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FINDINGS OF THE DEPARTMENT OF DEFENSE INDEPENDENT REVIEW RELATING TO FORT HOOD

HEARING

BEFORE THE

FULL COMMITTEE

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

HEARING HELD
JANUARY 20, 2010

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DOCUMENTS SUBMITTED FOR THE RECORD:

[There were no Documents submitted.]

WITNESS RESPONSES TO QUESTIONS ASKED DURING THE HEARING:

[There were no Questions submitted during the hearing.]

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[There were no Questions submitted post hearing.]

FINDINGS OF THE DEPARTMENT OF DEFENSE INDEPENDENT REVIEW RELATING TO FORT HOOD

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Wednesday, January 20, 2010.

OPENING STATEMENT OF HON. IKE SKELTON, A REPRESENTATIVE FROM MISSOURI, CHAIRMAN, COMMITTEE ON ARMED SERVICES

The committee met, pursuant to call, at 10:05 a.m., in room HVC 210, Capitol Visitor Center, Hon. Ike Skelton (chairman of the committee) presiding.

The CHAIRMAN. Good morning. On November 5, 2009, a gunman opened fire at the Soldier Readiness Center at Fort Hood, Texas. In line at the center were soldiers preparing for deployment to combat zones overseas by completing last-minute administrative tasks.

Thirteen people were killed and 43 were wounded on the U.S. Army base on United States soil.

The alleged gunman, Army Major Nidal Hasan is an active duty Army psychiatrist. As of today, he has been charged under Article 118 of the Uniform Code of Military Justice with 13 counts of premeditated murder and Article 80 of attempted premeditated murder.

I am troubled by the fact that it would appear that some of the circumstances that led to the shooting were the result of military officers not following existing policies and procedures. Specifically there are numerous stories in the press, NPR, AP, MSNBC, CNN, Fox News and others, that the alleged shooter's raters and senior raters failed to document negative information in his official record. We have questions.

Why did it happen? Could it have been prevented? Was the response adequate? More importantly, we all share the same intent to ensure that everything possible is done, that this does not happen again. There are several task forces and panels examining these very questions.

Today we hear from the first of these groups to issue a report. The independent review related to Fort Hood—Secretary Gates chartered the review soon after the shooting and gave them 45 days to quickly examine the Department of Defense's programs, policies and procedures related to force protection, emergency response, and support of health care providers, and oversight on the alleged perpetrator prior to the shooting.

To co-chair this independent review, Secretary Gates picked two seasoned senior leaders. One is the Secretary of Veteran Affairs

and Secretary of the Army, Togo West; and the former Chief of Naval Operations, Admiral Vern Clark.

Gentlemen, we thank you for your service and look forward to hearing your findings.

It is also worth noting that Secretary West is no stranger to this type of initial review. He co-chaired the independent review group created by Secretary Gates following the disclosure of deficiencies regarding Walter Reed in 2007. We hope our witnesses will address the adequacy of our force protection, emergency response policies to identify service members with radical or violent tendencies before they may hurt others. I am particularly concerned, though, about the system of officer evaluation in the Army and other services. The performance report—the Army calls it the OER—must accurately reflect the strengths and weaknesses of officers. Problems must not be passed from one assignment to another.

This hearing continues the committee's oversight of these issues that began in several briefings at the end of last year. We will continue this oversight in the coming weeks and months. I said from the outset that we must take great care that our inquiries into the shooting do not compromise or imperil the prosecution of the alleged gunman in any way. We will continue our inquiries in a thoughtful and deliberative manner that will not undermine the legal case against the alleged shooter.

I would also remind the members of the conditions under which the Department shared the annex associated with this report, that we would not discuss its contents publicly and ask that members respect those conditions. The primary concern of this committee is the safety of all those who serve and/or support our armed forces. We owe this to our service members and the Department of Defense [DOD] civilians and, of course, the family members.

At this time, I turn to my friend, the ranking member, Mr. McKeon, the gentleman from California, for his remarks.

[The prepared statement of Mr. Skelton can be found in the Appendix on page 41.]

STATEMENT OF HON. HOWARD P. "BUCK" MCKEON, A REPRESENTATIVE FROM CALIFORNIA, RANKING MEMBER, COMMITTEE ON ARMED SERVICES

Mr. MCKEON. Thank you, Mr. Chairman.

Secretary West and Admiral Clark, I join Chairman Skelton in welcoming you and thanking you, again, for answering, once again, the call to duty to serve your country. You had a short time to develop your findings and recommendations, and I compliment both of you with regard to their breadth and scope.

In short, you have documented and highlighted the lack of preparedness by the Department of Defense and by this nation to first recognize and then deal effectively and comprehensively with the existing and growing internal domestic terrorist threat. This threat is not a Department of Defense problem alone. As your report points out, an integrated synchronized nationwide effort will be necessary to ensure national preparedness to prevent and respond to future domestic acts of terror.

Major Hasan may have been an individual actor in the Fort Hood shooting, but the radicalization of an officer who took an oath to

support and defend the constitution of the United States against all enemy, foreign and domestic and to bear truth, faith, and allegiance to the Constitution should send shock waves through all Americans as to the power and reach of an enemy like Al Qaeda in Yemen to generate such radicalism among other U.S. citizens.

Al Qaeda in Yemen declared war on the United States with the attack on the USS *Cole* in 2000. While the U.S. has taken actions to curb their power and influence as an external threat, this nation and its allies seemingly have also taken action to assist in the organization's growth.

For example, in 2006, the escape of 23 members of Al Qaeda from a maximum security Yemeni prison, including several who attacked the *Cole*, led to the formation of Al Qaeda on the Arabian Peninsula. The 2007 release from Guantanamo Bay of Said Ali Shari, one of the first detainees at that prison, allowed him to join Al Qaeda in Yemen and to help plan the Christmas Day attack on Northwest Flight 253.

Moreover, the nation has not learned the lesson from September 11th that organizations that have information about potential or actual terrorists must share that information with all who might act to prevent terrorist activities. As is becoming apparent, such was not the case in either the November attack by Major Hasan, who had Internet contact with Al Qaeda in Yemen, or the attempted Christmas day bombing of Northwest Flight 253 by a terrorist acting under orders of Al Qaeda in Yemen.

With regard to the Fort Hood shootings, your report is clear that Major Hasan's supervisors were aware of his shortcomings as an officer and medical professional and failed to act appropriately, and the report is strangely silent on whether or not Major Hasan gave any clear evidence of his radicalization or whether there were any substantive clues about that radicalization that his supervisors should have acted upon. I hope that your testimony will address these issues.

The report also points out numerous personnel policy shortfalls that contribute to the Department's unpreparedness to deal with internal threats. Among the many findings, there was criticism of current policies, practices and procedures related to identifying potentially violent behaviors, information sharing, the accommodation of religious practices, counterintelligence activities in cyber space, and definitions of and responses to prohibited activities.

Although you make no specific recommendations as to how to resolve these issues, you are clearly suggesting that these policies, practices and procedures need to be refocused, tightened and implemented with renewed vigor. Such a course of action suggests the possibility for closer government scrutiny by DOD and other agencies, for example, of various electronic social media, such as Facebook, Twitter and Web pages and e-mails of U.S. citizens. The report is silent on how much initiative should be balanced against the First Amendment and privacy concerns. I would be interested in your views on this issue.

