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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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January 13, 2010

The Honorable Robert M. Gates
Secretary
U.S. Department of Defense
1000 Defense Pentagon, Room 3E718
Washington, DC 20301

Dear Secretary Gates:

The Committee on Homeland Security and Governmental Affairs has initiated an investigation into the events surrounding the November 5, 2009, shootings at Fort Hood, Texas, 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). The purpose of our investigation is to assess the information the U.S. Government had prior to the shootings and the actions it took in response to that information. Ultimately, the investigation will identify the steps necessary to protect the United States against future acts of terrorism by homegrown violent Islamist extremists.

We are committed to completing a comprehensive fact-finding investigation concerning the U.S. Government's failure to identify Major Nidal Malik Hasan as a possible threat and to take action that may have prevented the attacks. Even at this stage of our investigation, however, it has become apparent to us that DoD's approach to the threat of servicemembers who adopt a violent Islamist extremist ideology needs to be revised. Updating that approach will protect from suspicion the thousands of Muslim-Americans who serve honorably in the U.S. military and maintain the bonds of trust among servicemembers of all religions which is so essential to our military's effectiveness.

I. DoD Should Update Its Approach to Extremism in the Ranks Given the Threat of Homegrown Terrorism Inspired by Violent Islamist Extremism.

During the past four years, our Committee has conducted an extensive investigation of the threat facing the United States from homegrown terrorism inspired by violent Islamist extremism. The Committee's work makes clear – particularly in light of the increased number of attacks, plots, and arrests during 2009 – that the threat of homegrown terrorism inspired by violent Islamist extremism has evolved and is expanding. In over a dozen incidents in 2009, U.S. citizens or residents sought to mount an attack within the United States, including one who shot two Army recruiters in Arkansas, a number who apparently fought for al-Shaabab in Somalia, seven men in North Carolina who allegedly planned to attack the Marine base in

Quantico, Virginia, and several who plotted to bomb a synagogue in New York City. The violent Islamist terrorist threat includes individuals who self-radicalize by visiting Internet websites or reading other propaganda that promotes terrorist causes, *i.e.*, without any connection to or affiliation with an established or recognized group. Efforts to detect and disrupt terrorist activity are complicated when these self-radicalized terrorists operate as "lone wolves."

This Committee and senior Executive Branch officials have identified domestic violent Islamist extremism as a rising threat. As Secretary of Homeland Security Janet Napolitano recently stated, "We've seen an increased number of arrests here in the U.S. of individuals suspected of plotting terrorist attacks, or supporting terror groups abroad such as al Qaeda. Homegrown terrorism is here. And, like violent extremism abroad, it will be part of the threat picture that we must now confront."

The Department has previously adopted policies to address servicemembers engaged in certain violent extremist activities. Policies exist that address servicemembers who become involved in both racist activities and criminal gangs. However, there have been cases of servicemembers becoming radicalized to violent Islamist extremism, including Sergeant Hasan Akbar, who murdered fellow servicemembers at Camp Pennsylvania in Kuwait in 2003. Given these events, and the increasing incidence of violent Islamist extremism in the United States, the Department must revisit its policies and procedures to ensure that violent radicalization, whether based on violent Islamist extremist doctrine or other causes, can be identified and action taken to prevent attacks before they occur.

Exhibiting signs of violent extremist views, behaviors, or affiliations, including those associated with violent Islamist extremism, is incompatible with military service and access to classified or sensitive information. An April 2005 report by DoD's Defense Personnel Security Research 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" and that "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." As seen in the cases of Major Hasan and Sergeant Akbar, the adoption of violent Islamist extremism has been associated with violence against military personnel and other Americans.

We believe that DoD's approach to countering the threat of violent extremism by servicemembers needs to be updated to reflect the current threat of homegrown violent Islamist extremism faced by the United States. Even though we have not completed our investigation of Major Hasan's conduct and his colleagues' and commanders' response to him specifically, we make the following recommendations based on our knowledge of the overall threat of homegrown violent Islamist extremism, our careful review of relevant DoD and Army policies, and interviews and testimony of former high-ranking DoD personnel, intelligence, and military officials and briefings by current officials. We may supplement these recommendations based on the specific facts of Major Hasan's case and on additional information.

