Hasan was a chronic poor performer during his residency and fellowship. The program directors overseeing him at Walter Reed and USUHS both ranked him in the bottom 25 percent.[86] He was placed on probation and remediation and often failed to meet basic job expectations such as showing up for work and being available when he was the physician on call.

Yet Hasan received evaluations that flatly misstated his actual performance. Hasan was described in the evaluations as a star officer, recommended for promotion to major, whose research on violent Islamist extremism would assist U.S. counterterrorism efforts.

- His Officer Evaluation Report for July 2007 to June 2008 described Hasan as "among the better disaster and psychiatry fellows to have completed the MPH at the Uniformed Services University."[87] The report described how Hasan had "focused his efforts on illuminating the role of culture and Islamic faith within the Global War on Terrorism" and that his "work in this area has extraordinary potential to inform national policy and military strategy."[88] The report also stated, "His unique interests have captured the interest and attention of peers and mentors alike."[89]

- His Officer Evaluation Report for July 2008 to June 2009 gave him passing marks for all seven Army Values and all 15 Leadership Attributes.[90] "Islamic studies" was listed under the category of "unique skills" Hasan possessed.[91] The evaluation commented on Hasan's "keen interest in Islamic culture and faith and his shown capacity to contribute to our psychological understanding of Islamic nationalism and how it may relate to events of national security and Army interest in the Middle East and Asia."[92]

These evaluations bore no resemblance to the real Hasan, a barely competent psychiatrist whose radicalization toward violent Islamist extremism alarmed his colleagues and his superiors. The lone negative mark in the evaluations was the result of Hasan failing to take a physical training test.[93] Other than that, there is not a single criticism or negative comment of Hasan in those evaluations.

---

[84] *Id.*, Witness 3.
[85] *Id.*, Witness 9.
[86] *Id.*, Witness 20 and Witness 9.
[87] *Officer Evaluation Report, Nidal Hasan*, covering period from July 1, 2007-June 30, 2008, Hasan DoD File, Stamp 20100108-331.
[88] *Id.*
[89] *Id.*
[90] *Officer Efficiency Report, Nidal Hasan*, covering period from July 1, 2008-June 30, 2009 (July 1, 2009), Hasan DoD File, Stamp 20100108-330.
[91] *Id.*
[92] *Id.*
[93] *Id.*

Thus, despite his overt displays of radicalization to violent Islamist extremism and his poor performance, Hasan was repeatedly advanced instead of being discharged from the military. He graduated from the residency in 2007, was enrolled in the fellowship that same year, received his promotion to major in 2008, was assigned to Fort Hood later that year, and ultimately was selected for deployment to Afghanistan in October 2009 – all by officers who had knowledge of his poor performance and expressions of violent Islamist extremism. Hasan had stated that he was comfortable with a deployment to Afghanistan as opposed to Iraq.[94] The same officer who assigned Hasan to Fort Hood – and who witnessed at least one of Hasan's expressions of violent Islamist extremist radicalization at USUHS and was aware that there were serious concerns about Hasan – made the decision to deploy Hasan to Afghanistan.[95] In other words, despite Hasan's history of radicalization to violent Islamist extremism, Hasan was scheduled for deployment to provide psychiatric care under stressful conditions in a combat zone in which the U.S. military is battling violent Islamist extremists.

In sum, the officers who kept Hasan in the military and moved him steadily along knew full well of his problematic behavior. As the officer who assigned Hasan to Fort Hood (and later decided to deploy Hasan to Afghanistan) admitted to an officer at Fort Hood, "you're getting our worst."[96] On November 5, 2009, 12 servicemembers and one civilian employee of DoD lost their lives because Hasan was still in the U.S. military.

---

[94] Panel Review Briefing, Witness 3.

[95] *Id.*, Witness 40 and Witness 21. One witness stated that the officer who ultimately made the deployment decision previously instructed a course at USUHS in which Major Hasan justified suicide bombings. *Id.*, Witness 14.

[96] *Id.*, Witness 21.

## IV. "That's Our Boy:" The FBI's Superficial Inquiry Into Major Hasan Prior To The Attack.

Hasan's public displays of radicalization toward violent Islamist extremism while on active duty reached a crescendo during the first year of his fellowship, the 2007-2008 academic year, after which his public displays ended. Yet his radicalization continued [REDACTED] during the second year of his fellowship, the 2008-2009 academic year, as he began communicating with the subject of an unrelated terrorism investigation, the Suspected Terrorist, [REDACTED]

The Suspected Terrorist was well known to the FBI as the subject of several investigations, including investigations by FBI JTTFs. [REDACTED] The current, third investigation is led by the JTTF in the FBI's San Diego Field Office, [REDACTED]. JTTFs are units in FBI field offices that conduct counterterrorism investigations, with one in each of the FBI's 56 field offices.[97] JTTFs are staffed not only by FBI agents but also by government employees on detail ("detailees") from other federal agencies – such as agencies within DoD – and state and local governments.[98] After 9/11, preventing terrorism domestically became the FBI's top priority, and a major FBI initiative involved increasing the number of JTTFs from thirty-five on 9/11 to 106 in 2010.[99] The FBI also created a National JTTF in 2002 to "manage" the JTTF program, to coordinate between the JTTFs and FBI headquarters,[100] and to be a "point of fusion" for terrorism intelligence among JTTFs such as by coordinating terrorism projects involving JTTF intelligence collection.[101]

The San Diego JTTF was responsible for reviewing the [REDACTED]. Hasan's initial communication with the Suspected Terrorist sparked concern within the San Diego JTTF because it suggested that Hasan was affiliated with the U.S. military and sought the Suspected Terrorist's opinion [REDACTED]. DoD detailees at the San Diego JTTF checked a military personnel database and mistakenly concluded that Hasan was a military communications officer, not a military physician, by misreading "comm. officer" in Hasan's military file as referring to a communications officer rather than a commissioned officer. For operational reasons, the San Diego JTTF decided not to disseminate Hasan's communications through normal intelligence channels [REDACTED]; instead, the San Diego JTTF decided to keep the information about Hasan solely within the JTTF structure. In the interim, the San Diego JTTF learned of another communication from Hasan to the Suspected Terrorist which should have raised counterintelligence concerns because it [REDACTED].

---

[97] U.S. Department of Justice, Office of the Inspector General, *The Department of Justice's Terrorism Task Forces*, at 16.

[98] *Id.*, at 18. The FBI and other federal agencies refer to detailees to JTTFs as "task force officers."

[99] Federal Bureau of Investigation, *Protecting America Against Terrorist Attack: A Closer Look at Our Joint Terrorism Task Forces*, available at www.fbi.gov/page2/may09/jttfs_052809.html.

[100] Federal Bureau of Investigation, *Protecting America: National Joint Terrorism Task Force Wages War on Terror*, available at www.fbi.gov/page2/august 08/njttf_081908.html.

[101] *The Department of Justice's Terrorism Task Forces*, at 21-2. *See* Federal Bureau of Investigation, *FBI Input to Intelligence Community "Calibration Report" Phase II* (October 5, 2004), at 7 ("The mission of the NJTTF is to enhance communication, coordination, and cooperation by acting as the hub of support for the JTTFs throughout the United States, providing a point of fusion for intelligence acquired in support of counterterrorism operations.").

In lieu of sending a normal intelligence communication, the FBI agent at the San Diego JTTF [REDACTED] sent a detailed memorandum to the Washington, DC, JTTF on January 7, 2009. (Hasan was stationed at Walter Reed in Washington, DC, and therefore was in the investigative jurisdiction of the JTTF at the FBI's Washington, DC, Field Office.) The Washington JTTF had led the post-9/11 investigation into the Suspected Terrorist (the second of the three FBI investigations into that individual). Copies of that memorandum were also sent by that FBI agent to relevant agents in the FBI's headquarters-based Counterterrorism Division. The memorandum surveyed Suspected Terrorist's significance [REDACTED]. The memorandum included the content of Hasan's initial [REDACTED] communications and requested an inquiry into Hasan. The request was not a mandatory order for the Washington JTTF to investigate but rather a "discretionary lead," which was a type of lead that did not specify what if any actions the receiving JTTF should take. The FBI agent wrote in the memorandum that the communications would be problematic if Hasan indeed was a military communications officer.

On February 25, 2009 – more than six weeks after the January 7th memorandum from the San Diego JTTF – the FBI leadership at the Washington JTTF assigned the lead to a detailee from the Defense Criminal Investigative Service (DCIS). DCIS is the law enforcement arm of the DoD Office of the Inspector General, which is a semi-autonomous entity within DoD and responsible for investigating waste, fraud, and abuse such as in military procurements. DCIS is not a counterintelligence or counterterrorism agency. In contrast, each Military Service has its own counterintelligence agency or agencies, which also play a counterterrorism role. The Army, for example, has the Criminal Investigative Division for criminal matters and Army Intelligence and Security Command (including the 902nd Military Intelligence Group) for intelligence matters.[102]

The DCIS agent's FBI supervisor at the Washington JTTF did not specify any actions that the DCIS agent should take. The DCIS agent did not begin the inquiry until the last day of the standard ninety-day deadline for completing inquires based on discretionary leads. The inquiry was conducted, concluded, and summarized in a reply memorandum to the San Diego JTTF in four hours on a single day: May 27, 2009.

As later recounted in the reply memorandum to the San Diego JTTF, the Washington JTTF's focus was on whether Hasan was engaged in terrorist activities – not whether he was radicalizing to violent Islamist extremism. The DCIS agent in Washington queried the DoD personnel database and determined that Hasan was a military physician, not a communications officer. He also queried the FBI's investigative databases to determine whether Hasan had surfaced in any prior FBI counterterrorism or other investigations and found nothing. Finally, the DCIS agent obtained a series of routine personnel files from a DoD manpower center. These

[102] For a review of DOD's counterintelligence organizations, legal authorities, and oversight, *see* Michael J. Woods and William King, "An Assessment of the Evolution and Oversight of Defense Counterintelligence Activities," in *Journal of National Security Law and Policy* vol. 3 (2009), at 169. An examination of the efficacy of the Army's organizational division between investigating criminal conduct versus counterintelligence is outside the scope of this report. For an analysis of this "anomaly," *see* Merle V. Bickford, *The Organizational Anomaly of US Army Strategic Counterintelligence*, Thesis for the U.S. Army Command and General Staff College (2003).

files included Hasan's annual Officer Evaluation Reports from 2004 to 2008. The Officer Evaluation Reports for 2007 and 2008 – the years in which Hasan's public displays of radicalization to violent Islamist extremism were most pronounced – praised his research concerning violent Islamist extremism as having potentially significant applicability to counterterrorism and recommended promotion to major. The records also indicated that Hasan was recently promoted to major. The only explicitly negative information in the files was Hasan's failure to pass fitness requirements. The DCIS agent believed it was relevant that Hasan had not tried to hide his identity [REDACTED] in his communications with the Suspected Terrorist, which the agent believed implied that the communications were legitimate research efforts.

The Washington JTTF's DCIS agent considered interviewing Hasan or his superiors and colleagues but decided not to do so for two reasons: First, the DCIS agent believed that, as the Hasan communications were an outgrowth of the San Diego JTTF's investigation of the Suspected Terrorist, the Washington JTTF needed to tread carefully to avoid disrupting that investigation [REDACTED]. The DCIS agent was concerned that interviews of Hasan's superiors and colleagues would cause that investigation to be revealed given that the DCIS agent believed that such officers would brief their superiors about the interviews. Second, the DCIS agent felt that interviews might jeopardize Hasan's career and thus potentially violate the requirement that FBI investigations use the "least intrusive means" possible.

The Washington JTTF's DCIS agent concluded that Hasan's communications were explained by the research described in the Officer Evaluation Reports into Islamic culture and beliefs regarding terrorism. He discussed his methodology, rationale for not conducting interviews, and conclusions with his FBI supervisor, who approved. Neither the DCIS agent nor the FBI supervisor contacted the San Diego JTTF to discuss and validate these concerns, and there is no indication that they considered [REDACTED]. There is no indication that the DCIS agent and the FBI supervisor consulted any other officials within the FBI on whether disseminating the information on Hasan or taking additional investigative steps such as interviews would be precluded by law [REDACTED] or the FBI's *Domestic Investigations Operations Guide.* The DCIS agent then sent a memorandum – approved by his FBI supervisor – back to the San Diego JTTF, with copies to relevant FBI headquarters-based Counterterrorism Division personnel, describing his investigative process and results.

The FBI agent in San Diego who had asked the Washington JTTF to conduct the inquiry found the Washington JTTF's work to be "slim." The FBI agent was critical that the DCIS agent had not probed more deeply into Hasan's background and had not interviewed Hasan's superiors and colleagues or Hasan himself. In fact, the FBI agent even thought that Hasan might be a confidential human source of the Washington JTTF given how superficial he believed the Washington JTTF's inquiry was. To avoid making the FBI "look like the heavy" vis-à-vis the DCIS agent, the FBI agent asked one of his DCIS detailee colleagues at the San Diego JTTF to contact the DCIS agent at the Washington JTTF in order to register concern. That DCIS agent in San Diego tried to contact the DCIS agent in Washington by telephone but eventually sent an email instead to register concerns about the depth of the inquiry and the lack of interviews. The DCIS agent in Washington relayed the San Diego JTTF's concerns to his FBI supervisor, who

reiterated his approval of how the inquiry had been conducted – including the decision not to interview Hasan's superiors and colleagues in order to avoid disclosing the San Diego JTTF's investigation of the Suspected Terrorist, [REDACTED]. Following this consultation, the DCIS agent in Washington responded by email and defended the decision not to interview Hasan or his superiors and colleagues in order to avoid revealing the investigation, [REDACTED]. The DCIS agent in Washington then asked the San Diego JTTF whether it could provide any evidence of terrorist links by Hasan or had requests for specific action.

A few days later, the FBI agent in San Diego talked again with the DCIS agent in San Diego and registered that he was upset with the Washington JTTF's response. The FBI agent asked him to place another call to the DCIS agent in Washington. The DCIS agent in San Diego claims that he did, although the DCIS agent in Washington denies that he received this call. (The FBI does not have records of telephone calls made from the San Diego JTTF.) The DCIS agent in San Diego recounts that he told the DCIS agent in Washington, "If the San Diego Division had received a lead like this on a similar Subject [*e.g.*, an Army officer communicating to a subject of a terrorism investigation], the San Diego Division would have at least opened an assessment and interviewed the Subject." Nor did the FBI agent at the San Diego JTTF – who was responsible for [REDACTED] analyzing the communications – express any concern to the Washington JTTF about interviews of Hasan's superiors and colleagues [REDACTED].

Neither the San Diego nor the Washington JTTFs linked Hasan's first [REDACTED] communications – the communications that triggered the San Diego JTTF's January 7th memorandum to the Washington JTTF – with the [REDACTED] subsequent communications between Hasan and the Suspected Terrorist [REDACTED]. Indeed, the San Diego JTTF did not realize that the additional communications [REDACTED], and the Washington JTTF never learned of any of them.