Finally, you made six recommendations for immediate action. I would hope that, in your testimony and the follow-on questions, you could address three of them in detail and why you singled out these three from among all the other recommendations for imme-

diate action: Number one, the need to synchronize continental United States DOD emergency management systems with the national emergency framework; two, the DOD enhancement of the Joint Terrorism Task Force; and three, the creation of a DOD entity to concentrate in one place the DOD effort to gather, analyze and interpret data useful for identifying indicators of potential violent action and to create a comprehensive and usable catalog of those indicators that can be updated continuously and made available throughout the DOD and the military services.

In closing, I want to thank you again for your past and continuing service to this nation. Your report is a significant first step in identifying the areas that need to be improved if this nation is to be safe from internal domestic terrorist activities.

Thank you very much. I yield back.

The CHAIRMAN. I thank the gentleman from California.

[The prepared statement of Mr. McKeon can be found in the Appendix on page 44.]

The CHAIRMAN. Now the witnesses.

The Honorable Togo West.

Secretary West.

Secretary WEST. Thank you, Mr. Chairman. If I might, Mr. Chairman——

The CHAIRMAN. Make sure the——

Secretary WEST. There we go. I have it now. Thank you, sir. I wonder if you have our written statement, I wondered if we can submit it to you for inclusion in the record.

The CHAIRMAN. Of course. Both written statements will be submitted in the record without objection.

Secretary WEST. We will take just a few minutes, Admiral Clark and I, to hit some highlights that we would like to call to your attention. I will go first, and then, with your permission, he will pick up.

The CHAIRMAN. Very good. We look forward to it. Thank you, sir.

STATEMENT OF HON. TOGO WEST, FORMER SECRETARY OF THE DEPARTMENT OF VETERANS AFFAIRS, FORMER SECRETARY OF THE ARMY

Secretary WEST. Mr. Chairman, Congressman McKeon, distinguished members of the Committee on Armed Services, as pointed out, more than two months ago, on November 5th, 13 people died, 12 members of the uniformed military and one civilian; and 43 were wounded from a lone gunman who walked into the Soldier Readiness Center in Fort Hood and began firing. It was a day of tragedy, and it will be remembered as such.

Shortly after that event, Secretary Gates empanelled this review and asked Admiral Clark and me to chair it, and as has already been noted, we did so, and the report has been submitted to him, and it is now before you.

They asked us to take a careful look at personnel policies, at procedures for force protection, emergency response measures and support of those who provide medical care to those who serve. He also asked us to take a look at how the Army applied its policies and procedures to the alleged perpetrator.

Briefly, we organized ourselves into five teams, each led by a senior official, and each was assigned one of those—the first four tasks and also the fifth task. The reports from each of those are in the report before you as taken by us and viewed by us, edited by us and changed to reflect—and modified to reflect our view on what could be concluded, what could be findings, what could be recommendations.

There is, in the beginning, on Chapter 1, a one-page summary of what we saw and found and concluded with respect to the alleged perpetrator. And as the chairman has noted, the remainder of it, the details are in the restricted annex, which is available to you.

We did not, because there was already underway, look into the intelligence aspects. That was assigned to a different review, and we were directed in our terms of reference to avoid interfering with it.

We did not, because it is under control of military justice authorities, look into the criminal aspects of this matter. Again, we were instructed not to interfere with that, and similarly the FBI [Federal Bureau of Investigation] has had a separate review going forward to look into the sharing of information portions that have to do with them.

Nonetheless, our mandate was widespread. It was directed towards having us look to find gaps and deficiencies, as the Secretary mentioned, in policies, procedures, practices by the Department of Defense and the services across the board.

With respect to the alleged perpetrator, you will note that we state openly in Chapter 1 that several military officers did not apply Army policies to the alleged perpetrator. We also recommended that that finding and similar findings that are reflected in the annex be referred by the Secretary of Defense to the Secretary of the Army for review as to responsibility, accountability, and such other action as he shall deem appropriate. He has done so. The referral has been made. The Army has that review underway now.

Before I turn this over to Admiral Clark to fill in some details with respect to the review and the report that you have, three observations I think are important to point out. First, what we learned is that there is never enough preparation. There is never too much preparation. Authorities at Fort Hood had already anticipated a possible mass casualty event, as reflected in their emergency response plans. And their response on that day showed that preparation.

Two minutes and 40 seconds after the 911 call was received, first responders were on the scene of the shooting. By first responders, I refer specifically to members of the Fort Hood security team. A minute and a half after their arrival, the assailant was incapacitated. Two minutes and 50 seconds later, two ambulances and an incident command vehicle from the post hospital arrived and began to provide life-saving health care. With that response, lives were saved.

And yet 13 people died. Scores more were wounded. We can prepare better. We must plan with greater attention and we must

make the effort to look around the corners of our future and anticipate the next potential event in order to deflect it.

Secondly, we need to pay attention to today's hazards. The fact is, we need to understand the forces that cause an individual to radicalize, to commit violent acts, and thereby to make us vulnerable from within.

Thirdly, there is much in this report that is about violence, violence by a service member against his or her colleagues. The effort is to detect the indicators that one might commit acts of violence, to catalog them, to make them available of the persons who need to know what are the indicators and where have the indicators been noted and then to prepare ourselves to act when that evidence is before us, to make it available to our commanders so that they can act and to be clear about their authority.

On further note, as has been pointed out, we were asked to do this report within 45 days. The Secretary clearly had in mind that there would be follow-on reviews of what we would come up with. For that reason, although we have cast our net widely, there is—there were also boundaries simply in terms of what the 129 or so souls who are committed to our leadership could accomplish. And thus you will find there is space left for the follow-on reviews.

Often our recommendations account in terms with the need to pay closer attention and to closer review that.

That, Mr. Chairman and Mr. Ranking Member and members of the committee, is how we structured ourselves.

And now if I may turn to Admiral Clark.

[The joint prepared statement of Secretary West and Admiral Clark can be found in the Appendix on page 46.]

The CHAIRMAN. Admiral, we welcome you at our hearing. Thank you.

STATEMENT OF ADM. VERN CLARK, USN (RET.), FORMER CHIEF OF NAVAL OPERATIONS

Admiral CLARK. Thank you very much, Mr. Chairman.

And Mr. Chairman, Mr. McKeon, it is a privilege to be here again today to take this opportunity to talk to you about the review that Secretary West and myself have co-led. So let me get right to it. I know you have questions.

First, let me talk briefly about force protection. The principal message is this: There are many policies, dozens of policies, in the Department about force protection. We have built lots of barriers since 9/11. That said, existing policies are not optimized for the internal threat, and the threat that we saw, witnessed at the Fort Hood incident was evolving inside the barriers.

Second, let's talk about ID-ing employees who can be a threat in this kind of circumstance. It is a difficult challenge. The reality is that there is insufficient knowledge and guidance to identify individuals. Guidance concerning workplace violence and the potential for self-radicalization or radicalization in general, as Secretary West indicated, is insufficient, and the key here is that we focused on violence of any kind. What we found was a lack of clarity for comprehensive indicators which then limit the commanders' or the supervisor's ability to recognize these potential threats, and so it doesn't matter if we are looking at somebody who might be inclined

to hurt themselves—and by the way, the Secretary of Defense had that specifically in our terms of reference, incidents of suicide or criminal and gang behavior or somebody advocating supremacist activity and doctrine or family violence or the evolving threat, like radicalization, identifying the key indicators is critical to focusing the force on the threat.