II. DoD Should Increase Training of DoD Personnel Concerning Violent Islamist Extremism.

Increased training of servicemembers at all levels – from enlisted personnel to commanders – is needed to ensure that they can understand the warning signs of violent Islamist extremism. Such training will need to be crafted carefully and will likely need to vary by rank. Training should include:

- Why exhibiting violent Islamist extremist views, behaviors, or affiliations is incompatible with military service and access to classified or sensitive information.
- The process of violent radicalization, including the warning signs of violent Islamist extremism.
- Servicemembers who exhibit signs of violent Islamist extremist views, behaviors, or affiliations are not necessarily members of any established or recognized group. Instead, the servicemember could be a “lone wolf,” having undergone a process of self-radicalization via Internet sites, literature, or videos.
- What violent Islamist extremism is, and how terrorists distort the Islamic faith to promote violence.

Existing DoD policies provide some authority for commanders and other appropriate officials to respond to servicemembers that exhibit signs of violent extremist views, behaviors, or affiliations. However, commanders should be trained to apply such policies to servicemembers who exhibit signs of violent Islamist extremism and to recognize those signs in a specific servicemember. Relevant policies include but are not limited to:

- Army Regulation 600-20, *Army Command Policy*: This policy gives every commander broad discretion to prohibit activities by servicemembers in order to preserve good order, discipline, and morale. Training should ensure that commanders are aware that exhibiting signs of violent Islamist extremist views, behaviors, or affiliations by a servicemember would constitute a threat to good order, discipline, and morale. The training should explain the difference between religious faith and observance, on the one hand, and violent extremist views, behaviors, and affiliations on the other – albeit recognizing that warning signs of extremist views, behaviors, and affiliations should not be ignored just because they are comingled with religious faith or observance.
- DoD Directive 1332.30, *Separation of Regular and Reserve Commissioned Officers*: Training of DoD personnel should clarify that exhibiting violent Islamist extremist views, behaviors, or affiliations by an officer would constitute substandard “attitude or character” for which separation from military service may result.

III. DoD Should Revise its Policies to Address Violent Extremism Generally and Violent Islamist Extremism in Particular.

Other DoD policies should be revised to address servicemembers who exhibit violent extremist views, behaviors, or affiliations, including those associated with violent Islamist extremism.

The Department should update DoD Instruction 1325.06, *Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces*. The Department originally issued the Instruction in response to Vietnam-era anti-war activities by servicemembers and has updated the Instruction to address servicemembers involved in supremacist activities and criminal gangs. The most recent version of the Instruction prohibits not only servicemember participation in certain organizations but also prohibits “actively advocat[ing] supremacist doctrine, ideology, or causes.” The inclusion of active advocacy broadens the instruction to cover situations in which a servicemember acts alone without involvement with a group. However, the history of the Instruction, combined with the common understanding of the term “supremacist,” suggests that the prohibition is limited to racial extremism. Accordingly, the Instruction should be broadened so that it clearly applies to other types of violent extremism, including violent Islamist extremism.

The Army also should update its Pamphlet 600-15, *Extremist Activities*. This pamphlet, issued in response to the racially-motivated murders committed by servicemembers at Fort Bragg in 1995 and DoD’s subsequent revision of Instruction 1325.06 in 1996, is heavily oriented toward supremacist activities and other racial extremism. The pamphlet should be expanded to address servicemembers who exhibit signs of violent Islamist extremist views, behaviors, or affiliations. Accordingly, the Army should revise the pamphlet to discuss signs of such views, behaviors, or affiliations. In doing so, the Army should specify that servicemembers who exhibit signs of violent Islamist extremist views, behaviors, or affiliations, may do so as the result of self-radicalization or as “lone wolves.” The Army should also consider how the Instruction should be revised to prospectively address future threats from other violent extremist ideologies. The other Services should make corresponding changes to their policies and procedures.

IV. DoD Should Ensure that Servicemembers Report Signs of Violent Islamist Extremism.

The Department and the Services should also revise their policies to ensure that servicemembers have a clear obligation to report servicemembers who exhibit signs of violent Islamist extremist views, behaviors, or affiliations. As General Keane testified before our Committee, “It should not be an act of moral courage for a soldier to identify a fellow soldier who is displaying extremist behavior. It should be an obligation.”

DoD’s policies do not clearly require that servicemembers report other personnel who exhibit signs of violent Islamist extremist views, behaviors, or affiliations. Neither the version of DoD Instruction 1325.06 on extremism, *Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces*, in effect before the Fort Hood shootings nor the revised directive issued in November 2009 contains a reporting obligation by servicemembers with respect to the types of activities covered by that Instruction. In addition, DoD Instruction 5240.6, entitled *Counterintelligence (CI) Awareness, Briefing, and Reporting Programs*, includes a requirement that servicemembers report “circumstances that could pose a threat to security of U.S. personnel, DoD resources, and classified national security information.” This

Instruction could be read to require reporting of violent Islamist extremist activities by servicemembers. However, the reporting requirements within this policy focus primarily on threats from foreign intelligence services and terrorist organizations. As such, the policy's main requirement is that DoD personnel report contacts with such organizations, not that they report personnel who exhibit signs of violent Islamist extremist views, behaviors, or affiliations. The Department should revise its policies to ensure that servicemembers understand they have an obligation to report personnel who exhibit signs of violent Islamist extremist views, behaviors, or affiliations.