[REDACTED]. The [REDACTED] database is not open to queries by all FBI or JTTF detailee personnel but rather by such personnel whom the FBI deems need the access in order to perform their job duties. FBI personnel and JTTF detailees without database access could only access [REDACTED] information [REDACTED] if it was forwarded to them by someone with access [REDACTED].

- [REDACTED]. An analyst or agent looking at a communication would not automatically receive information concerning previous communications [REDACTED]. Instead, a communication could only be linked with previous communications [REDACTED] by agents' or analysts' memory or by the agents or analysts actively searching the database [REDACTED]. Thus the San Diego JTTF was prevented from easily linking Hasan's subsequent communications with his first [REDACTED] communications. In addition, the San Diego JTTF never linked Hasan's subsequent communications to his initial [REDACTED] communications either from memory or by actively running a database search under Hasan's name.

- The San Diego JTTF believed that the relevant investigators at the Washington JTTF had access to the [REDACTED] database and would check it for subsequent communications

when conducting the inquiry into Hasan. Yet the DCIS agent at the Washington JTTF leading the inquiry into Hasan lacked access to the [REDACTED] database which contained [REDACTED] communications and in fact did not even know that the database existed. The DCIS agent expected that the San Diego JTTF or FBI headquarters would send him any additional communications, as had happened to him in previous investigations.

The FBI agent at the San Diego JTTF never conducted any searches of the FBI's [REDACTED] database to find whether any additional communications between Hasan and the Suspected Terrorist had been missed by the Washington JTTF (building on the FBI agent's assumption that the Washington JTTF had such access). The FBI agent did not revisit his decision not to send a normal FBI intelligence communication containing Hasan's first [REDACTED] communications to DoD. There is no indication that the FBI case agent in San Diego shared the Washington JTTF's concern that field interviews would compromise the ongoing investigation [REDACTED]. He did not, however, formally request that the Washington JTTF conduct a more thorough investigation of Hasan including interviews of his superiors and colleagues that would not require an explicit description of the FBI's investigation of the Suspected Terrorist, [REDACTED] (*e.g.*, by conducting field interviews under a pretext [REDACTED]; by using Army counterintelligence agents as a proxy [REDACTED]). Finally, the FBI agent did not elevate his concerns about the thoroughness of the Washington JTTF's efforts for resolution by FBI officials at more senior levels in the San Diego and Washington JTTFs or by the headquarters-based Counterterrorism Division or National JTTF.

Instead, the FBI's interest in Hasan ended. Hasan communicated with the Suspected Terrorist during the summer of 2009 [REDACTED], but the San Diego JTTF did not link any of the subsequent communications to Hasan's first [REDACTED] communications. Nor was the Washington JTTF provided with the additional communications. [REDACTED] months later – on November 5, 2009 – the attack at Fort Hood occurred, and Hasan was arrested at the scene. Shortly after the media began reporting on Hasan's attack at Fort Hood, the FBI agent told his DCIS colleague in San Diego, "You know who that is? That's our boy!"

# PART III: RECOMMENDATIONS FOR IMPROVING U.S. DEFENSES AGAINST VIOLENT ISLAMIST EXTREMISM

The FBI and DoD failed to recognize and to link the information that they possessed even though they had advantages with respect to Hasan as compared to other lone wolves: (1) Hasan was a military officer who lived under a regimented system with strict officership and security standards, and (2) the government had learned of communications from Hasan to the subject of an unrelated FBI terrorism investigation [REDACTED]. Although both the public and the private signs of Hasan's radicalization to violent Islamist extremism while on active duty were known to government officials, a string of failures prevented these officials from intervening against him.

Our investigation of the Fort Hood killings, together with evidence gathered in our four-year investigation of homegrown terrorism, lead us to be concerned about three sets of problems in our nation's defenses against homegrown terrorism. *First*, DoD has conducted an extensive internal review of lessons from the Fort Hood attack but needs to strengthen policies and training to identify the threat of violent Islamist extremism, which includes the radicalization process, and to prevent radicalization of servicemembers to violent Islamist extremism. *Second*, the FBI's transformation into an "intelligence-driven" domestic counterterrorism organization needs to be accelerated.[103] The FBI should ensure that its field offices are integrated, intelligence analysts are fully utilized, tradecraft is fully updated, and JTTFs fulfill the FBI's aspiration for them to become interagency information-sharing and operational coordination mechanisms. *Third*, the United States must develop a more proactive and comprehensive approach to detecting and countering the violent ideology that fuels homegrown terrorism.

[103] For FBI's aspiration to be a "threat-based, intelligence-driven national security organization," *see, e.g.*, FBI Frequently Asked Questions, available at http://www.fbi.gov/about-us/faqs.

## V. Strengthening DoD Policies And Training To Prevent Radicalization Of Servicemembers To Violent Islamist Extremism.

Hasan's case illustrates that servicemembers are not immune from radicalization to violent Islamist extremism. In fact, Hasan's radicalization toward violent Islamist extremism was so clear that he could and should have been removed from military service under policies then in force even though such policies addressed violent Islamist extremism only indirectly and imperfectly. As such, DoD needs to revise its personnel policies to ensure that they address radicalization to violent Islamist extremism clearly and provide its personnel with sufficient training concerning violent Islamist extremism and how it differs from the peaceful practice of Islam.

### A. Major Hasan Should Have Been Removed From Military Service Despite Deficiencies In Policy And Training Concerning Violent Islamist Extremism Among Servicemembers.

The failure to respond to Hasan's radicalization toward violent Islamist extremism was a failure of officer judgment. As described earlier in this report, there was compelling evidence that Hasan embraced views so extreme that he did not belong in the military, and this evidence was more than enough for his superiors to have disciplined him and even to have removed him from service. Although Army policies did not address violent Islamist extremism specifically, Hasan's superiors had the authority to discipline or remove him from the military under general provisions of key policies governing command authority and officership. Concomitantly, the completion of officer evaluation reports that grossly distorted Hasan's competence as an officer concealed his deepening radicalization.

Hasan's exhibition of signs of violent Islamist extremism was incompatible with military service and access to classified or sensitive information according to DoD's own Defense Personnel Security Research Center. An April 2005 report by that Center, *Screening for Potential Terrorists in the Enlisted Military Accessions Process*, concluded that "the allegiance to the U.S. and the willingness to defend its Constitution must be questioned of anyone who materially supports or ideologically advocates the legitimacy of Militant Jihadism."[104] That report also stated that the "determination of participation in or support or advocacy of Militant Jihadist groups and their ideologies should be grounds for denial of acceptance into the Armed Forces of the U.S. and denial of access to classified or sensitive information."[105] Of course, Hasan was never disciplined or discharged nor had his Secret-level security clearance revoked despite his conduct.

There were several DoD and Army policies that gave Hasan's superiors the authority to discipline or discharge him.

---

[104] Kelly R. Buck et al., *Screening for Potential Terrorists in the Enlisted Military Accessions Process*, Defense Personnel Security Research Center (April 2005), at 6-7.
[105] *Id.*

First, the Army policy on Command Authority[106] gives commanders broad authority to take action in response to "any . . . activities that the commander determines will adversely affect good order and discipline or morale within the command."[107] Extremist activities include "advocat[ing] . . . hatred or intolerance . . . [or] the use of force or violence or unlawful means to deprive individuals of their rights."[108] The policy lists "[p]rovoking speeches or gestures" as conduct violative of military laws that warrants action from commanders. Commanders' options under the policy include "[i]nvoluntary separation for unsatisfactory performance or misconduct, or for conduct deemed prejudicial to good order and discipline or morale."[109] Hasan's conduct fell within these categories of prohibited behavior because of his justifications for suicide bombings during his class presentations, his series of presentations on violent Islamist extremism, and the numerous complaints and disruptions that resulted from his actions. Moreover, Hasan's written work leaves little question that he was sympathetic with views antithetical to military service, and this alone should have precipitated decisive action.

Second, the version of DoD's policy on extremism, *Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces*,[110] in effect prior to the Fort Hood attack applied to Hasan. The policy primarily prohibited "active participation" in extremist organizations but also prohibited activities "in furtherance of the objectives of such organizations that are viewed by command to be detrimental to the good order, discipline, or mission accomplishment of the unit. . . ."[111] Hasan's statements that showed support for Osama Bin Laden and that accorded with violent Islamist extremism generally could legitimately have been viewed as furthering the objective of al-Qaeda and other violent Islamist extremist groups.

Based on this DoD policy against extremism, the Army issued an implementation policy, *Extremist Activities*,[112] in 1996 after the racially-motivated murder of an African-American couple by two Army soldiers. That implementation policy did not discuss violent Islamist extremism specifically, and the examples listed in it centered on white supremacist activities. However, similar to the underlying DoD policy, this Army implementation policy had a catch-all phrase stating that "commanders have the authority to prohibit military personnel from engaging in or participating in other activities that the commander determines will adversely affect good order and discipline or morale within the command."[113] Thus, although this implementation policy was not specific, its broad grant of command authority provided a basis to discipline Hasan for his conduct.

Third, Hasan's superiors had authority to discharge him from the Army under the policy concerning separation of officers. That policy, *Separation of Regular and Reserve Commissioned Officers*, governs the separation of officers and includes general standards of

---

[106] Army Regulation 600-20, *Army Command Policy.*
[107] *Id.*, Section 4-12c.
[108] *Id.*, Section 4-12a.
[109] *Id.*, Section 4-12d(2).
[110] DoD Directive 1325.6, *Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces* (issued October 1, 1996).
[111] *Id.*, Section 3.5.8.
[112] Army Pamphlet 600-15, *Extremist Activities.*
[113] *Id.*, Section 2-4.

officership. The policy states that officers are to have the "special trust and confidence" of the President in "patriotism, valor, fidelity . . . ."[114] The policy goes on to state that it is DoD policy to "separate from military service those commissioned officers who will not or cannot . . . [m]aintain those high standards of performance and conduct through appropriate actions that sustain the traditional concept of honorable military service . . . [or] [e]xercise the responsibility, fidelity, integrity or competence required of them."[115] Hasan's presentation charging the United States with a war on Islam, his statements indicating that loyalty to his religion took precedence over his sworn oath as a military officer to support and defend the Constitution, and his sympathy for violent Islamist extremists against whom U.S. forces are fighting meant he was subject to discharge under this policy.

Ultimately, although policies in existence at the time of Hasan's service were sufficient to support discipline and discharge of Hasan, it is clear that DoD lacks an institutional culture, through specific policies and training, sufficient to inform commanders and all levels of service how to identify radicalization to violent Islamist extremism and to distinguish this ideology from the peaceful practice of Islam. Present policies are vague, and we have no evidence that Major Hasan's supervisors and associates received training concerning the specific threat and indicators of violent Islamist extremism in the military.[116]

DoD policies and guidance provided his superiors with sufficient justification to discipline or discharge Hasan. Nonetheless, as the Hasan case indicates, without improved guidance the behavioral tendency among military superiors could be to avoid application of the policies and directives to evidence of radicalization to violent Islamist extremism – particularly because adherents to violent Islamist extremism may also commingle their ideological views with Islamic religious practices.

### B. DoD's Review Of The Fort Hood Attack And DoD's Follow Up To The Review Do Not Confront The Threat Of Violent Islamist Extremism Among Servicemembers Directly.

DoD has examined its actions leading up to the attack and adopted policy changes across a wide range of areas as a result. Fifteen days after the Fort Hood attack, Secretary of Defense Robert Gates appointed an independent review panel led by former Secretary of the Army Togo West and the former Chief of Naval Operations, Admiral Vern Clark (ret.), to review the causes of the Fort Hood shootings.[117] The panel issued its report in January 2010, including a fifty-four page analysis of DoD's force protection and emergency response capabilities and a twenty-seven page annex concerning Hasan's conduct. The West/Clark review demonstrates, however, that DoD is reluctant to confront directly the threat of radicalization to violent Islamist extremism among servicemembers. DoD's review glosses over evidence of Hasan's radicalization to violent Islamist extremism and mutes the concerns and reports that were made by his superiors and colleagues who were alarmed.

---

[114] DoD Instruction 1332.3, *Separation of Regular and Reserve Commissioned Officers*.
[115] *Id.*, Sections 4b, 4c.
[116] McManigle Briefing, Schoomaker Briefing, Schneider Briefing.
[117] Report of the DoD Independent Review, *Protecting the Force: Lessons from Ft. Hood* (January 15, 2010) ("West/Clark Report").

As part of DoD's follow-up to the review, Secretary Gates instituted a process to examine the review's recommendations, issued two memoranda directing adoption of many of these recommendations, and created a methodical process to monitor implementation. Neither of Secretary Gates' two memoranda directing implementation of particular West/Clark recommendations mentions violent Islamist extremism explicitly. Both memoranda continue to downplay the unique threat of violent Islamist extremism by portraying it as a subset of a more general threat – either workplace violence or undefined "extremism" more generally. We remain concerned that DoD will not appropriately revise policies to address violent Islamist extremism among servicemembers and that DoD personnel will not be specifically trained concerning violent Islamist extremism.

We are concerned that DoD's failure to address violent Islamist extremism by its name signals to the bureaucracy as a whole that the subject is taboo and raises the potential that DoD's actions to confront radicalization to violent Islamist extremism will be inefficient and ineffective. DoD leadership's failure to identify the enemy as violent Islamist extremism explicitly has ripple effects for how the defense bureaucracy will handle this challenge. This problem was illustrated on November 9, 2010, when each Military Service issued its final report on their respective response to the Ft. Hood shootings and the DoD recommendations. None of the reports mentioned violent Islamist extremism or proposed changes in policy or procedure that would specifically educate servicemembers on how to identify violent Islamist extremism and what to do in response. This confirms our concern that DoD, by continuing to avoid the necessity of addressing violent Islamist extremism directly and without ambiguity, is sending a message to the entire military to do the same. It will be more difficult for the military to develop effective approaches to countering violent Islamist extremism if the identity and nature of the enemy cannot be labeled accurately.

### C. DoD Should Update Its Policies And Training To Identify And Protect Against Violent Islamist Extremism Among Servicemembers.

We believe that the most significant change the military must make is to reform religious discrimination and other equal opportunity policies to distinguish violent Islamist extremism from legitimate, protected religious observance of Islam so that commanders will not be reluctant to deal with displays of violent Islamist extremism among servicemembers when radicalization occurs. (The West/Clark review stressed the need for distinguishing between extremist activities and religious practice,[118] but to date DoD has not implemented this recommendation). Servicemembers at all ranks should receive specific training concerning the ideology and behaviors associated with violent Islamist extremism – and how they differ from the peaceful practice of Islam. To achieve this, the Army and the other Military Services should issue a pamphlet, as the Army did in 1996 after racial supremacism among servicemembers led to fatal attacks, that states explicitly that the prohibition on extremism includes violent Islamist extremism and explains violent Islamist extremist ideology and behavior.[119]

---

[118] Report of the DoD Independent Review, *Protecting the Force: Lessons from Ft. Hood,* January 15, 2010, at 16-17.