So our focus was on violence that comes from any kind of behavior. But what we found especially was that policies on the internal threat are inadequate. Prohibited behaviors and actions need to be addressed. And our report says specifically that such guidance exists, but it is incomplete for the day in which we live.

Let me talk briefly about information sharing. The Secretary of Defense indicated Friday in his reaction to our review that we saw a requirement to create the ability to adapt rapidly in the changing security environment which exists today. Anticipating new threats, bringing a widely continuously evolving range of tools and techniques and programs into play. Robust information sharing is absolutely critical. Along with that, the command-and-control system to convert information into real decisions and real actions. It requires active information gathering, and we must remove the barriers, all of the barriers. Information sharing is a key element allowing decision makers to connect the dots. We have got to get the information, these indicators, to the appropriate levels of command.

And let me speak briefly about the response that we saw at Fort Hood because the Secretary asked us to address emergency response. As Secretary West has indicated, we were impressed with what we saw at Fort Hood.

Ladies and gentlemen, I served for 37 years. Secretary West and I went down there on the second day after the formation of our team. What I saw was the best after-action report I have ever seen in my life. With the kind of candor that was impressive. Lots of good news there.

The base personnel were prepared. They were trained. They took appropriate action. Their action was prompt, as the Secretary indicated. Their response to the active shooter was impressive. There were courageous acts. The first responders, the local law enforcement personnel, DOD civilians, health care providers, all of their actions prevented greater loss.

That said, we still believe it can be done better. We have got to focus on better tools for commanders, focus on violence prevention in whatever form it exists. We must adapt and evolve to the rapid change. We must understand that there is no single point solution here. Change is going to continue at a rapid pace. We have to share information so the right people can connect the dots and exercise against the most stressing and pressing scenarios to make sure that we have it right.

So we were impressed with what we saw at Fort Hood, both the military and civilians on base as well as those in the community who were key players in the outcome of November 5th. And all of this reminds us of the greatness of our people, the strength of our nation, and resiliency and character of our people.

So, speaking for Secretary West on this point, and the rest of the team, our hearts go out to the families of those that were lost and those that were wounded in this incident. And the thrust of our ac-

tivity, of our effort, has been to do everything we know how to do, to help the Secretary of Defense put the spotlight on those immediate areas that need to be addressed in phase two of his organized effort.

Thank you very much, Mr. Chairman.

I look forward to your questions.

[The joint prepared statement of Admiral Clark and Secretary West can be found in the Appendix on page 46.]

The CHAIRMAN. Admiral, thank you.

Secretary West, Admiral Clark, we thank you for your very thorough and telling testimony. It appears to me that there were two disconnects that lead to a major question. Disconnect number one is the actual performance of the alleged shooter on the one hand, and the OER and academic evaluation. The second disconnect would be one of intelligence-type, whether that reaches the right superiors or not, which leads to the bottom line question, which was a great deal overlooked because this was a medical person in a special area in which there is a shortage.

Mr. Secretary.

Secretary WEST. Mr. Chairman, I pause just for a minute because I am trying to reflect on how much my answer takes me into discussion of an area we have covered in the annex rather than the report.

The CHAIRMAN. Do your best.

Secretary WEST. Thanks for encouragement. But I would think that we could say, in general, as to the way officers are evaluated, especially medical officers, and the way that is reported, that what we have concluded and have said to the Secretary of Defense, that is this: First, the disconnect you noted is correct. That is what we mean when we say that the policies were not applied, that things witnessed were not always reported where they needed to be reported, and that, in fact, there are contradictory indications.

And with respect to the second—and we recommended to the Secretary of Defense that he take some public steps about this, that we had to say to the force—or he had to say to the force—the Department has to say to the force, evaluations make a difference, and we can't do the job of leading or protecting against threats if honest evaluations are not done by those who have the duty, the information, and the authority to do so.

The CHAIRMAN. Admiral.

Admiral CLARK. A major piece of this, Mr. Chairman, is what is part of the record. In our report, we don't tell the Secretary of Defense what parts to make, what should go into the record. We say, he asked us for gaps and weaknesses. And so we said, look, if an individual's track history doesn't stay with them, that leaves you open to potential weaknesses and gaps. So there are certain things that are required by regulation that cannot move from station to station with an individual. That is something that needs to be looked at.

With regard to the issue of performance appraisal, we all know that performance appraisal is a challenge in any environment. That said, we used specific terms to say things that we wanted to connote. We didn't use just the term leadership. We used the term "officership".

If you look on Page six and seven of our report, we say specifically what we think happened here. We believe that some of the signs were clearly missed, or they were ignored. I cannot tell you which, and I can't go further than that because of the nature of the restrictions that are—of the information that is in the restricted annex.

But there is no doubt in my mind or Secretary West's mind that there are issues here, and if there were not so, we would not have said that to the Secretary of Defense.

With regard to the intelligence matters, there—so we didn't do the intelligence review. The President had already outlined and authorized a review, and we were given specific guidance: Do not interfere.

That said, Mr. Chairman, since our review team—began this action, there have been a number of things in the public domain that tell us that they—there is agreement that the dissemination of information process needs to be improved, and there was a release on Friday by the FBI that talked about the improvements that are going to be made and are being made in cooperation with the Department of Defense.

Our encouragement was this: We didn't tell them exactly how to do this. By the way, we don't do policy. We were reviewing policy. You want people that are going to do policy to be confirmed by the Congress, not two people who are called on to do this in a matter of few weeks, I believe. In fact, I am sure of that, having been there. So what I am suggesting is, we suggested whatever that outcome is, what needs to be done is to ensure that the right information gets in the hands of the operational command to give them a chance to connect the dots.

The CHAIRMAN. Admiral, thank you very much.

Mr. McKeon.

Mr. MCKEON. Thank you, Mr. Chairman.

Mr. Chairman, I ask unanimous consent that the gentleman from Texas, Mr. Burgess, be allowed to participate in today's hearing after all committee members have had an opportunity to ask questions.

The CHAIRMAN. Without objection.

Mr. MCKEON. Thank you.

Mr. Secretary, Admiral, the concern that I think all of us feel probably most keenly is, are there other potential threats out there? Do we have other potential people that are in the system and the system is not adequately working to find them, and are we open to further problems such as we have seen? The report was strangely silent on whether or not Major Hasan gave any clear evidence of his radicalization or whether there were any substantive clues about that radicalization that his supervisors should have acted upon.

We know from media reports of at least three instances where he acted in a manner, in hindsight, which should have raised concerns about his allegiance to the United States, possibly prompted action by his supervisors. His statement that Sharia law trumped the Constitution, his religious discussions with patients and his presentation to his colleagues that equated suicide bombers to service members who died for this Nation.

What substantive evidence did your review turn up regarding Major Hasan's actions or statements that gave or should have given his supervisors any indication of his radicalization? To what degree did the three instances I cited in my opening to this question arouse concern by Major Hasan's supervisors about the appropriateness of such statements or actions and what was done with regard to those concerns? What policies, practices, and procedures limited or blocked the ability of Major Hasan's supervisors to appropriately assess his developing radicalization? And then I am concerned if political correctness was involved here and if the need for psychiatrists maybe overlooked some things. Those are kind of my major concerns.