Likewise, Army policies are vague regarding the extent of any obligation that Army personnel have to report other personnel who exhibit signs of violent Islamist extremist views, behaviors, or affiliations. Army Pamphlet 600-15 contains a brief reference to servicemembers needing to "report specific indicators [of extremism] to the chain of command." But the Pamphlet does not detail an individual servicemembers' reporting obligations or sanctions for noncompliance, and thus contrasts to the highly structured reporting obligation for subversion and espionage under Army Regulation 381-12, *Subversion and Espionage Directed Against the U.S. Army (SAEDA)*. However, even Army Regulation 381-12 does not appear to require that Army personnel report other personnel who exhibit signs of violent Islamist extremist views, behaviors, or affiliations. For example:

- Army Regulation 381-12's requirements for reporting "contacts by [Army] personnel with persons whom they know or suspect to be members of or associated with...terrorist organizations" and "active attempts to encourage military or civilian employees to violate laws, disobey lawful orders or regulations, or disrupt military activities" do not seem to address servicemembers who merely exhibit signs of violent Islamist extremist views, behaviors, or affiliations and do not encourage other servicemembers to take any specific actions.
- Army Regulation 381-12 also requires reporting of "information concerning any international or domestic terrorist activity or sabotage that poses an actual or potential threat to Army or other U.S. facilities, activities, personnel, or resources." However, signs of violent Islamist extremist views, behaviors, or affiliations prior to any indication of terrorist activity or sabotage would not appear to trigger this reporting requirement.

Accordingly, the Army needs to revise its policies to clearly and unequivocally require that servicemembers report fellow servicemembers who exhibit signs of violent Islamist extremist views, behaviors, or affiliations. Concomitantly, the Army needs to ensure that its personnel receive training that clearly outlines their obligation to report indicators of violent Islamist extremist views, behaviors, or affiliation. The training should explain how such activities differ from the exercise of religious faith, including the practice of Islam. The other Services also should clearly require that their servicemembers report signs of violent Islamist extremist views, behaviors, or affiliations and provide training.

The threat posed by servicemembers who exhibit signs of violent Islamist extremist views, behaviors, or affiliations raises both personnel and counterintelligence / subversion concerns. The extremism policies referenced above are promulgated by the Undersecretary of

Defense for Personnel and Readiness and the Deputy Chief of Staff of the Army for Personnel while the counterintelligence/subversion policies referenced above are promulgated by the Undersecretary of Defense for Intelligence and the Deputy Chief of Staff of the Army for Intelligence. Senior Department and Service officials should ensure sufficient coordination between the personnel and the counterintelligence/ subversion components of their organizations to ensure that violent Islamist extremism among servicemembers is handled appropriately.

* * *

Clearly, violent Islamist extremism is highly distinct from Islam, and thousands of Muslim-Americans serve honorably in the military. We believe that the changes recommended above will not serve to increase scrutiny of these servicemembers' religious beliefs or practices or to cause tension with their colleagues. To the contrary: we believe that the opposite will occur. Efforts by DoD to educate its personnel concerning what violent Islamist extremism is and what the warning signs of such extremism are – as distinguished from the practice of the Islamic faith – will increase trust between the thousands of Muslim-Americans serving honorably and their colleagues. Clear policies and training should foster greater respect for Muslim-Americans who serve in the military. We trust that, given the sensitivity of this issue, DoD will proceed to make the revisions and changes outlined in this letter in a manner that seeks to avoid unintended consequences and interpretations of its new policies and training.

We understand that the Department's initial review concerning the Fort Hood shooting is scheduled to conclude on January 15, 2010. We understand that the initial review will focus on the military's personnel evaluation system; we plan to review that system in the course of our full investigation. We assume that the Department's overall review will assess the adequacy of the Department's approach to violent Islamist extremism among DoD personnel and hope that our recommendations as outlined above will be helpful to your review. As mentioned above, we will continue our investigation and may make further recommendations in this area based on the specific facts concerning Major Hasan and any additional information.

Sincerely,



Joseph I. Lieberman
Chairman



Susan M. Collins
Ranking Member