[119] Army Pamphlet 600-15, *Extremist Activities.*

Such specific policies and training are essential to protect the thousands of Muslim-Americans who serve honorably in the military from unwarranted suspicion arising from their religious practice. Failure by DoD to center policies on violent Islamist extremism and to focus training on distinguishing clearly between the peaceful practice of Islam and violent Islamist extremism could exacerbate that unwarranted suspicion. By contrast, specific policies and training will help servicemembers understand the real threat and thus protect the thousands of Muslim-American servicemembers serving our country. Not confronting violent Islamist extremism directly risks permitting any biases, ignorance, or suspicions to operate unchecked.

Finally, given the gross inaccuracy of Hasan's Officer Evaluation Reports, DoD should revise its policies and their implementation to ensure that personnel records accurately reflect concerns with violent Islamist extremism. Violent Islamist extremism has thus far been extremely rare in our military, but as we saw at Fort Hood it can cost dearly in lives. In other cases, it may compromise military operations.

**Finding:** DoD policies provided Hasan's superiors with sufficient authority to discipline or discharge him based on his conduct as witnessed by fellow servicemembers and his superiors. However, DoD lacked an institutional culture, through policies and training, sufficient to inform commanders and servicemembers on how to identify radicalization to violent Islamist extremism and to distinguish this ideology from the peaceful practice of Islam.

DoD avoided referencing violent Islamist extremism explicitly in the West/Clark inquiry into the Fort Hood attack or in the recommendations issued by DoD in response to the review. It will be more difficult for the military to develop effective approaches to countering violent Islamist extremism if the identity and nature of the enemy cannot be labeled accurately.

**Recommendation:** DoD leadership should identify the enemy as violent Islamist extremism explicitly and directly in order to enable DoD to confront it effectively and efficiently. DoD should reform religious discrimination and other equal opportunity policies to distinguish violent Islamist extremism from legitimate, protected religious observance of Islam so that commanders will not be reluctant to deal with displays of violent Islamist extremism among servicemembers and in order to protect the thousands of Muslim-American servicemembers from unwarranted suspicion. Servicemembers should receive specific training concerning the ideology and behaviors associated with violent Islamist extremism – and how they differ from the peaceful practice of Islam. Finally, DoD should ensure that personnel evaluations are accurate with respect to any evidence of violent Islamist extremist behavior.

## VI. Strengthening The FBI To Prevent Domestic Terrorist Attacks.

The FBI has made significant strides since 9/11 in transforming itself into America's lead counterterrorism agency and an intelligence-driven organization to prevent terrorist attacks domestically, but it is clear from the Hasan case that the necessary transformation is incomplete. The Hasan case raises our concerns that the FBI headquarters exercised insufficient supervision and coordination of the FBI field offices and JTTFs and that the FBI has not utilized intelligence analysis as well as it could. The FBI's vision of JTTFs as being interagency information-sharing and operational coordination mechanisms is sound, but the Hasan case suggests that the JTTF model has not fulfilled the vision completely in practice. During our investigation of the Hasan case, we learned of a disagreement between the FBI and DoD regarding the JTTFs' functioning and that JTTF detailees lack access to key databases. As a result, we have concerns that the culture of JTTFs may be that they are FBI investigative entities, with detailees to JTTFs essentially serving as additional personnel to augment the FBI. The FBI should ensure that the JTTFs become full interagency information-sharing and operational coordination mechanisms. Otherwise, the JTTFs certainly will not achieve their full potential.

A critical fact discovered during our investigation which underlies these concerns is that neither the San Diego JTTF nor the Washington JTTF linked Hasan's first [REDACTED] communications – the communications that triggered the San Diego JTTF's January 7th memorandum to the Washington JTTF – with the subsequent [REDACTED] communications between Hasan and the Suspected Terrorist [REDACTED]. None of Hasan's communications indicated any overt plotting of terrorist attacks. A thorough investigation should have resulted even based on Hasan's initial communications, but even more so an analysis of the entirety of the communications, based on their content, certainly should have triggered a thorough investigation of Hasan including interviews of his superiors and colleagues. That intensive investigation would have significantly increased the likelihood that his communications would have been linked to his public displays of radicalization and would have caused him to lose his security clearance, been disciplined, and hopefully been discharged from the military. Instead, these communications were never linked, and the Washington JTTF investigation was concluded prematurely.

We note that this report is produced as the FBI begins to consider its next major leadership transition. Director Robert Mueller, who has led the FBI since shortly prior to the 9/11 attacks, is preparing to leave in September 2011 at the end of his statutorily fixed term of ten years. Director Mueller provided a bold vision for the FBI after 9/11 and instituted significant changes to achieve that vision. There is no question that the FBI has made substantial progress since 9/11 and has achieved many successes in countering terrorism as a result of his leadership. And change in any bureaucracy, and particularly a government bureaucracy steeped in a tradition that has produced numerous successes for a century, can unfortunately take significant time. But given the threat of homegrown terrorism that we face, we must be impatient for progress. We hope that our findings and recommendations will be particularly useful as Director Mueller seeks to reinforce the changes that he has instituted since 9/11 and when a new director sets priorities for the FBI for the next decade to achieve Director Mueller's complete vision.

In sum, our conclusion is not that the FBI has made no significant progress in transformation. Rather, the Fort Hood attack was a warning that the FBI's transformation remains a work in progress and that the FBI must accelerate its transformation – particularly given the growing complexity and diversity of the homegrown terrorist threat. The challenges involve not just reforming or creating new institutions within the FBI but also ensuring that the FBI has the appropriate written policies and procedures, culture, and career incentives so that the new institutions operate as intended over the long term. In addition, to match Director Mueller's leadership, the FBI should ensure that a culture exists at all levels of the organization of continually assessing and improving current practices. We offer the following analysis in the spirit of working with the FBI to remedy its internal problems quickly and decisively so that its personnel can be as effective as they are dedicated.

A. FBI Transformation Begins After 9/11.

The FBI is the lead federal investigative agency for counterterrorism criminal investigations and intelligence collection within the United States.[120] The FBI's efforts against terrorism began decades before the 9/11 attacks, including against Puerto Rican separatist groups, white supremacist groups, and animal rights activists as well as violent Islamist extremists. The FBI's counterterrorism efforts included the prosecutions concerning the first World Trade Center bombing in 1993 and – as described by the 9/11 Commission – the "brilliant" investigation into the bombing of Pan American Flight 103 over Lockerbie, Scotland, in 1988.[121] The 9/11 attacks led the then-new FBI Director, Robert Mueller, to seek to transform the FBI's entire institutional and operational architecture.[122] Immediately following 9/11, Director Mueller declared that the FBI's top priority was preventing domestic terrorist attacks[123] and that the FBI needed to become an intelligence-centric rather than purely law-enforcement-centric organization. As Director Mueller stated, "Today, we are focused on prevention, not simply prosecution. We have shifted from detecting, deterring, and disrupting terrorist enterprises to detecting, penetrating, and dismantling such enterprises – part of the FBI's larger culture shift to a threat-driven intelligence and law enforcement agency."[124] And as stated by then-Attorney General Michael Mukasey in the *Attorney General's Guidelines for Domestic FBI Operations*, "The FBI is an intelligence agency, as well as a law enforcement agency. Its basic functions accordingly extend beyond limited investigations of discrete matters, and include broader analytic and planning functions."[125] As evidence of his prioritization of counterterrorism, Director Mueller declared that no counterterrorism lead or threat would go unaddressed.[126]

---

[120] *See* 18 U.S.C. Section 2332b(f); 28 C.F.R. Section 0.85(l); Homeland Security Presidential Directive 5.
[121] *9/11 Commission*, at 75.
[122] For an overview of FBI reform, *see* Al Cumming, *Intelligence Reform Implementation at the Federal Bureau of Investigation: Issues and Options for Congress*, Report No. RL33033 (Congressional Research Service, August 16, 2005).
[123] Robert Mueller, Director, FBI, *Statement before the House Judiciary Committee* (May 20, 2009).
[124] Robert Mueller, Director, FBI, *Statement before the Senate Judiciary Committee* (March 5, 2008).
[125] Michael Mukasey, *The Attorney General's Guidelines for Domestic FBI Operations* (2008), at 9.
[126] Federal Bureau of Investigation, *Counterterrorism Division Program Management*, Electronic Communication #66F-HQ-A1308701, December 25, 2002.

The 9/11 attacks and the Iraq War led to two major independent examinations of the FBI's counterterrorism capabilities, the 9/11 Commission and an Executive Branch commission appointed by President George W. Bush concerning intelligence and weapons of mass destruction. Both commissions were critical of the FBI's intelligence and counterterrorism capabilities, including that the FBI relegated intelligence analysts to second-tier status behind its agents and was dominated by agents who prioritized winning convictions and devalued intelligence collection.[127] Rather than recommending creation of a separate domestic intelligence service modeled loosely on Britain's MI5 agency, both commissions essentially recommended that the FBI create a so-called "agency within an agency" that would specialize in counterterrorism and related national security matters.[128]

As a result of Director Mueller's leadership and these outside commissions' recommendations, the FBI instituted a series of significant organizational changes designed to change the FBI into an intelligence-driven organization focused on preventing terrorism. To implement these changes, the FBI adopted a Strategy Management System based on the "Balanced Scorecard" commonly used in the corporate world and, with support from the prominent consulting company McKinsey & Co., created a Strategic Execution Team to execute organizational changes and to build support and momentum across the FBI.[129] As discussed in Chapter IV, the FBI significantly expanded its JTTFs to be the major FBI operational units in countering terrorism domestically. In addition, the FBI created a Directorate of Intelligence in its headquarters to produce intelligence analysis and to provide an institutional home for its analysts. In an effort to create this so-called "agency within an agency," the FBI created a National Security Branch at its headquarters composed of its Counterterrorism and Counterintelligence Divisions and the new Directorate of Intelligence.[130] The FBI also created a Field Intelligence Group at each of its field offices in order to provide intelligence analysis and support to agents.[131] Finally, in furtherance of its efforts against the homegrown terrorist threat, the FBI recently launched a program at its headquarters to coordinate the assessment of the nature and extent of this threat. This program integrates analysts and other experts from the Intelligence Community, including DoD, and uses information lawfully obtained from websites and other online communication platforms in order to initiate and direct investigations.

The FBI also reoriented its investigative processes to reflect its desire to generate intelligence and to prevent domestic terrorist attacks. To be sure, intelligence and law enforcement are not complete opposites: Just as intelligence is desirable in order to prevent an attack, law enforcement is also oriented toward preventing a criminal act by intercepting the conspirators before they perpetrate their intended crime and even by engaging in community

---

[127] *9/11 Commission*, at 77; Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, *Report to the President of the United States* (March 31, 2005),at 331, 452 (hereinafter *Silberman-Robb Commission*).

[128] *9/11 Commission*, at 423-426; WMD Commission, at 30.

[129] Jan W. Rivkin, Michael Roberto, and Ranjay Gulati, *Federal Bureau of Investigation, 2009*, Harvard Business School, unpublished case study (May 18, 2010), at 1-3.

[130] Remarks by Sean Joyce, Executive Assistant Director, National Security Branch, Federal Bureau of Investigation, at a conference sponsored by the Bipartisan Policy Center (October 6, 2010).

[131] *Id.*

policing to make an area inhospitable to criminals. However, the challenge of melding intelligence and law enforcement involves two disciplines that have fundamental incompatibilities: Intelligence requires extrapolating from data to make conclusions and predictions, while law enforcement seeks to obtain evidence that will withstand scrutiny at trial. Also, intelligence may involve obtaining very specific information but may also involve amalgamating diverse data to spot trends, while law enforcement is generally case-specific.

Thus, when the FBI uses the term "intelligence-driven," the FBI cannot be referring simply to using intelligence as a trigger for law enforcement, investigative activity; the use of intelligence as a trigger for law enforcement should be a given. Instead, the point of being an "intelligence-driven" organization is that the production of intelligence is a preeminent objective, separate from whether a prosecution occurs, and that the collection and analysis of information are not tied to specific cases that are being investigated for prosecutorial purposes. As described in a Harvard Business School case study on the FBI:

> A critical aspect of [Director Mueller's] envisioned FBI was that it would be intelligence-led: Analysis would identify leading threats and vulnerabilities pertinent to each field office as well as gaps in the FBI's knowledge about those threats and vulnerabilities. FBI agents would then have to develop informants, collect data, conduct surveillance, and so on to fill the gaps. In many instances, analysts might direct the activities of special agents. An intelligence-led, threat-based FBI would try to reconcile tensions between intelligence and law enforcement by applying intelligence techniques to law enforcement activities. Some FBI officials saw this as a radical departure in practices. Others argued that the FBI had long operated in this way – for instance, in battling the … mafia in New York by identifying, infiltrating, and prosecuting five central crime families.[132]

One example of the FBI's reorientation to become intelligence-driven was enabling counterterrorism investigations to serve both intelligence and law enforcement purposes simultaneously. Prior to 9/11, the FBI classified its terrorism investigations as either criminal ([REDACTED]) or intelligence ([REDACTED]).[133] After 9/11, the FBI consolidated these two codes into a single code for counterterrorism investigation ([REDACTED]), which has as its primary purpose "developing intelligence regarding the subject or the threat."[134]

The most significant example of such reorientation was the creation by Attorney General Mukasey's 2008 *Attorney General's Guidelines for Domestic FBI Operations* of a three-tiered system for FBI investigations. That three-tiered system was then reflected in the FBI's issuance of a revised *Domestic Investigations Operations Guide* in December 2008. Previously, the FBI would not conduct investigative activity absent sufficient factual predication that a crime was

---

[132] Jan W. Rivkin, Michael Roberto, and Ranjay Gulati, *Federal Bureau of Investigation, 2007* (Harvard Business School, unpublished case study, March 9, 2010), at 5-6.

[133] U.S. Department of Justice, Office of the Inspector General, *The Department of Justice's Terrorism Task Forces* Report No. I-2005-007 (2005), at 56.

[134] *Id.*

being or had been committed. However, intelligence collection required that the FBI be able to assess the potential threat associated with an individual or situation even if it lacked sufficient factual predication to initiate an investigation of a specific crime.[135] As a result, the three-tiered system for FBI investigations begins with the least-intrusive "assessment," then progresses to a "preliminary investigation" in which more intrusive tools could be used, and finally permits a "full investigation" in which the full panoply of FBI investigative techniques (such as wiretapping) could be used. As discussed in the revised *Guide,* an "assessment" is permitted even when there is "no particular factual predication" that a crime is being committed and instead based on an "authorized purpose" such as "to detect, obtain information about, or prevent or protect against federal crimes or threats to the national security or to collect foreign intelligence."[136] Also as discussed in the *Guide*, investigations or assessments are precluded – appropriately – "based solely on the exercise of First Amendment protected activities or on the race, ethnicity, national origin or religion of the subject."[137]

As discussed in Chapter II, the FBI has experienced successes in disrupting several serious plots even as the threat of homegrown violent Islamist extremism has risen sharply in recent years. The 2009 disruption of a terrorist plot by Najibullah Zazi is one of the most prominent examples of the FBI's successes against terrorist plots and according to the FBI is illustrative of its progress in becoming intelligence-driven. Based on a series of frantic communications from Zazi to his al Qaeda handler regarding bomb instructions, the FBI, working with other agencies, unraveled and prevented a massive attack on the New York City subway system. The coordination across federal, state, and local departments, led by two JTTFs, was excellent and unprecedented.