Secretary WEST. Mr. McKeon, let me try to answer that. And I will try to answer, remembering there is a military justice investigation underway and that I need to be careful not to deal in evidence that will be used there.

First of all, let me say that, overall, I believe that in the restricted annex, you will find a discussion of items you mentioned. But on the question of whether signals were missed, whether there were indications, let me say this: We have said in the open report, in our—in the chapter we devoted to it and also in our executive summary, and in fact I just heard the Admiral talk and refer to that language again: Some signs were missed. Others appeared to have been ignored.

The fact is that there was evidence and that is what we are referring to for signs for senior officials to see, to note and react to. We explain those in specifics in the annex. And our concern is yes, there are policies in place that should have made the reaction to them possible. It should make that reaction possible throughout the force. And yet, we have indications that they were not acted upon, the need for properly recording in either the SSAER, the Senior Service School Academic Evaluation or in the OER, the officer efficiency report. SSAERs are used in all the military schools. That is how we evaluate them, both academically and as officers, to have those accurately reflect what is happening is an important tool for telling future commanders what has happened but also for making judgments on those officers as they progress.

Secondly, I would add this. Again, perhaps as important as anything is once recorded, the information needs to be—to get to the people who have to make decisions. I think Admiral Clark already pointed out the fact that we have several policies that say—and we mention this in our report—or practices that keep us from keeping certain kinds of information beyond the period in the person's life, in the service member's life in which that is recorded. If there has been alcohol or drug use and a rehabilitation program, that information is not forwarded in the files, it is no longer in there after that is done. And there are other kinds of information as to which we have policies that specifically exclude keeping them and making them available in the file to go forward. We recommend that be looked at.

There are times when it is important for us to be aware of changed circumstances. And the circumstances we face today—I thought you were going to ask about this when you first mentioned it—could this happen again? Could an incident happen again? As

long as there are humans serving in the armed forces of the United States or anywhere else, in government and throughout our society, self-radicalization, becoming upset because you believe that you have been inappropriately treated in your workplace, prejudices of one sort or another can lead to violent acts. We need to equip our force and our commanders with the ability to detect it by getting them the information that you refer to and by equipping them to act on it.

Mr. MCKEON. If I may, the things that you addressed, the alcohol or other prior things are things that affect the workplace don't address the radicalization and that seems to be the real crux of this. And that is the thing I think we need to be mindful of as we move forward. Admiral.

Secretary WEST. May I just say you are right and I should have mentioned the fact that those are also indicators, that is what gets said, how one relates to one's colleagues and professors, a view that suggests a willingness to act on that. I am sorry. You wanted to——

Admiral CLARK. And I concur with your assessment also. And I align myself with Secretary West's comments. I won't repeat all of those. I could answer your question in a very fulsome way if we were in a closed session, and we are not, and would welcome the opportunity to do that, because there are real answers to your questions. And those will be spoken to in the right time, when it is—there is authorization to release that kind of information.

Let me just make one comment about your question, are there others out there? I want to make sure that it is clear why I don't have an answer to that, that the answer to that would not be evident by researching the clarity and viability of the policies, which is fundamentally what we have done. The Secretary asked us to find these weaknesses on our core and our structure and our architecture. And so I don't know how to express the breadth of that over the course of this whole discussion. It sometimes doesn't come through with just the way the written word comes out.

But that answer specifically has to come from the collection of intel sources. We did not pursue intel at all by direction, and we weren't seeking to—our task was—he sent us in a different direction. He sent us there, specifically, though, to help equip the rest of the Department so they wouldn't go off on a broad fan hunt themselves, that they could put the crosshairs on the areas they had to go after first.

And so as a follow on to the things that Secretary West addressed, it is clear that your question about—so what does the nature and the breadth of this look like, that question has to be answered. And we simply—we didn't go there because we weren't interested in it. We went there because that was not our task and we really—I do not have an answer for you.

That said, the things that Secretary West commented on, we do believe that there are indicators, and those indicators need to be examined because the issue of self-radicalization is one that is new to us in many, many ways, and I listed that—a series of kinds of behaviors that could lead to violence that are well documented in policy and in directives and programs. Such is not the case when

we talk about self-radicalization. That needs to be addressed with speed.

Mr. MCKEON. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. We are now into the five-minute rule.

Mr. Ortiz.

Mr. ORTIZ. Thank you, Mr. Chairman, Secretary West, Chief Clark. Thank you so much for joining us, and thank you for your service.

Maybe we can go back a little bit and you can inform the committee as to how he got his promotion, his evaluation, his performance. Was he promoted by a board? How do you promote him from a captain to a field grade officer major? Were there several members sitting on this board that recommended that he be promoted? Maybe you can give us some insight as to how that was done.

Secretary WEST. Congressman Ortiz, again, trying to be mindful on our part, that we have explored this in some detail in the restricted annex, which I believe is available to you, and that we want to be careful not to delve and talk in this session about things that will have an effect on the military's investigation. The standard practice for consideration for military medical officers in the Army is, yes, they are promoted. They are considered by a promotion board. That board considers their officer evaluation reports, and it also considers the record from their academic training, SSAERs, as I mentioned. So they make their judgments based on that, and that happens in the case of every medical officer, and so it would have happened in the case of this officer.

Mr. ORTIZ. There are several members sitting on this board. Are they allowed to come up with a dissenting view that maybe they were not all in agreement, that this individual should be promoted?

Admiral CLARK. These boards are controlled by statute directive. In my time as the chief, this was one of the always very important things that the Secretary of the service and myself considered, including specifics about the guidance that went to the board, and the board then functions in accordance with the guidance it gets from the service Secretary.

The statutory process precludes controls, is a better way to say it, controls in very exacting terms the kinds of information that can come before the board. And this is to ensure that everybody has an equal opportunity to promotion and all the things that go with that that has been developed over the years.

If you take our comment on pages six and seven of the report, when we comment on the fact that it is our view that some things were missed or overlooked, that can give you a glimpse inside of what our opinion is. And again, I would love—I don't like the idea that I am inhibited in what I am allowed to talk to about in an open hearing about this. I might wish it was otherwise. But I would just say to you this: You can take comfort in the process if that communicates to you. You can take comfort in the process.

What they are allowed to review is what is specifically in the OERs or any material that the member chooses to put in front of the board. And there is a very exacting process that has to occur if there is other information that is going to be placed in front of

the board. And that is all I can say in an open hearing. And with the restricted nature——

Mr. ORTIZ. I understand. And the reason I ask this question, I was just wondering whether, when this board met and maybe if there were dissenting views, if they were able to filter all the way to the chain of command?

Admiral CLARK. I can only repeat what I said. I wish I could say more.

Mr. ORTIZ. Well, thank you so much. I don't want to take too much time. But thank you for your service. And I just hope that we can get to the bottom of it, and the reason I am asking these questions is because, not only should we be worried about our soldiers who might turn out to be bad apples like this guy, but we saw the killings of the CIA [Central Intelligence Agency] in Afghanistan. And we are just wondering if we can also—and maybe this is not in your line—but I worry about our service people in Afghanistan and Iraq and hoping that we don't get those bad people to be able to infiltrate our soldiers before they do something like this.

Mr. Chairman, thank you so much.

The CHAIRMAN. I thank the gentleman from Texas.

Mr. Bartlett from Maryland.

Mr. BARTLETT. Thank you both very much for your service.

I have a button with a message which I cherish. It was given to me by Hap Baker, who was a principal architect for the guidance system for the Patriot missile. I knew him primarily in his role as an unapologetic defender of the Second Amendment right, and I never saw Hap Baker without his hat and his button on that said, "politically incorrect and proud of it." Indeed, that button was such a part of Hap Baker, that I attended his funeral and was pleased to see that it was there on him in his casket. I probably should be wearing that button today because maybe I am going to be politically incorrect.

I suspect that these officers might have felt that they were following policy because they had two policies which were in conflict. One of them was to be politically correct [PC] and not appear to profile. The other was to offer an honest competent evaluation of the performance of the officer. Now, one cannot get inside their head, but I would suspect that they may have given more weight to the politically correct policy that you don't profile.

By the way, we do profile, and people understand that. If you are looking for a rapist, you are probably not looking too hard at preadolescent males and women. I suspect if the ethnicity had been different here, that the policies might have been applied differently. How do we get a proper balance between political correctness and the obligation to honestly and fairly evaluate?

Secretary WEST. Do you care who you get your answer from, Congressman? May I take that on?

Mr. BARTLETT. Sir?

Secretary WEST. Were you addressing that to me or the Admiral?

Mr. BARTLETT. To both of you.

Secretary WEST. Then I will take it on. I hear the term politically correct all the time. And I know that people think they know what it means, but I am not so sure. I think what we are talking about,

quite frankly, is, how do we do what we have to do to get the information to spot people who are likely to harm our service members, on the one hand, versus, how are we careful that in so doing we are not taking steps that lump people into a group and keep us not from favoring them but from attributing characteristics to the entire group and thus convicting one person before we actually learn what is happening with that person?

So I don't think there is a real tension here that we can't deal with if we realize this: In our force, we are already handicapped in trying to identify a potential violator by the fact that if it is a member of a military family, if he or she is a member of the military family who wears a uniform, they have access to our installations. They don't get searched. They have their cards. They put them in, and they get in. So the way that we stop them is to identify them ahead of time.

And I think that if we made these recommendations in our report, that we can look for objective indicators. If you have objective indicators, if you catalog them—that is why we recommend it—an ongoing organization to do just like that, look at the indicators that a person might commit violence, make them available, and make our decisions on that basis, we will be able to get the job done. And we won't have to worry about PC or any other short-term expressions that suggest that we are not looking at them because they are in a group.

Mr. BARTLETT. I think that the average American would like us to be a little politically incorrect in circumstances like this if it is going to result in better security.

Would you agree, Admiral?

Admiral CLARK. I absolutely believe that the people of the United States expect, and they should expect, that we will pursue the best security posture that we know how to possess. And certainly our people deserve nothing less. My take on this is that this is especially challenging, and this is why I refer to the Secretary of Defense, again, commenting on the nature, the rapidly changing environment in the last decade. The fourth generation warfare scheme is that our enemy intends to go after—pursue us in the scenes, and the inside, internal threat is an area that our review suggests very clearly that we have done an inadequate job identifying these indicators.

Our focus is on identify the behavior so we equip and enable the commanders. I love one of the things that the chairman of the Joint Chiefs of Staff said that the day our panel, our review was set up, one of the reporters said Admiral, what are you—how do you look at this? And he came out clearly and boldly and said, I expect commanders and leaders in organizations to understand what is going on in their command and for the chain of command to be functioning in a vibrant way and that is the answer to these kinds of problems and challenges. The reality is that the guidance on what kind of behaviors to look for for the self-radicalized individual are inadequate.

I will tell you that already some have already been published; I saw a review of one, and a message that went out in the U.S. Army yesterday. We have to move fast and this is the requirement.

The CHAIRMAN. I thank the gentleman. Dr. Snyder.

Dr. SNYDER. Thank you, Mr. Chairman. Secretary West and Admiral Clark, it is great to see you both again, you have been great public servants for many, many years. I want to ask this issue that has come up in the discussions about the fact that we have an annex, which I did go and look at in this discussion today. I think this is going to be a frustrating experience trying to figure out where to go for the American people and policymakers if we have this dichotomy between a discussion and hear common generalities, versus talking about a specific case. I need to understand—by the way, that is not a classified document, it is for official use only. It is one thing if we had out in that room the criminal case file, interrogation, whatever is there.

But in fact, what you all are conducting is an administrative proceeding based on the records that are in the military in order to problem solve. And it is not clear to me why the American people are not entitled to see because it is part of the problem-solving process, these unredacted reviews, career reviews or academic reports, or college transcripts, or whatever is in that record as part of an administrative proceeding.

You are not putting those things out there, we have—you know, he did this performance in college and we have concluded then, based on that, that he is a criminal. I mean, help me with that. Here is the problem, you say it is it not the right time to have this discussion. When is the right time going to be? Will it be after I assume there will be a criminal trial, although that may not be, there can still be adjudication of—I am not talking about this case, but there is always going to be a potential question is someone mentally fit to go to trial, where will this all go?

I don't know what the right time is going to be for the American people and the people in Texas and the military to have the kind of public discussion of this specific case. If I was a family member, I would not be satisfied with go to the annex and we will discuss it. I would want to know what happened with this specific case. So when is the right time, where is your advice coming from that we cannot—that you cannot in an administrative proceeding just put the documents out there of things that clearly occurred before the criminal investigation. So where does your advice come from and what was your specific advice with regard to an annex versus specific documents?

Secretary WEST. Congressman, there are several aspects, but I think I can do them quickly. First of all, the specific question, where is the advice coming from, it is coming from the DOD lawyers. Secondly, what would it be based on? Well, it is based on a couple of things: First, yes, the annex is FOUO [for official use only]. What is contained in it has two effects. One is that much of it is from officer efficiency reports and the like, those are specifically protected. Secondly, the overall concern that is what contained in there will have an effect on the military justice proceedings. And on that score, we have already been warned not to discuss that openly. It is available to you.

Thirdly, I would point out that even the annex, as you point out is redacted, is only redacted as to names. Everything else that we wrote is there disclosed, what happened as we found out, what we recommended, what is in the record, all disclosed in that annex.

And I think, fourthly, the question, well, when is the time to discuss it. Yes, you have given the answer, it is after the conclusion of the military justice proceedings which may be a trial, I assume that is what everyone is preparing for, but I don't know it.

I would make one other observation. We were not asked to find out what happened. We were asked to assure the Secretary of Defense that there were not gaps or deficiencies in the policies, practices, or procedures that would help us either identify such a person and deal with them, or protect the force, or be prepared for mass casualties going forward, or support military caregivers. And also to look specifically at how the Army applied its policies to the alleged——

Dr. SNYDER. That is where the gap is here today, because we can go back there and try to sort all this out in the annex, but it is going to be a frustrating thing for the American people to try to sort out where the policies applied, should the policies be different. I think lawyers, for the most part, will say this may upset the criminal trial, but we have got to be sure we are not throwing that net out so broadly of protection that it's going to keep us from making America safer, our military safer and avoiding these kinds of tragedies. I am not clear that we are at that point today with this publication of this annex.