### B. The FBI's Inquiry Into Hasan Was Impeded By Division Among Its Field Offices, Insufficient Use Of Intelligence Analysis, And Outdated Tradecraft.

The FBI has made substantial strides since 9/11 in reorganizing itself and reorienting its investigative processes to generate intelligence and ultimately to prevent domestic terrorist attacks. The FBI has been successful in disrupting many terrorist plots. However, the Fort Hood case suggests that the FBI's transformation to become an efficient and effective intelligence-driven organization focused on preventing domestic terrorist attacks is unfinished. The creation of new institutions within the FBI sometimes has not been accompanied by clear business processes that articulate these new institutions' responsibilities and authorities within the FBI. As a result, these new institutions may not have achieved the transformation of the FBI that was desired.

#### 1. The Hasan inquiry was plagued by disjunction between two field offices and the lack of coordination by FBI headquarters.

Counterterrorism-related activities at FBI field offices are today more effectively managed and coordinated than they were on 9/11, but the Hasan case suggests that the FBI

[135] Briefing by a senior FBI attorney, July 2, 2010.

[136] *Id.*

[137] Federal Bureau of Investigation, *Domestic Investigations Operations Guide* (December 16, 2008), at 39.

remains too divided among its 56 field offices and thus among the JTTFs (with each field office housing a JTTF). In the Hasan case, the San Diego and Washington JTTFs (located at the San Diego and Washington Field Offices, respectively) operated with a counterproductive degree of individual autonomy – that is, with inadequate coordination and communication. This situation was coupled with the FBI headquarters' and National JTTF's lack of involvement in resolving the dispute between these JTTFs. As a result, we are concerned that seams among multiple field offices, among JTTFs, and between operational and intelligence-related components may not be methodically identified and fixed by a central management structure.

Although headquartered in Washington, DC, the FBI's organizational center of gravity has predominantly been its field office structure, with fifty-six field offices spread throughout the United States and generally located in major cities. Each field office is headed by a Special Agent in Charge or, for some of the larger field offices, an Assistant Director in Charge. The FBI's decentralization among field offices dates back as far as Director J. Edgar Hoover, who led the FBI from 1924 to 1972.[138] Former Attorney General Richard Thornburgh described the FBI organization as "decentralized management of localized cases,"[139] and one noted expert in the U.S. national security system's organization commented, "It is fair to say that when the Cold War ended, the FBI was less a single agency than a system of fifty-six affiliated agencies, each of which set its own priorities, assigned its own personnel, ran its own cases, followed its own orders, and guarded its own information."[140] Field office autonomy was reinforced by Director Louis Freeh during his tenure from 1993 to just prior to 9/11, during which he decentralized operations, pushed headquarters staff to the field (a move praised at the time, as it included forcing individuals whose skills were eclipsed by the end of the Cold War to learn new operational skills), and caused the heads of the field offices to gain in power and independence.[141]

Field office autonomy made particular sense for law enforcement activities in which a field office would coordinate closely with prosecutors in the local U.S. Attorney's Office. Still, field office autonomy did impact even law enforcement activities; as the 9/11 Commission noted, "Field offices other than the specified office of origin [*i.e.*, the office responsible for a particular case] were often reluctant to spend much energy on matters over which they had no control and for which they received no credit."[142] Even more so, the high state of decentralization within the FBI was a major factor in the FBI's portion of the U.S. Government's failure to prevent the 9/11 attacks. This issue was highlighted by Congress's post-9/11 inquiry into the associated intelligence failures. As the Congressional Joint Inquiry concluded:

---

[138] Amy Zegart, *Spying Blind: The CIA, the FBI, and the Origins of 9/11* (Princeton University Press, 2009), at 122-123 (hereinafter *Spying Blind*).

[139] *Id.*, at 123 (quoting Richard Thornburgh, Statement Before the House Committee on Appropriations, Subcommittee on Commerce, Justice, State, and the Judiciary (June 18, 2003), at 2). *See* Richard Posner, *Remaking Domestic Intelligence* (Hoover Institution Press, 2005), at 93 (describing "the autonomy of the field offices [as] a major obstacle to effective national security intelligence in the FBI").

[140] *Spying Blind*, at 123.

[141] *9/11 Commission*, at 76.

[142] *Id.*, at 74.

> Numerous individuals told [the Joint Inquiry] that the FBI's 56 field offices enjoy a great deal of latitude in managing their work, consistent with the dynamic and reactive nature of its traditional law enforcement mission. In counterterrorism efforts, however, that flexibility apparently served to dilute the FBI's national focus on Bin Ladin and al Qaeda. Although the FBI made counterterrorism a "Tier One" priority, not all of its field offices responded consistently to this FBI Headquarters decision. The New York Field Office did make terrorism a high priority and was given substantial responsibility for the al Qaeda target following the first attack on the World Trade Center in 1993. However, many other FBI field offices were not focused on al Qaeda and had little understanding of the extent of the threat it posed within this country prior to September 11.[143]
>
> * * *
>
> In 1999, the FBI received reports that another terrorist organization was planning to send students to the United States for aviation training. The purpose of this training was unknown, but [terrorist] leaders viewed the plan as "particularly important" and reportedly approved open-ended funding for it. An operational unit in the Counterterrorism Section at [FBI] Headquarters instructed 24 field offices to pay close attention to Islamic students from the targeted country engaged in aviation training. ... There is no indication that field offices conducted any investigation after receiving the communication. ... The former chief of the operational unit involved in this project told the Joint Inquiry that he was not surprised by the apparent lack of vigorous investigative action by the field offices. The FBI's structure often prevented Headquarters from forcing field offices to take investigative action that they are unwilling to take. The FBI was so decentralized, he said, and Special Agents in Charge of field offices wielded such power that when field agents complained to a supervisor about a request from Headquarters, the latter would generally back down.[144]

Since 9/11, the FBI has made progress in seeking to improve coordination among its field offices within an overall strategic framework. For example, the FBI has forced priorities onto its field offices, ensuring the preeminence of counterterrorism, and rates them in terms of their knowledge of the threats in their respective domains. Organizationally, the FBI established four Executive Assistant Director positions to strengthen central management of the FBI. As previously mentioned, the FBI also mandated that field offices create Field Intelligence Groups to serve as the "lens through which field offices identify and evaluate threats"[145] and "the hub of the FBI's intelligence program."[146] FBI headquarters did not originally provide a template for

---

[143] Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001, *Report of the U.S. Senate Select Committee on Intelligence and the U.S. House Permanent Select Committee on Intelligence, Together with Additional Views*, S. Rept. No. 107-351, H. Rept. 107-792, 107th Cong., 2d Sess. (December 2002), at 38-39.

[144] *Id.* at 334-335.

[145] Robert Mueller, Director, FBI, *Statement before the Senate Judiciary Committee* (March 5, 2008).

[146] Robert Mueller, Director, FBI, *Statement before the Senate Judiciary Committee* (January 20, 2010).

these groups, leading each field office to create a different version, but the FBI eventually standardized these groups across the field offices.[147]

Although progress in achieving greater integration across field offices has been made, the lack of effective communication between the San Diego and Washington JTTFs is evidence that the two field offices operate in a climate in which field office autonomy is still prized. The San Diego JTTF characterized the lead on Hasan as "discretionary" to the Washington JTTF but did not provide clear guidance for how the Washington JTTF should proceed. No one from the San Diego JTTF followed up with the Washington JTTF to discuss the original memorandum or the progress of the Washington JTTF's inquiry into Hasan. Simultaneously, no one from the Washington JTTF reached back to the San Diego JTTF to discuss the lead and to seek any further information or clarification. Such a clarification of the San Diego JTTF's request for an inquiry was particularly appropriate given that, as the San Diego JTTF noted in its memorandum, Hasan's communications did not indicate any overt terrorist activity. Since the Fort Hood attack, the FBI has abolished the term "discretionary lead" due to its ambiguity; instead, a communication from one field office to another states whether it is for either "information only" or "action required."[148] Still, even if the San Diego JTTF's communication to the Washington JTTF had called for mandatory action and not used the vague "discretionary lead," the San Diego JTTF could not have compelled the Washington Field Office to take any *specific* action.

Critically, there was a complete disjunction between the San Diego JTTF's and the Washington JTTF's understanding of the DCIS agent's access to the [REDACTED] database. The San Diego JTTF believed that the DCIS agent had access to that database and would conduct due diligence by querying it for additional information. In contrast, the DCIS agent lacked knowledge of and access to it and thought that the San Diego JTTF would send him any additional communications. As a result, Hasan's subsequent communications were never linked by either JTTF to his first [REDACTED] communications.

When the Washington JTTF provided its assessment back to the San Diego JTTF several months later and the San Diego JTTF disagreed as to the adequacy of the underlying inquiry, there was no attempt by these JTTFs to negotiate a resolution beyond an apparent telephone call between the DCIS agent in San Diego and the DCIS agent in Washington.

- The DCIS agent at the Washington JTTF did send an email to the DCIS agent in San Diego stating that the Washington JTTF would reassess its position if the San Diego JTTF sent any additional information concerning Hasan's links to terrorism or requested any specific action. However, as indicated in that email, the DCIS agent in Washington missed that the purpose of the inquiry – if it had been intelligence-driven – should have been not just to find any current terrorist links but also to assess whether Hasan was radicalizing to violent Islamist extremism and might become a counterintelligence threat by virtue of him holding a security clearance and potentially being deployed to a combat zone. In addition, the Washington DCIS agent's email ignored the fact that the San

[147] *Id.*; Robert Mueller, Director, FBI, *Statement before the Senate Judiciary Committee* (September 17, 2008).
[148] Federal Bureau of Investigation, Records Management Matters, Director's Office: Discontinuance of Discretionary Leads, Electronic Memorandum (March 2, 2010), at 2.

Diego JTTF had essentially recommended interviews of Hasan's superiors and colleagues.

- In turn, the San Diego JTTF never reconsidered its decision not to send a normal FBI intelligence communication to DoD with Hasan's first [REDACTED] communications, an idea that the San Diego JTTF had discarded after erroneously concluding that Hasan was a military communications officer. Equally, there was no attempt by the San Diego JTTF to resolve the issue by confrontation or escalation. The FBI agent at the San Diego JTTF did not provide a formal request to the Washington JTTF for specific action, contact the FBI supervisor in the Washington JTTF directly, or elevate the issue further to senior officials in each field office and, as needed, to the headquarters-based Counterterrorism Division or the National JTTF. The San Diego JTTF's failure to issue a formal request for action or to elevate the matter was particularly problematic given that the San Diego JTTF – the office responsible for investigating the Suspected Terrorist with whom Hasan had communicated – essentially recommended interviewing Hasan's superiors and colleagues despite the Washington JTTF's belief that such interviews would compromise the investigation, [REDACTED].

Although the FBI's headquarters plays a substantial role in what it considers to be the highest priority terrorism cases, it played no role in the inquiry concerning Hasan. Several officials within the headquarters-based Counterterrorism Division were copied on the inter-field-office correspondence related to Hasan, but at no point did anyone at that Division take action to encourage additional or more urgent efforts to examine Hasan – for example, given that at the time the FBI believed that Hasan was a military communications officer. Nor was the Counterterrorism Division informed by the San Diego or Washington JTTFs of the dispute concerning the adequacy of the Washington JTTF's inquiry. The National JTTF also was not informed of this inquiry into Hasan or the dispute between the field offices – even though, by the FBI's own characterization, the National JTTF is intended to coordinate JTTFs as their "hub" and particularly when other agencies' equities (such as DoD's in this case) are involved.[149] Had either or both of the Counterterrorism Division and the National JTTF been informed of the dispute, they could have made their own assessment of whether the Washington JTTF's inquiry was sufficient, forced elevated discussion between the two JTTFs to resolve the matter, shared information directly with DoD, or even have sought to impose their own solution on the JTTFs. The San Diego JTTF's failure to elevate the Hasan matter was poor judgment but also speaks to the cultural pressures within the FBI to defer to and respect other offices' autonomy.

Accordingly, our investigation of the Hasan case suggests that the field offices retain too much autonomy and that the FBI's headquarters-based coordinating mechanisms lack sufficient strength or support from the field. It is noteworthy that the FBI did not produce any documents to the Committee that articulated the division of labor and hierarchy of command-and-control authorities among the Counterterrorism Division, the National JTTF, the FBI's headquarters-based intelligence analysis unit called the Directorate of Intelligence, the field offices, and the

[149] *The Department of Justice's Terrorism Task Forces*, at 21 (citing Federal Bureau of Investigation, *Joint Terrorism Task Force Report to Congress* (October 2003), at 7).

JTTFs. We conclude that there are none, and the FBI has not disputed this conclusion.[150] We are also concerned that the Counterterrorism Division has had eight leaders since 9/11 and that such turnover contributes to the centrifugal forces within the FBI.[151]

Despite progress by FBI leadership in surmounting it, the Hasan case indicates that the FBI's division among field-offices may still compromise the FBI's stated desire of becoming an intelligence-driven organization that primarily prevents terrorist attacks over the long term. As we noted above, the FBI has had successes to date in interdicting terrorist plots. However, the growing complexity and diversity of the threat, combined with the speed at which individuals are radicalizing to violent Islamist extremism and seeking to commit attacks, mean that the FBI's components will increasingly need to operate as a single, seamless entity and to do so quickly, in real time. Information across cases will need to be fused quickly and matched with other available information from public and private sources. Decisions about prioritization and resource allocation will need to be made across the FBI, as how one field office operates can have significant implications for how the FBI overall is able to counter the national and transnational terrorist enemy. As Arthur Cummings, who was Special Agent in Charge for Counterterrorism at the Washington Field Office, explained in 2007:

> There is no such thing as a local terrorism problem. Something might happen locally, but within two seconds, you discover national and international connections. … [The Special Agents in Charge of field offices] were always kings in the past. They got to decide who to arrest and when to do it. Now, headquarters needs to oversee those decisions.[152]

The Hasan case suggests that the FBI's internal balance is still skewed too far toward field office autonomy, with insufficient strategic coordination from headquarters of the full range of FBI activities including investigative decisionmaking. The FBI must find the appropriate balance between (1) centralization to ensure that the FBI operates as an intelligence-driven organization able to prevent domestic terrorist attacks planned across multiple field offices' jurisdictions, and (2) decentralization to generate innovation, to identify and seize opportunities quickly, and to work with state and local law enforcement.[153]

---

[150] Descriptions of the FBI's internal structure exist but provide no clarity. For example, the FBI's Intranet has the following description of the Counterterrorism Division's International Terrorism Operations Section I: "The mission of [ITOS I] is to support, coordinate and provide oversight of all FBI continental United States (CONUS) based international terrorism (IT) investigations. ITOS I will accomplish its mission utilizing technical collection, human source, coverage, and all essential investigative actions and techniques to optimize collection efforts directed against subjects of [terrorism-related investigations]." Department of Defense, Office of the Inspector, *Affidavit of DCIS 2* (November 24, 2009), at 21. The language of "support, coordinate and provide oversight" is so vague as to be meaningless, and the rest of the description indicates that ITOS I is actually itself an investigative body, not a management and oversight body.