Admiral CLARK. May I make one very quick observation? In order for the American people to understand this part of the process, so we have five teams and one of the teams dealt with the issues as prescribed in the terms of reference and as Secretary West has indicated. Look at the gaps, look at the weaknesses and look at the application here so that it is clear that we thought through the longer term process, the person that headed that effort for us was a four-star general from the United States Army.

And it is not just coincidence that he has already been given the task by the Secretary of the Army. We recommended that the Secretary of Defense refer this, the findings that we have in hand to the Secretary of the Army, and the Secretary of the Army has named that same officer to proceed with the case in order to speed the process and rapidly come to a judgment of accountability.

Dr. SNYDER. Thank you.

The CHAIRMAN. I thank the gentleman. Mr. Jones.

Mr. JONES. Mr. Chairman, thank you very much. And to the Admiral and General, thank you, thank you very much. I have had the privilege of being with you in previous years when you were in uniform and it is a pleasure to see today and this important work that you have done to try to get to the bottom of the tragedy that happened at Fort Hood.

I saw today in the Express, and it is not earthshaking news, but AP Hasan sanitized history. I want to take my question in a little different direction. I know those who evaluated his performances are probably hurting very badly because maybe they did not see what they should have seen or reported what they did see in his actions, but I am very—want to know the environment of where these psychiatrists in the military were working.

And let me explain that. There is no excuse for what happened, none, and you have already pointed that out and you have made recommendations that I know that the Secretary of Defense and

the Secretary of Army will follow many of those recommendations. I know there is an investigation going on by the military as this relates to what criminal actions might have taken place, but is there an environment where we have more and more of our troops with PTSD [Post Traumatic Stress Disorder] and more and more of our troops with TBI [traumatic brain injury] and other mental problems from going deployment after deployment after deployment.

It is an environment that because we have not as many psychiatrists as we need in the military that maybe, and this would be your opinion, if that is anything you looked at in the investigation, but is an environment that we need to have these psychiatrists, we need to have these psychiatrists to help the families and to help the military. And so maybe, that is no excuse, maybe what should have been a red flag was not a red flag. I will ask you both if you would respond to that.

Secretary WEST. I think I will give you my answer rather briefly Congressman, and then let Admiral Clark speak. I think you very well articulate what could have been a possibility or more specifically what could be a situation that we face today.

Admiral CLARK. You identify one of the things that I am not sure a lot of people understand and our report says that United States military has had people in the combat zone for 20 years, virtually 20 years. And so we all need to understand that there is stress on the force. Now one of the things that—and so I agree with you that these are realities, and these people—we came to the conclusion, and by the way the Secretary gave us specific instructions to go look at the care of the health care givers and we haven't addressed that today, we are of a conviction that they largely have been treated as a separate group.

We believe they need to be treated just like the combatants do. They need the same kinds of programs and support and all that goes with that. And so we did not look at TBI, PTSD, the Secretary had a view, I guess, that he didn't need our view on that, he must have looked at that and he had that where he needed it. And so we came to the conclusion that these people are a critical part of the readiness posture of the United States military and so great care is required and programs to support them are required.

Mr. JONES. Mr. Chairman, I want to thank both the gentlemen for being here today and their responses to each member's questions. Thank you for your answers to my question. I hope that my colleagues did hear as I think I heard your response very clearly. Thank you and with that I would yield back my time.

The CHAIRMAN. I thank the gentleman.

Ms. Sanchez.

Ms. SANCHEZ. Thank you, Mr. Chairman, and thank you, gentlemen, once again for your continued service to our country.

I want to ask you from a different angle something that I may be wrong on or it may be something to think and I didn't know whether you really had a chance to look at this incident. I think it is important for us to understand how we protect our forces internally, as you said, but I am looking more at this as an administrative issue, and certainly one section of it was what my colleague

just talked about, our need for psychologists and people in the military and how difficult it is to get them in there.

But I am looking at more at a sense of supervisor to somebody who works in this particular case the alleged attacker, because on the day that this happened as I was driving in the car, I heard a radio station where one of the direct supervisors for the last year and a half, he had now retired a Colonel, I believe, who had now retired and had been out of the military for about six months, was on a radio talk show talking about this alleged attacker. And I don't know if you all got that interview, but he went on and on about a half an hour about all the signs he had seen with respect to this alleged attacker. And how he never reported it.

And so, I mean, I think it comes down to two things: One, it is always difficult as a manager, and if you go and you ask or you go and take a look at the surveys and ask what is the toughest part of being a manager, it is the firing of people or demoting of people, or the turning in of people. It doesn't make any of us feel good. So there is that just human reaction of, you know, I have somebody here who is crazy and how am I going to move him on—and we tend to move them on versus how do I fire him.

Then there is the whole legal issues of how do we go about firing someone and how difficult it is to do that. So my question is, did you take a look at that? Especially with the whole issue of how much you can damage the career of somebody who has made the military career, and certainly I have heard from several soldiers of personal experiences where they are going to seek some help with a psychologist, for example, within the military, has come back to damage their career so much to the point where they have had to get out of the military.

So were you given that information about this talk show and this particular gentleman and how he referred and how he saw all these signs and how he never did anything about it? And the only thing that gentleman said was, I couldn't wait fast enough to retire because this guy was a walking time bomb.

And more importantly, when you look at administrative proceedings, do you have any recommendations of how we get to this very basic, I am a manager, but I don't want to hurt this guy's career, but he might be a crackpot?

Admiral CLARK. I wish to goodness that I was not constrained about talking about this. You might imagine how I feel about this having served 37 years and making the judgment that we have made in here. We said to use the word officership, we weren't just talking about the alleged perpetrator. They were responsible for developing him and educating him and training him and developing him in the field of medicine, and as an officer in the United States Army. Our impression and the words in our report are as straightforward as we can say them. It needed work.

Ms. SANCHEZ. Any comments, Secretary?

Secretary WEST. Yes, I would add this, with respect to your question about having heard or known something about that conversation you had, it is not specifically referred to in our report or in any of the information furnished to us. I have no doubt that the Colonel of whom you spoke was interviewed and the results of that interview are part of what is in our annex.

So I don't think that what that Colonel had to say if he was indeed a supervisor has been lost or missed, that has now become part of the record for the military justice review frankly.

Secondly, on the broader question of how, if we are going to—I am rephrasing it a bit, but if we are going to propose all these things designed to get this information and act on it, are we sure we are not pushing commanders and supervisors to damage the careers of those that is to whom they make a hasty judgment or a judgment based on not enough information. And that tension has certainly been there in the discussion especially in the team that did the work that supports our Chapter 2, which is on personnel policies and practices. In fact, we have a section called "barriers to taking action" on the information, because there is this tension.

I had one officer by the way, and I am taking too long, who is actually in this room, who talked to me quite candidly about the tough decisions a commander makes in deciding when to move on information and when not. What will that do to the career of the person? Is it fair to record it? And that is even part of the policies on what we do or do not pass along from command to command, from section of a person's career to the next station. All those concerns are in there. And yes, you are right, we are in this report pushing for a relook at that very balance. And so the danger you mention is quite possibly there. Because we are saying it may be more important under the circumstances that we face today to look harder for the information and once we get it, to consider whether we don't need to, they make sure it is passed along to the right places and perhaps acted on, but the danger you mention is there.

Ms. SANCHEZ. I thank the gentleman, and you, Mr. Chairman.

The CHAIRMAN. Mr. Akin.

Mr. AKIN. Thank you, Mr. Chairman. This hearing may be a little frustrating for some people, maybe to our witnesses because some of you feel somewhat constrained by you have been told to talk just in a particular specific area, fortunately we are not constrained and don't seem to fit into boxes very easily anyway.

The term political correctness has come up a number of times this morning and it seems to be a high on my mind. It seems to me, standing back looking at the forest from a distance, you have a guy who was Muslim, okay. But we also know that some percentage of these guys get radical and they are the ones who start wars and things in the Middle East and blow people up.

We have one of them who works for the military and he got radical on us and shot a bunch of people, that seems to be just the simple face of it, maybe that is not politically correct but the appears to be the facts.

So my question is as I read through all this report, there is nothing that really makes any reference to theology or religion or what drives this guy. And I suppose maybe there is a difference of opinion, maybe some people think that somebody committed a crime, like someone just goes whacky in the office and decides to shoot some people, and perhaps the other perspective is that we are dealing with an act of war or an act of terror where someone, because of an ideological motivation, decided that something tripped him and decided it was time to do holy war.

You have been tasked, though, gentlemen, with looking at procedure, it seems to me, that procedure would have to take a look at people who are potentially time bombs, even if it is a time bomb motivated by theology or by some sort of radical religious view. And so my questions are several: First, was it an act of terror? Mostly looking for a yes or no.

Second of all, procedurally, is it possible for us to say, hey, watch out for people that are from a certain sect of Mohammed or whatever it is that potentially can go crazy, and can we specifically look at that when you are looking at somebody's performance appraisal and watch for that. I guess people would call it profiling, but some people would also call it common sense. And those are my two main questions, if you could hit those quickly because I have another one or two.

Secretary WEST. I will be quick and I will go directly to the second one first. It is always possible to look at acts or statements and it doesn't matter whether their statements of I don't like that guy because of the way he walks or the color of his hair, or I have a concern and it is based on what I believe my religion tells me to do. I do not think religion or theology are off bounds when we look at indicators of potential violence.

With respect to——

Mr. AKIN. So procedurally we can do that, it is not illegal when you are reviewing somebody's profile or their jacket comes before you and this guy happens to be this and this, and you go okay, watch, we are okay to say to look at it more closely.

Secretary WEST. Well, years ago I was the DOD general counsel, I am not today so I am not going to opine on it legally. I am just going to say we recommend that we look at all the indicators.

Mr. AKIN. Okay. Is it an act of terror as the first question?

Secretary WEST. I am going to pass on that one. I was not asked to do that, I wasn't asked to try to determine it. I know this, the people who died were terrified and the people who were wounded were, too.

Mr. AKIN. Thank you, sir. Admiral.

Admiral CLARK. Secretary West's answer to the question is exactly right. And my early focus in my opening statement about violence and indicators is all about the subject that you are raising to us. And I notch down all different kinds of categories of people that the focus is violence. We didn't care where it came from. We wanted to come forward with recommendations that said go look at this. In an area of self-radicalizations the indicators are not understood and therefore we do not react that well because we have not spent the time to talk within the Department about what those indicators are.

As I indicated just Friday the Army's publishing the best that they have got today. Our recommendation says you need to put together a group of people and look at this long term. This isn't going to stop, this is not a single point solution.

Mr. AKIN. Admiral, could I just cut in because my clock is running pretty tight here. I still don't think we have this figured out. And part of what concerns me is that after this event at Fort Hood we had this guy Louie Soffi speaking, Louie Soffi is part of the Islamic society of North America, and according to the Justice De-

partment, is connected with the Muslim brotherhood. We are talking about a guy who is one of these money launderers who is a radical Islamist, and he is speaking to make people feel better at Fort Hood about Islam.

I think we need to build in somehow the political correctness is overriding looking at the common sense that there are factors that drive this behavior and that has to be built into the model, I am out of time. I would like a response, Admiral.

Admiral CLARK. May I?

The CHAIRMAN. Yes.

Admiral CLARK. This is a two-way street, we know that we have over 3,500 Islamic believers serving effectively and faithfully. And so the street runs both ways.

The CHAIRMAN. I thank the gentleman. Mrs. Davis.

Mrs. DAVIS. Thank you. And Mr. Secretary, Admiral Clark, thank you for taking on this assignment.

Secretary West, it is my understanding that prior to this service, you were on the Walter Reed, the group that looked at Walter Reed and the independent review group, it is my understanding and this really picks up on something Admiral Clark said as well, in that looking at the care of the mental health professionals or providers or professionals overall, they looked at the issue of provider fatigue, medical provider fatigue.

What can you tell us about what you saw in that instance and the review and the questions that were raised, have we made progress? I know that Admiral Clark was saying yes, we need to look at those, and how we are treating and dealing with this issue. What have we done?

Secretary WEST. I had the answer for you until you asked me, "What have we done?" Because I think we need to be able to give you that answer more specifically than I can today. I remember sitting in a hearing two years ago at Bethesda Naval—at the National Naval Medical Center in Bethesda and seeing a health care professional, an officer stand up in the stands and say it is good that you're here and that you are looking at the care that we provide to those who have served and have been wounded, but keep in mind and your term is a good one about the fatigue for the caregivers and its effect on us, because if we are not whole in body and soul and mind and all those things then we don't deliver the best of care.

So it was very powerful and it was one of the reasons why I believe the Secretary included it in terms of reference this time. What we found is that whatever is being done, more of it needs to be done and our recommendations say that.

Mrs. DAVIS. Do you have any way of knowing how we are monitoring that? Who is overseeing that to understand the extent to which we do have a lot of people hurting out there who are in tough positions?

Secretary WEST. I think professionals that have periodic surveys and the like, but in terms of a real look, this may have been one of the first ones that had this much chance to look at it, and so that is why we devoted so much time to it in our discussion, but I don't know how on an ongoing basis it is monitored other than the way they are assessed as they developed professionally.

Admiral CLARK. Let me just add one thought, this is a real challenge because when unique 1H's go deploy, the whole group—the person's chain of command at home base don't go with them in the medical sense very often, you know they go as individuals. We found—so we examined the policies and what we see is that when the person gets home, who assumes responsibility for the monitoring function, that is something that needs to be examined.

And then also look at policy in a way they are put in place. For example, in order to care for the combatants there is a policy in one of services where the docs coming home go. In order to provide continuity of care for the combatants, they go with them to their home—that extends their deployment, there is a cost to that. I am not saying it is the wrong policy, it might well be the right policy, but somebody has to examine this. And as I said, we have not treated the docs, the medical personnel, like the combatants in terms of the kind of programs and processes to support them that the combatants have.

Mrs. DAVIS. Thank you. I know there are some practices of embedding physicians with national guard, for example, as part of TRICARE, and that sounds great, but there may be some downsizing.

Getting to another personnel issue, because I think it has been addressed about the appropriate judgment and standards of officership as you spoke about and we know and even not necessarily in the military, but in medical school, generally, that it is difficult to perhaps not—inhibit a person's career in some way, and that that has its downside in terms of the processes, personnel practices, we have talked about that you have to go through.

Are you are you—part of what you look at also to say how many times have we intervened in careers to suggest that people are in the wrong place. Is that something that as you looked at this, you have identified that yes, in fact we see this is actually working, or in fact, it doesn't look as if that is happening in many instances at all?