[151] Jeff Stein, "FBI Picks Its Seventh Counterterrorism Chief Since Sept. 11, 2001," *CQ Homeland Security Intelligence* (June 27, 2006). An eighth official was subsequently appointed.

[152] Jan W. Rivkin et al, *Federal Bureau of Investigation, 2007*, at 2.

[153] All organizations face the tension between centralization and decentralization and must constantly assess whether they are making the correct balance. Alfred Cumming and Todd Masse, *FBI Intelligence Reform Since September 11, 2001: Issues and Options for Congress*, Report RL32336 (Congressional Research Service, August 4, 2004)), at 15 n.71 (quoting the review of the 1986 Space Shuttle Challenger accident, "The ability to operate in a centralized

**Finding:** There was a fundamental disjunction between the San Diego JTTF and the Washington JTTF concerning who was responsible for investigating [REDACTED] communications between Hasan and the Suspected Terrorist. That disjunction contributed to the Washington JTTF's failure to conduct an intensive investigation of Hasan, including interviews of his superiors and colleagues, based on all available information regarding Hasan's communications with the Suspected Terrorist. Neither the FBI's headquarters-based Counterterrorism Division nor the National JTTF was notified of or resolved the conflict between the field offices and thus were unable to take steps to resolve it. As a result, the FBI's inquiry into Hasan was terminated prematurely. The FBI lacks documents that articulate the division of labor and hierarchy of command-and-control authorities among the Counterterrorism Division, the National JTTF, the FBI's headquarters-based intelligence analysis unit called the Directorate of Intelligence, the field offices, and the JTTFs. The leadership of the Counterterrorism Division has also experienced significant turnover since 9/11. Thus, despite the FBI's progress in strengthening its headquarters and bringing field offices under a strategic framework, the Hasan case leads us to be concerned that the FBI remains divided among strong field offices and between the field offices and its headquarters.

**Recommendation:** The FBI should ensure the appropriate balance between field office autonomy and headquarters central control in order to become the intelligence-driven organization it wants to be. Headquarters elements such as the Counterterrorism Division and the National JTTF should actively identify and resolve investigative disagreements and ensure that they conduct sufficient oversight of how field offices are aligning their activities with strategic priorities for intelligence collection and analysis. The FBI should articulate in writing the command-and-control hierarchy among its headquarters and field entities in order to ensure clear responsibility, authority, and accountability for national security activities.

2. <u>The FBI's inquiry into Hasan failed to utilize intelligence analysts fully in order to drive the purpose of the investigation and assess Hasan's communications.</u>

A critical aspect of becoming an intelligence-driven organization to prevent terrorism and other national security threats requires (1) integrating strategic intelligence analysis into the FBI's operational activities, (2) using intelligence analysis to identify knowledge gaps and threat trends, and (3) using this analysis to prioritize intelligence collection and law enforcement

---

manner when appropriate, and to operate in a decentralized manner when appropriate, is the hallmark of a high-reliability organization (*Columbia Accident Investigation Report, Vol. I* (August 2003)). For an assessment of the tension between centralization and decentralization in DoD, *see* Gordon Lederman, *Reorganizing the Joint Chiefs of Staff: The Goldwater Nichols Act of 1986* (Greenwood, 1999).

operational activities against national security targets. The FBI has historically been dominated institutionally by its agents, who played the lead role in the law enforcement successes that established the FBI's great reputation. As recounted by the 9/11 Commission, the FBI's attempt to foster intelligence analysis prior to 9/11 ran into cultural resistance, with analysts often being either secretarial staff or relegated to performing secretarial or other support functions.[154] The FBI sought to remedy this problem after 9/11 by creating a Directorate of Intelligence at headquarters and a Field Intelligence Group in each field office composed of intelligence analysts to serve as the intelligence "hub."[155] The FBI also tripled the number of analysts to 2,800 authorized positions (as compared to 13,000 agents[156]), hired agents of increased quality, created a formal mechanism to disseminate intelligence reports, and disseminated thousands of such reports.[157]

Despite these structural improvements in the FBI's analytic capability, FBI intelligence analysts from the resident Field Intelligence Group were not consulted by the DCIS agent or his FBI supervisor in the Washington JTTF concerning Hasan's case. An analyst familiar with the Suspected Terrorist could have advised the DCIS agent on the role that this individual has played in [REDACTED], oriented the DCIS agent toward the question of whether Hasan was radicalizing, and explained what evidence would suggest radicalization. At the very least, an analyst could have helped interpret Hasan's first [REDACTED] communications with a more critical eye regarding whether they represented innocuous research or instead could signify that Hasan was radicalizing to violent Islamist extremism. An analyst may also have noted other possible threats posed by Hasan, including traditional counterintelligence concerns, and recommended additional collaboration with DoD. In contrast, the relevant personnel at the San Diego JTTF included two intelligence analysts, and the San Diego JTTF did flag Hasan's first [REDACTED] communications for further inquiry even though they lacked any evidence of overt terrorist activity. Still, the San Diego JTTF could have marshaled other intelligence analysts – including at the headquarters-based Directorate of Intelligence – when disputing the Washington JTTF's determination that Hasan's first [REDACTED] communications were benign; it should be noted that the San Diego JTTF's decision not to issue a report via normal intelligence channels [REDACTED] based on Hasan's first [REDACTED] communications, due to the mistaken belief that Hasan was a communications officer, foreclosed one avenue for circulating the communications to analysts inside (and outside) the FBI. In sum, the lack of a role for intelligence analysts in the Washington JTTF's inquiry into Hasan raises alarm that the

---

[154] *See* Zegart, *Spying Blind*, at 126 n.26 (citing the 9/11 Commission, *9/11 Commission Staff Statement Number 9* (April 13, 2004), at 9, and the 9/11 Commission, *9/11 Commission Staff Statement Number 2* (April 14, 2004), at 6); *The 9/11 Commission Report*, at 77. For the FBI's approval of the 9/11 Commission's recommendations concerning intelligence analysis, *see* FBI, National Press Office, *FBI Responds to Report of the National Commission on Terrorist Attacks Upon the United States* (July 22, 2004), at 2 (approving, *inter alia*, of the Commission's recommendation that "The FBI should institute the integration of analysts, agents, linguists, and surveillance personnel in the field so that a dedicated team approach is brought to bear on national security intelligence operations").

[155] Robert Mueller, Director, FBI, *Statement before the House Judiciary Committee* (May 20, 2009) (describing the vision for Field Intelligence Groups to be the "hub" of the FBI intelligence program).

[156] FBI Intelligence Analysts Association, *Intel Shift "Needs to" Happen* (February 26, 2010), at 4-5.

[157] Remarks by Sean Joyce.

FBI's effort to strengthen its intelligence analytic corps and to integrate it into the FBI's investigative functions is incomplete.

Our concern regarding the role of analysts is echoed by a 2010 report issued by the FBI Intelligence Analysts Association, which found that a "clear hierarchy exists in which agents occupy the ranks of senior executives, and analysts are still relegated to a category called 'Support Employees.'"[158] The report noted that FBI analysts hold only 14 out of 276 (or 5 percent) of the FBI's Senior Management Positions (called in other departments the "Senior Executive Service").[159] The report also found that (1) the FBI's reforms to enhance the role of intelligence analysts were "perceived as a threat" by agents, (2) agents received no training on the role of analysts, (3) a 2005 FBI reorganization demoted the FBI's top analyst, (4) a December 2009 FBI policy permits analysts to be assigned menial duties, and (5) many analysts cannot access the Internet or classified databases from their desks.[160] The report observed that the leaders of the FBI's Directorate of Intelligence have almost all been agents rather than analysts and that high turnover has "led to lapses in the competence, continuity of policy and accountability of FBI management."[161]

Accordingly, based on the Hasan case and these other indications, the FBI should ensure that its intelligence cadre has the leadership and support it needs and that barriers are broken down for analysts to assume their rightful place in FBI organizational culture – such as by permitting analysts to become mid-level and senior managers even over agents.[162] FBI agents should be rewarded for integrating analysis into their operational activities and held accountable if they do not.

In an effort to integrate analysts more fully with agents, the FBI created threat fusion cells to bring together analysts and agents – integrating intelligence and investigations – to identify and mitigate counterterrorism threats and vulnerabilities. Each threat cell focuses on a specific threat and is intended to collect intelligence to provide strategic and tactical analysis to drive operations. The FBI is in the process of applying this model to address a wide range of counterterrorism threats and should accelerate its efforts in this area.

**Finding:** Despite the FBI's improvements in its analytic capability, intelligence analysts were not integrated sufficiently into the inquiry into Hasan. Such integration might have enabled the JTTF to: (1) gain a broader perspective on the significance of Hasan's communications with the Suspected Terrorist, [REDACTED], (2) orient the inquiry into Hasan to whether he was radicalizing rather than just whether he was engaged in overt terrorist activity, (3) analyze Hasan's communications more critically as to whether they were truly research, and (4) suggest what information to seek in order

---

[158] *Intel Shift "Needs to" Happen*, at 9.
[159] *Id.*, at 11, 14.
[160] *Id.*, at 16-25 (emphasis in original).
[161] *Id.*, at 22.
[162] We note – as an indicator of FBI culture – that the FBI phone book still divides FBI personnel into two categories – agent and support – with analysts being listed in the support category.

to determine whether Hasan was radicalizing to violent Islamist extremism or otherwise constituted a national security threat.

**Recommendation:** We are concerned that analysts may not be sufficiently integrated into operations and may lack sufficient stature within the FBI vis-à-vis agents as necessary for an intelligence-driven organization. As the Hasan case shows, the FBI should ensure that analysts are integrated into operations and play a major role in driving operational decisionmaking. At a basic level, the FBI should ensure that – unlike in the Hasan case – agents consult with analysts routinely, and the FBI should ensure that agents who integrate analysts into their operational activities are rewarded and agents who do not are held accountable. For example, the FBI should accelerate its use of combined agent/analyst threat fusion centers. More generally, the FBI should ensure the dismantling of barriers to intelligence analysts assuming a prominent role in the organization and that analysts have sufficient leadership opportunities at all levels, including to supervise agents as appropriate. Finally, the FBI should ensure that analysts receive the technological and other support necessary to produce sophisticated analysis.

3. <u>The FBI did not update its tradecraft used in the investigation of the Suspected Terrorist, which contributed to the FBI's failure to understand the significance of Hasan's communications with that individual.</u>

The FBI's conduct vis-à-vis Hasan demonstrates that the FBI did not identify and update deficient tradecraft (*i.e.*, the methods and processes for conducting investigative or intelligence activities) concerning significant suspected terrorists such as the Suspected Terrorist [REDACTED] prior to an attack occurring.

An analysis of the full extent of Hasan's communications would have shown that Hasan's interest in the Suspected Terrorist belied any conceivable research purposes. Yet the San Diego JTTF only flagged Hasan's initial [REDACTED] communications with a suspected terrorist for further inquiry. The criteria used by the San Diego JTTF to determine whether a communication with that particular suspected terrorist merited scrutiny or follow-up were neither memorialized nor institutionalized in the event of a personnel turnover and not reviewable by FBI headquarters. We are concerned that this ad hoc approach did not accord with the significance of the Suspected Terrorist [REDACTED].

To its credit, since the Fort Hood attack, the FBI now requires that FBI headquarters-based analysts simultaneously review case information of [REDACTED] subjects of investigations [REDACTED] to ensure that the relevant field office has not missed any important communications. Such oversight accords with the Suspected Terrorist's [REDACTED] and enables headquarters-based analysts – who may have a broader perspective on terrorist activity than agents in a field office – to weigh particular communications differently.

However, this new process does not replace the need for FBI headquarters to review and oversee a field office's protocols [REDACTED].

Our investigation also found that, in the Hasan case, the San Diego JTTF the San Diego JTTF was prevented from easily linking Hasan's subsequent communications with his first [REDACTED] communications. In addition, the San Diego JTTF never linked Hasan's subsequent communications to his initial [REDACTED] communications either from memory or by actively running a database search under Hasan's name. [REDACTED] Thus, an analyst or agent looking at a communication would not automatically receive information concerning previous communications [REDACTED]. Instead, a communication could only be linked with previous communications [REDACTED] by agents' or analysts' memory or by the agents or analysts actively searching the database [REDACTED].

To its credit, the FBI reacted swiftly after the Fort Hood attack and remedied this problem within a few months by utilizing the necessary information technology. Yet we have concerns that this particular gap suggests a larger challenge facing the FBI's tradecraft.

- The FBI believed that the Suspected Terrorist was, in essence, [REDACTED].

- Accordingly, it is unacceptable that the FBI personnel who had access to communications were content using a system that did not link automatically to [REDACTED] previous communications and that apparently no one in the FBI recognized the attendant inefficiency and risk of mission failure. The ability to link communications would have identified patterns in Hasan's contact with the Suspected Terrorist [REDACTED]. Doing so would place the contents of any single communication in the context of the new individual's overall relationship with a suspected terrorist and help indicate whether that subject was radicalizing to violent Islamist extremism.

The FBI has presented us with no evidence that FBI headquarters or the National JTTF had identified this tradecraft problem, realized its potential implications, and tried to remedy it prior to the Fort Hood attack. Based on the Hasan case, we are concerned that there may be other FBI tradecraft areas that need to be updated against the evolving terrorist threat.

**Finding:** The FBI did not update its tradecraft for purposes of its investigation of the Suspected Terrorist. The FBI could not easily link Hasan's initial communications with the Suspected Terrorist to his later communications, and the failure to do so was a factor in the government not intervening against Hasan before the attack, and the FBI should have identified and remedied its inability to link his communications together prior to the attack.

**Recommendation:** The FBI should ensure that its internal processes are effective in identifying tradecraft that is outmoded as compared to evolving threats.

C. The Inquiry Into Hasan Focused On The Narrow Question Of Whether He Was Engaged In Terrorist Activities And Not Whether He Was Radicalizing To Violent Islamist Extremism And Thus Could Become A Threat.

The 9/11 attacks led the FBI to seek to transform its entire institutional and operational architecture in order to become intelligence-driven and to prevent terrorism domestically.[163] A prime example of the FBI's reorientation to being "intelligence-driven" is the FBI's issuance of a revised *Domestic Investigations Operations Guide* in December 2008. The revised *Guide* permits an "assessment" for intelligence purposes – that is, even when there is "no particular factual predication" that a crime is being committed and instead based on an "authorized purpose" such as "to detect, obtain information about, or prevent or protect against federal crimes or threats to the national security or to collect foreign intelligence."[164] The FBI's view of being intelligence-driven is certainly different from the traditional law enforcement approach of investigating crimes (*e.g.*, terrorist attacks) after they occur. In that sense, the FBI has been generally successful in altering its law enforcement culture.

The San Diego JTTF's flagging of Hasan for additional scrutiny [REDACTED] despite Hasan's communication showing no evidence of criminal activity is a positive example of the FBI being intelligence-driven. Thus, the problem with the FBI's performance in the Hasan case is not that the FBI failed to pick Hasan out of the myriad leads that the FBI faces every day; in actuality, the San Diego JTTF did flag him based on his first [REDACTED] communications to the Suspected Terrorist. Rather, the problem is that, as the DCIS agent in Washington described his investigation, the inquiry into Hasan was focused on whether Hasan was engaged in overt terrorist activities.

The appropriate question about Hasan was not only (as the Washington JTTF focused its investigation) whether he was engaged in terrorist activity. A more intelligence-oriented inquiry would also have sought to know:

- could Hasan be in the process of radicalizing to violent Islamist extremism such that he might engage in terrorist activity in the future;

- what did the nature of Hasan's communications with the Suspected Terrorist teach about that suspected terrorist's *modus operandi* in furtherance of terrorist objectives [REDACTED] without actually breaking the law; and

---

[163] Immediately following 9/11, the then-new FBI Director, Robert Mueller, declared that the FBI's top priority was preventing domestic terrorist attacks and that the FBI needed to become an intelligence-driven rather than law-enforcement-centric organization. As Director Mueller testified before Congress, "Today, we are focused on prevention, not simply prosecution. We have shifted from detecting, deterring, and disrupting terrorist enterprises to detecting, penetrating, and dismantling such enterprises – part of the FBI's larger culture shift to a threat-driven intelligence and law enforcement agency." Robert Mueller, Director, FBI, *Statement before the Senate Judiciary Committee* (March 5, 2008). And as stated by then-Attorney General Michael Mukasey, "The FBI is an intelligence agency, as well as a law enforcement agency. Its basic functions accordingly extend beyond limited investigations of discrete matters, and include broader analytic and planning functions." Attorney General Michael Mukasey, *The Attorney General's Guidelines for Domestic FBI Operations* (September 29, 2008), at 9.

[164] *Id.*

- could Hasan be a future counterintelligence threat putting U.S. military operations at risk.

Put more concretely, the Washington JTTF only looked for overt steps to support terrorist activity and did not assess the broader threat posed by a military officer and his communications with a known type of terrorist called a [REDACTED].

We are concerned based on the Hasan case that the FBI has more work to do in training its personnel as to how being intelligence-driven should affect their operational activities.

**Finding:** The FBI's inquiry into Hasan was focused on whether Hasan was engaged in overt terrorist activities. The inquiry did not pursue whether Hasan might be radicalizing to violent Islamist extremism, what information his radicalization and relationship with the Suspected Terrorist could contribute to the larger understanding of radicalization, and whether Hasan might become a counterterrorism or counterintelligence threat in the future.

**Recommendations:** The FBI should ensure that agents understand practically how being intelligence-driven should affect their investigative objectives and operational activities.

D. Our Investigation Of The Hasan Case Raises Questions About Whether The Joint Terrorism Task Forces Have Become Fully Effective Interagency Coordination and Information-Sharing Mechanisms.

The FBI has set forth a vision – of which we approve – of JTTFs as the premier mechanism for counterterrorism information-sharing and operational coordination among federal entities and with state and local law enforcement. However, the JTTFs did not fulfill this aspiration in the Hasan case, and during our investigation of the Hasan case we learned of larger unresolved policy disputes concerning JTTFs' functioning.

Neither the Washington JTTF nor the San Diego JTTF cited any law [REDACTED] as a barrier to sharing Hasan's communications or information derived from those communications with DoD counterintelligence officials. We have found no legal barrier that prevented the JTTFs from notifying DoD counterintelligence officials concerning Hasan's communications and enlisting those officials' expertise in investigating Hasan, a servicemember. The Hasan case highlights interagency disagreements and internal JTTF weaknesses that raise our concern that the JTTFs are at risk of becoming essentially an investigative entity serving the FBI's interests.

1. DoD and the FBI disagree concerning which agency has the lead for counterterrorism investigations of servicemembers.

The standard operating procedure of the Army's operational counterintelligence unit, the 902nd Military Intelligence Group (located within the Army's Intelligence and Security

Command), is that even its lowest level of investigation of a servicemember includes interviews of employers and associates. Accordingly, had Hasan's initial [REDACTED] communications (let alone all of them) been shared with the 902nd Military Intelligence Group, then Army counterintelligence officials most likely would have interviewed his superiors and colleagues. Even the most minimal interviews would most likely have shown that his communications were not mere research and instead accorded with his overall displays of radicalization to violent Islamist extremism. Neither the Washington JTTF nor the San Diego JTTF pointed to any law or regulation as the reason that information about Hasan was not shared with DoD counterintelligence officials.[165] At most, the San Diego JTTF initially decided not to circulate the communications as a standard FBI intelligence communication to DoD because of the erroneous belief that Hasan was a military communications officer and thus could have read the report. The San Diego JTTF did not revisit its decision once the Washington JTTF reported that Hasan was a military physician and not a communications officer – and that was a very consequential mistake. Moreover, the Washington JTTF's concern that sharing might expose the investigation [REDACTED] on the Suspected Terrorist was belied by the fact that the San Diego JTTF – which was responsible for the investigation of that individual – advocated interviews of Hasan and his superiors and colleagues.

Our investigation revealed a significant disagreement between the FBI and DoD concerning whether the FBI or DoD should have the lead for investigating servicemembers for counterterrorism purposes. As noted above, the FBI is the lead federal investigative agency for counterterrorism criminal investigations and intelligence collection within the United States pursuant to statute enacted in 1996 and a Presidential directive issued in 2003.[166] DoD and the FBI had signed an accord called the "Delimitations Agreement"[167] in 1979 and supplemented it in 1996. The Delimitations Agreement states that DoD has the lead for "counterintelligence" investigations of servicemembers.[168] Mirroring various statutes and regulations, the Delimitations Agreement defines "counterintelligence" to include both classic espionage and "international terrorism."

---

[165] The DCIS detailee in the Washington JTTF and his FBI supervisor decided not to conduct interviews of Hasan's superiors and colleagues in part due to the desire to avoid affecting Hasan's career, which they viewed as a legal imperative under Executive Order 12333 (a key executive order that sets forth operating principles for U.S. Intelligence Community) which mandates that investigative activities be conducted using the least intrusive means. We doubt that a military officer who communicates with a suspected terrorist [REDACTED] while holding a Secret-level security clearance and subject to deployment to a combat zone deserves the same level of concern for his career as a civilian who happens to come up during an investigation. We also note that the San Diego JTTF clearly had a different view of whether interviews were appropriate. Leaving aside whether the least intrusive means test should have prevented interviews (a determination that would not have been supported by the *Domestic Investigations Operations Guide* itself), the least intrusive means test is relevant only to actual investigative tools such as interviews – not whether the FBI could share Hasan's communications with Army counterintelligence officials so that they could become aware of Hasan's contact with the Suspected Terrorist. And in fact, the least intrusive means test was not the driver for the FBI's failure to share Hasan's communications with DoD counterintelligence officials.

[166] *See* 18 U.S.C. Section 2332b(f); 28 C.F.R. Section 0.85(l); Homeland Security Presidential Directive 5.

[167] *Agreement Governing the Conduct of Defense Department Counterintelligence Activities in Conjunction with the Federal Bureau of Investigation* (signed by the Deputy Secretary of Defense and the Attorney General).

[168] *Id.*, Section 6.C.2.

- DoD argued that the Delimitations Agreement is directly applicable to the investigation of servicemembers for counterintelligence purposes – to include counterterrorism, by definition. A senior DoD counterintelligence official referred to the agreement as its "bible" governing its relationship with FBI on counterintelligence investigations. Thus, under DoD's view, the agreement required that the Army and not the JTTF lead the inquiry into Hasan and that the FBI notify DoD of the information in its possession regarding Hasan.

- In contrast, the FBI argued that the Delimitations Agreement is not operative with respect to counterterrorism and instead applies only to investigations of servicemembers for classic counterintelligence (*i.e.*, espionage). In the FBI's view, statutory and regulatory sources giving the FBI the lead for domestic counterterrorism investigations govern despite the Delimitations Agreement, and that agreement was signed prior to counterterrorism assuming such a preeminent investigative interest and giving rise to counterterrorism-specific organizations such as JTTFs. In addition, according to the FBI, the Delimitations Agreement has been negated by the "course of dealing." Thus, in the FBI's view, the FBI – through the JTTFs – rather than DoD has the lead for counterterrorism investigations of servicemembers. Under the FBI's view, the JTTFs were the appropriate lead for the inquiry into Hasan.

We are concerned that the question of lead responsibility for counterterrorism investigations of servicemembers is unresolved between the FBI and DoD. In addition, we believe that the legal question of which agency technically has the lead in general is secondary to the operational question of which agency is best situated from an expertise and resource perspective to conduct a particular investigation. In other words, just because the FBI is the *lead* agency for domestic counterterrorism investigations does not mean that the FBI is the *sole* agency conducting such investigations and that no other agency should have the lead in practice depending upon the circumstances. Having other agencies play a lead role in investigations makes sense in order to maximize inherently limited government resources. In the case of Hasan, DoD arguably was best situated to evaluate the counterterrorism threat posed by him given the existence of an entire Army unit with the mission of guarding against threats from within the Army. Thus, we are concerned that the JTTFs' failure to share information about Hasan with DoD may indicate a tendency within part of the FBI to believe that either a lead merits the FBI conducting a counterterrorism investigation or the lead is not worth investigating even by another agency. This tendency would detract from the optimal use of federal, state, and local capabilities beyond the FBI in order to investigate the most leads in the most efficient and effective manner.

Leaving aside the questions of which agency should lead counterterrorism investigations of servicemembers in principle or in practice, we note that the inquiry into Hasan was not only a counterterrorism investigation but also a classic counterintelligence (*i.e.*, espionage) investigation: Hasan's regard for the Suspected Terrorist, as evident in his first [REDACTED] communications [REDACTED], could eventually have led Hasan to seek to aid the enemy if he was deployed to Iraq or Afghanistan; at the very least, Hasan's regard for the Suspected Terrorist could have led Hasan to disclose Secret-level information – which Hasan was cleared to access –

in an unauthorized manner. Thus, even if the FBI is correct that it should lead investigations of servicemembers regarding *counterterrorism* (a position not supported by the Delimitations Agreement), the Hasan case was also a classic *counterintelligence* case and should have been reported to DoD for that purpose. As a result, the Delimitations Agreement would require that DoD have had the lead on the investigation from a counterintelligence perspective.

To the credit of both the FBI and DoD, immediately after the Fort Hood attack they took steps to ensure that DoD was aware of all then-existing FBI counterterrorism investigations involving DoD or DOD-affiliated personnel, devised and implemented a new procedure for providing DoD with notification of such investigations going forward, and initiated negotiations to consolidate and update the architecture of FBI/DoD agreements concerning information-sharing and operational coordination.[169] Under this notification policy, a JTTF is required to inform the National JTTF of a counterterrorism inquiry into a servicemember. The individual in the National JTTF to be informed is the Deputy Unit Chief for DoD matters, who will then notify the military counterintelligence entity in DoD most relevant to that servicemember. Also, within days of the attack, the FBI provided DoD with a list of FBI investigations concerning DoD-affiliated personnel or those with access to DoD facilities. The review found [REDACTED] investigations that had a nexus with DoD and that JTTFs had coordinated with the appropriate military investigative organization in [REDACTED] cases. (We do not know whether such coordination involved the lead for investigations of any servicemembers being transferred to DoD pursuant to the Delimitations Agreement.)

Although the FBI/DoD review found that the FBI coordinated over 90 percent of these cases with DoD, we are concerned about the gap given the clear-cut nature of the obligation. Not only did the failure to share information with DoD concerning Hasan play a major role in the government's failure to prevent the attack, but the reasons for the failure to share the Hasan information with DoD were not confined to the misjudgments of a select few but rather are related to policy disputes regarding the functioning of JTTFs. As indicated by the adoption of the new policy, the FBI agrees with the importance of informing DoD of investigations of servicemembers, but the key question of which agency should lead these investigations remains outstanding between the FBI and DoD. The FBI and DoD should be sure to resolve all of these questions related to the Delimitations Agreement in principle and in practice as they negotiate the new master DoD/FBI agreement.

2. DoD and the FBI disagree concerning the status of detailees to JTTFs as primary information-sharing channels of JTTF information back to DoD.

Our investigation has also revealed a significant disagreement between the FBI and DoD concerning whether the FBI giving Hasan's communications to the DCIS agent detailed to the Washington JTTF constituted sharing that information with DoD as a whole: Detailees from an agency to JTTFs are often governed by an agreement between the FBI and that agency covering administrative matters. All such agreements that we have reviewed prohibit a detailee from

[169] Federal Bureau of Investigation, Electronic Communication, *Counterterrorism Program Guidance: Notifications to Outside Agencies: Administrative and Operational Guidance* (January 7, 2010).

sharing JTTF information with that detailee's home agency without first receiving permission from an FBI supervisor at the JTTF. The FBI's agreement with DCIS had this provision.[170]

- DoD argued that sharing information with a DoD detailee on a JTTF does not constitute sharing that information with DoD as a whole, for three reasons: *First*, each DoD detailee comes from a specific DoD agency and thus cannot represent all of DoD or know what JTTF information would be of interest to another DoD component. *Second*, any particular detailee only sees part of a JTTF's activities and thus cannot be the main avenue for sharing JTTF information with DoD. *Third*, the requirement that a detailee receive approval from an FBI supervisor prior to sharing information with his home agency means that the FBI effectively has veto power over what information is shared – which is contrary to the FBI's information-sharing obligations under the Delimitations Agreement. In sum, DoD regards its detailees as primarily augmenting the JTTFs, not being information-sharing avenues – even if the DoD detailee actually leads the JTTF's investigation in which information of interest to DoD is generated.

- In contrast, the FBI argued that detailees are representatives of their departments and that the requirement for supervisor approval to share information is a low bar. The FBI's view is that the requirement ensures that the FBI knows when its information is being transmitted outside of the JTTF. The FBI's view is also that the requirement enables the FBI to coordinate any operational activity that the agency receiving the information may wish to conduct based on it. Thus, the FBI believes that sharing information with a DoD detailee constitutes sharing that information with DoD – even if the detailee is from DCIS in the DoD Office of Inspector General and the relevant DoD entity that would be interested in the information is the Army's counterintelligence entity, the 902nd Military Intelligence Group.

Thus, under DoD's view, the sharing of Hasan's first communications with the DCIS detailee in the Washington JTTF did not constitute sharing that information with DOD as a whole. In contrast, under the FBI's view, the sharing of the information with the DCIS detailee constituted sharing with DoD as a whole – and it was the DCIS detailee's decision as to whether the information merited being transmitted to any part of DoD; if the DCIS detailee had decided to share the information with DoD, then per DCIS's agreement with the FBI he would have needed his FBI supervisor's approval.

This interagency disagreement is reinforced by an additional factor that our investigation found: the lack of training provided to detailees concerning their purpose for being detailed to a JTTF. DoD's training of detailees has been episodic and does not articulate the purpose of the detailees being sent to the JTTFs. DoD's lack of training of detailees arguably reinforces, in silence, DoD's view that detailees from its components do not represent DoD as a whole. Simultaneously, the FBI's view of detailees' purpose is not reflected in its training of them; in

[170] *See, e.g., Joint Terrorism Task Force Standard Memorandum of Understanding Between the Federal Bureau of Investigation and Defense Criminal Investigative Service* (hereinafter FBI/DCIS MOU), 2007, Section IX.A.

other words, the FBI does not instruct detailees to JTTFs that they should regard themselves as primary information-sharing avenues to their home agencies. The apparent inadequacy of the FBI's training of detailees was flagged by a Department of Justice Office of the Inspector General report in 2005, which identified the lack of training of detailees as a critical weakness in the JTTF program. That report faulted the FBI for "not provid[ing] written guidance that defines the roles and responsibilities of" detailees to JTTFs.[171] Since then, the FBI has taken steps to train detailees. However, the most recent FBI training material for detailees to JTTFs[172] lacks a discussion of the detailees' purpose.[173] Thus, detailees could master the training but never be informed that the FBI considered them to represent their entire home departments and to be the critical link for ensuring information-sharing.

DoD's argument that sharing information with a DoD detailee to a JTTF does not constitute sharing with DoD as a whole is more convincing. As mentioned, the Committee has no evidence that FBI and DoD training of detailees ever articulated that detailees represented their departments as a whole. The fact that an FBI supervisor could block the detailee from sharing that information with DoD proper – with no criteria, as seen by the Committee, developed by the FBI to guide that discretion – implies that DoD detailees were not a dedicated information-sharing avenue.

3. FBI corrective action since the Fort Hood attack facilitates information-sharing with DoD but does not resolve the larger policy issues.

Demonstrating its desire to ensure that JTTFs are effective information-sharing mechanisms, as described above the FBI reacted to the Fort Hood attack by instituting the new notification procedure for ensuring that DoD is informed of any counterterrorism inquiries into servicemembers. This policy appears to supersede any requirement that an FBI supervisor approve the sharing of information with DoD. This new policy appears to answer the specific question of whether DoD detailees are representatives of DoD as a whole by indicating that they are not – in other words, any issue regarding a servicemember being handled by a JTTF is sent to the National JTTF for transmission to DoD, rather than having DoD detailees at the relevant JTTF determine whether to inform DoD directly of the information. However, this new policy does not resolve the policy dispute concerning the issue as to whether the sharing of information within a JTTF with a detailee constitutes sharing that information with the detailee's home agency.

- This policy dispute is still relevant to FBI/DoD relations because the new notification procedure on its face covers only JTTF investigations of servicemembers, not JTTF investigations of matters that might affect DoD but are not concerning servicemembers. The FBI and DoD should be sure to resolve this question in the new master agreement that they are negotiating.

---

[171] Department of Justice, Office of the Inspector General, *The Department of Justice's Terrorism Task Forces*, No. I-2005-007 (June 2005), at 68-74, 81-2.
[172] Federal Bureau of Investigation, *Joint Terrorism Task Force: Task Force Officer Orientation: A Reference Guide for New JTTF Task Force Officers (December 2009).*
[173] *Id.*

- In addition, the policy question of whether detailees are representatives of their home agencies is still applicable to other entities that send detailees to JTTFs aside from DoD. We recommend that the FBI and its partner agencies decisively resolve the issue of whether detailees are representatives of their agencies and ensure that detailees receive training to that effect.

4. The FBI's failure to link Hasan's first [REDACTED] communications to the Suspected Terrorist to his later ones stemmed in part from JTTF detailees' lack of access to key information, which suggests a major impediment to JTTFs' overall effectiveness.

A review of all of Hasan's communications with the Suspected Terrorist would have shown clearly that Hasan's communications were not research and merited a thorough investigation. As a result, the decision by FBI supervisors at the Washington JTTF to assign the DCIS agent to an inquiry [REDACTED] was flawed because of his lack of access to and knowledge of the [REDACTED] database. Access to that database was essential for the Hasan inquiry due to Hasan's subsequent communications.

Our finding in the Hasan case of the DCIS agent's lack of access to the [REDACTED] database comports with chronic data-access challenges facing detailees to JTTFs identified in prior studies. The Department of Justice's Office of the Inspector General reported in 2005 that "a majority of" detailees "with clearances did not have direct or complete access to the" FBI's Automated Case Support system, "even though such access was permitted by policy, which caused delays in their investigations."[174] The lack of access to the Automated Case Support system was eventually solved, but a survey of JTTF detailees conducted in 2007 by a twenty-three year FBI veteran who had acted as a JTTF supervisor found that detailees' lack of access to other databases continued even though, in his view, detailees must understand the available databases and be able to extract the necessary information from them in order to be effective JTTF members.[175] In fact, the DCIS representative to the National JTTF at the time of the Fort Hood attack not only lacked access to the [REDACTED] database but also was unaware of its existence.[176]

It is paradoxical that, in the Hasan case, the FBI would rely on a detailee so heavily for the Hasan inquiry but not provide that detailee with the full range of database access and training. The DCIS agent was thus in the unenviable position of being relied upon by the FBI as the lead for the JTTF inquiry into Hasan without having the tools necessary to perform competently.

---

[174] *The Department of Justice's Terrorism Task Forces*, at 57.

[175] Anthony D'Angelo, *Strategic Change and the Joint Terrorism Task Force: Ideas and Recommendations*, Thesis for the Naval Postgraduate School (2007), at 83 (emphasis in original).

[176] Department of Defense, Office of the Inspector General, *Results of the Independent Review – Fort Hood Shooting Incident* (November 16, 2009), at 6.

We are concerned by evidence that this problem goes well beyond the Hasan case. The former JTTF supervisor mentioned above wrote in his report, "The fact that (detailees) are less likely to receive substantive training, database access, and training [on how to operate sources], and yet may be assigned as primary or co-case agent in an investigation, goes against the JTTF concept."[177] The FBI's internal review after the Fort Hood attack confirmed that "many" detailees to JTTFs have been unaware of that database, although the FBI could not quantify that number. We find it difficult to align the FBI's view that JTTF detailees are representatives of their home departments for information-sharing purposes with the lack of access of such detailees to the type of information at issue here. Indeed, even if the DCIS agent had considered himself as responsible for representing DoD and serving as a primary bridge for information-sharing to DoD, he would have been unable to share the necessary information due to his lack of access to it.

To its credit, after the Fort Hood attack the FBI increased the training of detailees and FBI agents – 3,700 in all – to widen access to the database, with a prerequisite being an understanding of the rules governing [REDACTED].[178] We are troubled that the FBI made significant progress toward solving this apparently well-known problem only after a mission failure resulted. In any event, we hope that the FBI's action will finally solve this problem, and we will monitor progress to ensure that this barrier to effective JTTF operations and information-sharing is resolved completely.

5. <u>We are concerned that JTTFs are not fulfilling the FBI's vision of being interagency information-sharing and operational coordination mechanisms but rather may merely be appendages of the FBI.</u>

Drawing together the issues of the Delimitations Agreement, the status of detailees for information-sharing, and detailees' lack of access to database, we are concerned JTTFs are not fulfilling the FBI's vision of being the premier domestic counterterrorism mechanism for interagency information-sharing and operational coordination.[179] The question of detailees' status as information-sharing mechanisms needs to be resolved, and training provided by the FBI and detailees' home departments needs to articulate their role clearly. The FBI also must ensure that detailees have the training and access to the full array of databases so that they can become full-fledged members of the JTTFs.

---

[177] *Strategic Change and the Joint Terrorism Task Force*, at 81.

[178] *See, e.g.*, Federal Bureau of Investigation, National Joint Terrorism Task Force, *Joint Terrorism Task Force Program: Mandatory Training for JTTF Members* (January 15, 2010).

[179] The "319 Group," composed of current and former senior intelligence and law enforcement officials, has written that "the JTTFs operate as a hub-and-spokes system in which intelligence goes up but does not necessarily come back down, and there is little lateral communication. This guarantees FBI control of information, which other agencies resent as contrary to partnership." The 319 Group, *America's Domestic Intelligence is Inadequate: The Country Still Lacks a Coherent National Domestic Intelligence-Collection Effort* (June 2010), at 13. A former director of intelligence analysis at the New York Police Department has written that "local officials on JTTFs are functionally federalized: they are given access to classified information and are discouraged from reaching back to their home agencies." Samuel Rascoff, "The Law of Homegrown (Counter)Terrorism," in *Texas Law Review* (June 2010), at 1743.

We also believe that improvements are needed regarding the FBI supervisor approval requirement for sharing information outside of a JTTF, as mandated by the FBI's agreements with the other departments providing detailees. This requirement is arguably necessary (leaving aside specific exceptions such as the Delimitations Agreement) so that FBI supervisors can keep tabs on their investigative information and ensure deconfliction among departments. Still, FBI headquarters should clarify expectations to its personnel in writing regarding whether the FBI-supervisor-approval requirement for sharing information outside of the FBI is an administrative step or a substantive hurdle. If the review is a substantive hurdle, then the FBI should justify why such a hurdle is required and clarify the criteria for sharing information. If the review is not a substantive hurdle, then the FBI should educate the departments sending detailees to the JTTFs so that there is a common understanding among the FBI and those departments. The FBI also should highlight this requirement in its training of detailees and encourage them to utilize this process for sharing information with their home departments. The FBI might create a formal process to contest an FBI supervisor's decision that prevents a detailee from sharing information and to protect detailees who file appeals from repercussions.

We remain concerned that the dispute between the FBI and DoD regarding the interpretation of the Delimitations Agreement remains unresolved. More generally, the FBI should ensure that its JTTFs do not operate under the belief that they (to use government jargon) "own" counterterrorism investigations as well as the information that those investigations produce. Such a belief could unfortunately result in a JTTF believing that, if it determines that a particular individual does not pose a threat, then there is no reason to pass the information to another department. As has been proven time and again in the intelligence context, information that may not appear troubling to one analyst may complete the puzzle for another analyst who has a different perspective or access to other information. In other words, as the Fort Hood case illustrates, information on violent radicalization in the hands of one entity can be misinterpreted, but effective information-sharing can add unique perspectives to help identify threats. Effective operational coordination can help ensure that the entity best situation to act on the threat does so.

**Finding:** JTTF personnel never cited any legal restrictions as the reason that Hasan's communications were not shared with DoD counterintelligence officials. Our investigation surfaced a policy dispute concerning whether detailees to JTTFs were representatives of their departments and thus served a major information-sharing function. As revealed in the Hasan case and reinforced by other evidence, detailees to JTTFs have often lacked adequate access to databases and training but paradoxically are relied upon to lead JTTF investigations. As a result, we are concerned that JTTFs may not be fulfilling their intended role as interagency information-sharing and operational coordination mechanisms.

**Recommendation:** The FBI should ensure that JTTFs fulfill the broader role of being mechanisms for interagency information-sharing and operational coordination rather than being mere FBI investigative entities and sources of personnel augmentation. Detailees need training and access to databases so that they can be full-fledged members of the JTTFs. The FBI

and departments sending detailees should agree upon and train them regarding the purpose of their detail. The FBI also should clarify the requirement that FBI supervisors approve the sharing of information by a detailee with his home agency by setting forth criteria for such approval, creating an appeals process, and evaluating the process periodically. Finally, the FBI should ensure that it facilitates other entities in playing critical investigative roles in countering terrorism and other national security threats, including by sharing appropriate information and having those entities lead investigations in order to use inherently limited government resources and expertise most efficiently and effectively.

E. The FBI's Training Materials Contemporaneous To The Hasan Inquiry Did Not Adequately Cover The Ideology Of Violent Islamist Extremism.

Hasan's first [REDACTED] communications, scrutinized by both JTTFs, were not conclusive of terrorist conspiracy or that Hasan was radicalizing to violent Islamist extremism. Hasan, however, was a military officer who had sworn an oath to support and defend the Constitution, held a Secret-level security clearance, and could be deployed to a combat zone in which violent Islamist extremists were the enemy. In that light, Hasan's initial [REDACTED] communications contained significant anomalies that should have triggered additional and urgent investigative activity even though the Officer Evaluation Reports praised his research concerning terrorism. These [REDACTED] communications were [REDACTED], meandered in a "stream of consciousness," hinted at the answer Hasan wanted to hear, and had content that contravened officership standards. The communications on their face raised questions of whether Hasan was a potential counterintelligence or counterterrorism threat that relying merely on his Officer Evaluation Reports, as opposed to interviewing his superiors and colleagues, could not answer. Yet neither the DCIS agent nor the FBI supervisor at the Washington JTTF picked up on the communications' signals.

The inadequacy of the Washington JTTF's inquiry led us to examine the training materials regarding the understanding of radicalization to violent Islamist extremism among the agents on the front-lines of the FBI's counterterrorism efforts. The FBI provided the Committee with a swath of training material and analytical reports concerning radicalization in the United States, including the training material that the San Diego JTTF received.[180] (FBI lacks records of what training was provided to the DCIS agent in the Washington JTTF.) These documents focus on the various behavioral indicators of radicalization (*e.g.*, the individual isolates himself from his friends) but have little information on the ideology of violent Islamist extremism and the reasons for its appeal. In other words, the documents ignore the *substance* of radicalization, including what violent Islamist extremists believe and why. Understanding the ideology of violent Islamist extremism would assist agents in determining, in conjunction with an individual's conduct, what degree of risk an individual might present and whether to pursue further inquiry.

[180] Federal Bureau of Investigation, *Table of Contents* for material provided to the Senate Committee on Homeland Security and Governmental Affairs, August 25, 2010.

Based on our review of the training documents provided to us by the FBI, we believe that the FBI should produce in-depth analysis of the ideology of violent Islamist extremism, the factors that make that ideology appealing to individuals (including U.S. citizens and legal permanent residents), and what ideological indicators or warning signs show that the individual is weighing or accepting the ideology. Our review also leads us to believe that the FBI also should provide sufficient training to its agents including: (1) ideological indicators or warning signs of violent Islamist extremism to serve as an operational reference guide, and (2) the difference between violent Islamist extremism and the peaceful practice of Islam.

Following the Fort Hood attack, the FBI acted to improve the training of its agents by developing radicalization training material jointly with the National Counterterrorism Center. We learned that this material was completed by NCTC and presented to three field offices during the fall of 2010.

**Finding:** The FBI's internal training materials contemporaneous to the Hasan inquiry did not provide sufficient guidance concerning the ideology of violent Islamist extremism and intellectual indicators that evince that an individual is subscribing to that ideology.

**Recommendation:** The FBI and other intelligence agencies should ensure that they have sufficient understanding of the ideology of violent Islamist extremism and that ideological indicators or warning signs have been developed for use by agents. Our Committee will review the training materials recently completed by NCTC and the FBI to ensure their adequacy.

## VII. The United States Needs A Comprehensive Approach To Countering The Threat Of Homegrown Terrorism.

The Hasan case emphasizes the fact that the United States needs to strengthen its defenses against homegrown violent Islamist extremism in order to be sufficiently capable of identifying individuals in our country who are radicalizing to violent Islamist extremism, taking action to deter such radicalization, and disrupting terrorist plots when they arise among such radicalized Americans. There needs to be adequate coordination across federal, state, and local jurisdictions to counter the evolving homegrown terrorist threat. The United States must also carefully consider what types of counterradicalization activity are appropriate, and by whom, and then develop a comprehensive national approach to this challenge. All of this should be done in consultation with Muslim-American communities.

As discussed in Chapter II, the number of cases of homegrown terrorism escalated substantially beginning in 2009. The pace of radicalization encouraged by propaganda on the Internet and by English-speaking terrorist operatives that direct recruiting messages and other encouragement to individuals within the United States that may be radicalizing has increased. So inspired, these violent radicals can initiate operations on their own, with little or no contact with terrorist groups. Many attacks require less sophisticated planning and therefore can be undertaken more rapidly.

Analysis of recent cases shows that a generic profile of a homegrown violent Islamist extremist cannot easily be developed. The only common thread is these individuals' adherence to the ideology of violent Islamist extremism.[181]

As stated in a September 2010 report by two prominent counterterrorism experts:

> The conventional wisdom has long been that America was immune to the heady currents of radicalization affecting both immigrant and indigenous Muslim communities elsewhere in the West. That has now been shattered by the succession of cases that have recently come to light of terrorist radicalization and recruitment occurring in the United States. And while it must be emphasized that the number of U.S. citizens and residents affected or influenced in this manner remains extremely small, at the same time the sustained and growing number of individuals heeding these calls is nonetheless alarming. . . .
>
> The diversity of these latest foot soldiers in the wars of terrorism being waged against the U.S. underscores how much the terrorist threat has changed since the September 11, 2001 terrorist attacks. In the past year alone the United States has seen affluent suburban Americans and the progeny of hard-working immigrants gravitate to terrorism. Persons of color and Caucasians have done so. Women along with men. Good students and well-educated individuals and high school dropouts and jailbirds. Persons born in the U.S. or variously in Afghanistan,

---

[181] Peter Bergen and Bruce Hoffman, *Report of the National Security Preparedness Group: Assessing the Terrorist Threat* (September 10, 2010), at 29.

> Egypt, Pakistan, and Somalia. Teenage boys pumped up with testosterone and middle-aged divorcees. The only common denominator appear to be a newfound hatred for their native or adopted country, a degree of dangerous malleability, and a religious fervor justifying or legitimizing violence that impels these very impressionable and perhaps easily influenced individuals toward potentially lethal acts of violence.[182]

This volatile mix of factors places incredible burdens on our law enforcement and intelligence officers and underscores the need for a coherent and rationalized approach to information-sharing, operational coordination, resource allocation, and overall strategy across federal, state, and local jurisdictions. As discussed above vis-à-vis the Delimitation Agreement, even if JTTFs become true interagency information-sharing and operational coordination mechanisms, they are still only one node – a large and critical node, to be sure – in the nation's overall law enforcement and intelligence network. Other federal entities have their own roles to play, for example DoD in investigating potential counterintelligence threats involving servicemembers and other federal departments investigating activity within their jurisdiction that has terrorist or other national security dimensions. State and local law enforcement also bring resources and expertise. Ensuring integration of all the components of our counterterrorism defenses domestically is an ongoing challenge and requires greater focus by senior government leaders.[183]

Even so, concentration on law enforcement and intelligence tactics to disrupt terrorists preemptively, prior to their conducting an attack, is important but insufficient. A critical strategic question for the United States is how to counter the spread of violent Islamist extremist radicalization domestically in order to preempt such cases from arising. Without confrontation of the ideology motivating terrorism, there is no reason to believe that the number of homegrown terrorists will abate.[184]

Consider if Hasan had actually been discharged prior to November 5, 2009: It is unclear that there would have been any way to ameliorate the radicalization of Hasan the civilian to violent Islamist extremism and, if so, which entity or entities across federal, state, or local governments or the private sector would have been the lead. And it is also unclear whether doing so is an appropriate role for law enforcement and intelligence agencies as opposed to other governmental or even non-governmental entities. When law enforcement or intelligence agencies can identify an individual in the process of radicalizing – such as an individual who is communicating [REDACTED] – such agencies may introduce [REDACTED] against the individual. If the individual takes affirmative steps toward engaging in terrorism, then the individual can be arrested. However, if the individual does not actually move forward with

---

[182] *Id.*

[183] The 319 Group, composed of former senior law enforcement and intelligence professionals, recently concluded, the United States lacks a "systemic, coherent" approach across law enforcement, intelligence, and homeland security and that the current "structure is an array of federal, state, and local capabilities, each with its own strengths and weaknesses." *America's Domestic Intelligence is Inadequate*, at 2, 13, 15.

[184] *See* J. Scott Carpenter, Matthew Levitt, Steven Simon, and Juan Zarate, *Fighting the Ideological Battle: The Missing Link in U.S. Strategy to Counter Violent Extremism* (Washington Institute for Near East Policy, 2010), at 1.

terrorist activity, then law enforcement and intelligence agencies have a limited role. A whole-of-government approach – which taps into the nongovernmental and private sectors – is needed to counter radicalization toward violent Islamist extremism.

The FBI does outreach to leaders and activists in Muslim-American communities to seek to develop trust, address concerns, and dispel myths concerning the FBI. The Department of Homeland Security conducts outreach concerning the civil rights and privacy implications of its policies. State and local governments have the greatest knowledge of their communities by virtue of community policing and the provision of local services. And private groups could provide counterradicalization initiatives through preventative education and *post hoc* deprogramming similar to the work of anti-cult groups. Although there is a nascent effort within the Executive Branch, the United States is missing the coherent architecture of policies, programs, partnerships, and resources that will engage in the ideological struggle and counter the growth of homegrown terrorism.

**Finding:** The United States is confronted by a growing threat of homegrown terrorism but lacks sufficient capability to identify individuals in our country who are radicalizing to violent Islamist extremism, to deter such radicalization, and to disrupt terrorist plots when they arise.

**Recommendation:** We request that the National Security Council and Homeland Security Council in coordination with state and local officials ensure a comprehensive approach to countering the threat of homegrown terrorism.

First, this effort would include leadership by the Attorney General, Secretary of Homeland Security, and Director of National Intelligence to ensure an integrated law enforcement, intelligence, and homeland security approach domestically.

Second, we request that the federal government (1) carefully consider what types of counterradicalization activity could be effective, and by whom, across federal, state, and local governments and the private sector and then (2) develop a national approach to this challenge utilizing all relevant federal agencies including those not traditionally part of counterterrorism. That approach should be implemented into specific, coordinated, and measurable programs across the government. A system could then be developed to measure compliance with those plans, and regular reports of the success of those programs could be made to the National Security Council and the Homeland Security Council.

# APPENDIX: COMPILATION OF FINDINGS AND RECOMMENDATIONS

Strengthening DoD Policies And Training To Prevent Radicalization Of Servicemembers To Violent Islamist Extremism

**Finding:** DoD policies provided Hasan's superiors with sufficient authority to discipline or discharge him based on his conduct as witnessed by fellow servicemembers and his superiors. However, DoD lacked an institutional culture, through policies and training, sufficient to inform commanders and servicemembers on how to identify radicalization to violent Islamist extremism and to distinguish this ideology from the peaceful practice of Islam.

DoD avoided referencing violent Islamist extremism explicitly in the West/Clark inquiry into the Fort Hood attack or in the recommendations issued by DoD in response to the review. It will be more difficult for the military to develop effective approaches to countering violent Islamist extremism if the identity and nature of the enemy cannot be labeled accurately.

**Recommendation:** DoD leadership should identify the enemy as violent Islamist extremism explicitly and directly in order to enable DoD to confront it effectively and efficiently. DoD should reform religious discrimination and other equal opportunity policies to distinguish violent Islamist extremism from legitimate, protected religious observance of Islam so that commanders will not be reluctant to deal with displays of violent Islamist extremism among servicemembers and in order to protect the thousands of Muslim-American servicemembers from unwarranted suspicion. Servicemembers should receive specific training concerning the ideology and behaviors associated with violent Islamist extremism – and how they differ from the peaceful practice of Islam. Finally, DoD should ensure that personnel evaluations are accurate with respect to any evidence of violent Islamist extremist behavior.

Strengthening The FBI To Prevent Domestic Terrorist Attacks

**Finding:** There was a fundamental disjunction between the San Diego JTTF and the Washington JTTF concerning who was responsible for investigating [REDACTED] communications between Hasan and the Suspected Terrorist. That disjunction contributed to the Washington JTTF's failure to conduct an intensive investigation of Hasan, including interviews of his superiors and colleagues, based on all available information regarding Hasan's communications with the Suspected Terrorist. Neither the FBI's headquarters-based Counterterrorism Division nor the National JTTF was notified of or resolved the conflict between the field offices and thus were unable to take steps to resolve it. As a result, the FBI's inquiry into Hasan was terminated prematurely. The FBI lacks documents that articulate the

division of labor and hierarchy of command-and-control authorities among the Counterterrorism Division, the National JTTF, the FBI's headquarters-based intelligence analysis unit called the Directorate of Intelligence, the field offices, and the JTTFs. The leadership of the Counterterrorism Division has also experienced significant turnover since 9/11. Thus, despite the FBI's progress in strengthening its headquarters and bringing field offices under a strategic framework, the Hasan case leads us to be concerned that the FBI remains divided among strong field offices and between the field offices and its headquarters.

**Recommendation:** The FBI should ensure the appropriate balance between field office autonomy and headquarters central control in order to become the intelligence-driven organization it wants to be. Headquarters elements such as the Counterterrorism Division and the National JTTF should actively identify and resolve investigative disagreements and ensure that they conduct sufficient oversight of how field offices are aligning their activities with strategic priorities for intelligence collection and analysis. The FBI should articulate in writing the command-and-control hierarchy among its headquarters and field entities in order to ensure clear responsibility, authority, and accountability for national security activities.

**Finding:** Despite the FBI's improvements in its analytic capability, intelligence analysts were not integrated sufficiently into the inquiry into Hasan. Such integration might have enabled the JTTF to: (1) gain a broader perspective on the significance of Hasan's communications with the Suspected Terrorist, [REDACTED], (2) orient the inquiry into Hasan to whether he was radicalizing rather than just whether he was engaged in overt terrorist activity, (3) analyze Hasan's communications more critically as to whether they were truly research, and (4) suggest what information to seek in order to determine whether Hasan was radicalizing to violent Islamist extremism or otherwise constituted a national security threat.

**Recommendation:** We are concerned that analysts may not be sufficiently integrated into operations and may lack sufficient stature within the FBI vis-à-vis agents as necessary for an intelligence-driven organization. As the Hasan case shows, the FBI should ensure that analysts are integrated into operations and play a major role in driving operational decisionmaking. At a basic level, the FBI should ensure that – unlike in the Hasan case – agents consult with analysts routinely, and the FBI should ensure that agents who integrate analysts into their operational activities are rewarded and agents who do not are held accountable. For example, the FBI should accelerate its use of combined agent/analyst threat fusion centers. More generally, the FBI should ensure the dismantling of barriers to intelligence analysts assuming a prominent role in the organization and that analysts have sufficient leadership opportunities at all levels, including to supervise

agents as appropriate. Finally, the FBI should ensure that analysts receive the technological and other support necessary to produce sophisticated analysis.

**Finding:** The FBI did not update its tradecraft for purposes of its investigation of the Suspected Terrorist. The FBI could not easily link Hasan's initial communications with the Suspected Terrorist to his later communications, and the failure to do so was a factor in the government not intervening against Hasan before the attack, and the FBI should have identified and remedied its inability to link his communications together prior to the attack.

**Recommendation:** The FBI should ensure that its internal processes are effective in identifying tradecraft that is outmoded as compared to evolving threats.

**Finding:** The FBI's inquiry into Hasan was focused on whether Hasan was engaged in overt terrorist activities. The inquiry did not pursue whether Hasan might be radicalizing to violent Islamist extremism, what information his radicalization and relationship with the Suspected Terrorist could contribute to the larger understanding of radicalization, and whether Hasan might become a counterterrorism or counterintelligence threat in the future.

**Recommendations:** The FBI should ensure that agents understand practically how being intelligence-driven should affect their investigative objectives and operational activities.

**Finding:** JTTF personnel never cited any legal restrictions as the reason that Hasan's communications were not shared with DoD counterintelligence officials. Our investigation surfaced a policy dispute concerning whether detailees to JTTFs were representatives of their departments and thus served a major information-sharing function. As revealed in the Hasan case and reinforced by other evidence, detailees to JTTFs have often lacked adequate access to databases and training but paradoxically are relied upon to lead JTTF investigations. As a result, we are concerned that JTTFs may not be fulfilling their intended role as interagency information-sharing and operational coordination mechanisms.

**Recommendation:** The FBI should ensure that JTTFs fulfill the broader role of being mechanisms for interagency information-sharing and operational coordination rather than being mere FBI investigative entities and sources of personnel augmentation. Detailees need training and access to databases so that they can be full-fledged members of the JTTFs. The FBI and departments sending detailees should agree upon and train them regarding the purpose of their detail. The FBI also should clarify the

requirement that FBI supervisors approve the sharing of information by a detailee with his home agency by setting forth criteria for such approval, creating an appeals process, and evaluating the process periodically. Finally, the FBI should ensure that it facilitates other entities in playing critical investigative roles in countering terrorism and other national security threats, including by sharing appropriate information and having those entities lead investigations in order to use inherently limited government resources and expertise most efficiently and effectively.

**Finding:** The FBI's internal training materials contemporaneous to the Hasan inquiry did not provide sufficient guidance concerning the ideology of violent Islamist extremism and intellectual indicators that evince that an individual is subscribing to that ideology.

**Recommendation:** The FBI and other intelligence agencies should ensure that they have sufficient understanding of the ideology of violent Islamist extremism and that ideological indicators or warning signs have been developed for use by agents. Our Committee will review the training materials recently completed by NCTC and the FBI to ensure their adequacy.

A Comprehensive Approach To Countering The Threat Of Homegrown Terrorism.

**Finding:** The United States is confronted by a growing threat of homegrown terrorism but lacks sufficient capability to identify individuals in our country who are radicalizing to violent Islamist extremism, to deter such radicalization, and to disrupt terrorist plots when they arise.

**Recommendation:** We request that the National Security Council and Homeland Security Council in coordination with state and local officials ensure a comprehensive approach to countering the threat of homegrown terrorism.

First, this effort would include leadership by the Attorney General, Secretary of Homeland Security, and Director of National Intelligence to ensure an integrated law enforcement, intelligence, and homeland security approach domestically.

Second, we request that the federal government (1) carefully consider what types of counterradicalization activity could be effective, and by whom, across federal, state, and local governments and the private sector and then (2) develop a national approach to this challenge utilizing all relevant federal agencies including those not traditionally part of counterterrorism. That approach should be implemented into specific, coordinated, and measurable programs across the government. A system could then be developed to measure compliance with those plans, and

regular reports of the success of those programs could be made to the National Security Council and the Homeland Security Council.