Admiral CLARK. I fully expect the phase two examination where they drill deeper has to look at this, because we raised the foundation for it to be looked at in our report. What I really believe has to happen is that they need to understand the process that they have. What we found is there is the educational side of this, the doc side of this, and that is one review group. And then there is the officer side of this. The Secretary and I were having a discussion one afternoon talking about the specifics of this and wondering about the what-ifs. There is no way to know if this counseling had occurred, if that kind—what was it like?

And the core of our institution is that we grow and develop people, we are proud of what happens when young people in the United States of America go serve, what mom and dad and aunts and uncles see about how they have grown when they get home. That is the essence of what officership is about and creating and establishing and enforcing standards. We suggest it be looked at.

Mrs. DAVIS. Thank you.

The CHAIRMAN. Thank the gentlelady, Mr. Forbes.

Mr. FORBES. Thank you, Mr. Secretary and Admiral, we thank you again for your service, you are good and decent men who have

done good things for our country. Sometimes, though, we see today the American people oftentimes feel that we don't ask the questions that they wish we would ask and they constantly say you ask the questions you want to ask, but you don't ask the ones that are really on our mind.

And they have indicated recently they are not going to tolerate that anymore, so we struggle here to try to get our arms around the questions that is really of concern to them. And here is what they seem to be saying to me, they are concerned about individual acts of violence and that is what we talk about. But even more concern to them is when those individual acts of violence have an association or support from a more orchestrated, long-standing patterns of violence that are sort of woven into tapestry of concern to the American people that seems to be missing from your report.

Let me be specific on that. If we have had—I don't want to focus on the individual shooter, but if he had been a, Republican, no one would have argued okay, the Republican party caused him to do this, if had he been a Democrat, the same thing. No right-minded person. But as Mr. Akin mentioned earlier, there are radical Muslim extremist groups that with objective indicators, because we hear them on our streets interviewed by TV cameras. We read their threats and we sit corroborated in acts of terrorism.

My question to you is this, I want to go back to the political correctness issue. Mr. Secretary, I want to give you a definition of it because you said we didn't have one. Political correctness is really the failure to say or do something that might offend anyone, even if that statement or action is true and can be beneficial if stated or done. My question is not as to the shooter, but why didn't we at least ask the question in this report, whether that political correctness kept any of the military personnel from applying their policies the way they would have done.

That looks like to me it should have been a question asked. And even more particularly, my question to both of you is did we ask them if that political correctness kept them or impacted them from applying their policies.

Secretary WEST. The question we asked was, "Did you apply your policies?" And the question we asked in our review of the facts we got was, "And if not, can we tell why not?" Which is, I think, another way of getting to yours and you will see about three paragraphs in our restricted annex that go to that, what kind of considerations were being taken into account when they failed to act? I think you'll find that we cover your concern.

Mr. FORBES. Good.

Admiral CLARK. My response to that would go along these lines, that in the open annex we stress and focus the indicators for prohibited actions and activities. Here is the instruction, DOD instruction, and in our view it needs work. When I ask myself that question, I get to—I probably don't use the words that you would use, maybe I would, maybe I wouldn't, that is not the point. The point is we were focusing on violence. Violence that would generate from any source, do we have it covered, do we have the guidelines in place so that commanders know what the reaches of their authority are and what indicators they can say, "That one crosses the line."

In our view—and then I talked about information sharing, see this is a puzzle that fits together and if they do not have all the information that would allow them to connect the dots, they won't get the right answer. Our conclusion is that these areas require immediate focus.

Mr. FORBES. And we want to get that balance both of you talked about, but to get it, we have got to make certain we are not going too far on one side with actual policies where even by implication are keeping us from getting the answers that we need. Thank you both. Mr. Chairman, I yield back.

The CHAIRMAN. I thank the gentleman. Ms. Shea-Porter.

Ms. SHEA-PORTER. Thank you. And thank you both for being here. I am going to disagree with my colleagues when we talk about political correctness, because I don't think that is really what this is about. I think it is about lack of leadership, lack of common sense, lack of awareness, a lot of other things.

When you talk about officership, Admiral, I can remember when my husband was an Army officer, you were responsible for everything around you, not simply for your own behavior, but you were responsible to notice and work with others and to report. And there is a commonsense element here that is really missing. So right now I would like to focus on that. I want to know what is going to happen to the officers and the people around him. Those who saw things, what was their responsibility to each other, the responsibility to his country, the responsibility to the Army? What are we doing about them? And you can hand them training manual after training manual, you and I both know that if the light is not on, it doesn't matter.

So I am more concerned about that. I don't know if it is an unwillingness or unawareness, I am not sure exactly what is wrong there, but I worry mostly about that. And it is the same thing with the recent attempt for bombing, most of us sitting there would say, sure I can add one, one, and one. Uh-huh, I am not confused, I can get there. And the same thing here with all the different pieces. I know we talked about connecting the dots, but I really don't think you needed the whole tapestry to recognize that we had a problem here.

And I was very upset hearing my colleague talk about somebody who observed that and I am not sure what he did with it, because I didn't hear the interview that they were talking about, but I really worry about the rest of us that are sitting there and can't add one, one, and one and get to the right answer. So if you would both please comment on that.

Admiral CLARK. Well, I think your comments are very insightful, and I would be in alignment with your comments completely. You can't legislate good behavior, but you lay out by directive standards and guidelines and then leaders take over. So we use the term officership because we wanted to differentiate just between leaders and the requirement that an officer has that is even beyond what leaders are required to do, to create the environment for success for our people. So with regard to suggesting that the connection of the dots all had to be done to solve all the problems, we haven't said or we haven't taken that position. We have said that there were indicators that were there and they were either missed or, on page

six and seven, I spoke to earlier. So clearly, the essence of the institution is about leadership.

I talked about the growth and development aspect of it, but then helping people along the road on the growth and development process with the kind of feedback that oftentimes changes their life, changes their future. And so that is why I find myself in alignment. That said, we were asked to look at gaps and weaknesses. And we can see that there were things that would have made it even more clear had the dots been connected. And then we talk about information sharing, we are not just talking about information sharing across agencies, we are talking about what happens from command to command. Information does not move because it is kept in local files and not as part of the official record. And we believe that in order to deal with this evolving threat that the Secretary, his words were that this really evolved in the last decade, but you the changing threat, what happens when you have the alleged perpetrator being a field grade officer inside a member of the family.

Well, this changes the fabric. We believe that you can't leave a stone unturned. And a stone unturned means give them every tool we know how to give them.

Ms. SHEA-PORTER. Thank you.

Secretary WEST. I think I would follow the Admiral's lead on all of that, but especially on one with reference to page seven of our report. I think there is no clearer indication of the fact that we share your view about the responsibilities of leadership of supervisors, of officers when they are being responsible for those under their command or under their supervision. We have two bullets there, both of them Mr. McKeon asked about in his opening comments. And that is, first, that the Secretary communicate directly to the force, and to commanders, and to all, the necessity to be part of what is happening with those around them who are under their supervision, whether it is supervision—in reaching out and seeing and knowing what is happening to them, how they are developing.

And then secondly, the second bullet to communicate, how important it is to be honest and complete in our evaluations of those whom we are supposed to supervise and to be responsible for it. Those two things, I think, go directly to taking responsibility for those for whom you are responsible.

Ms. SHEA-PORTER. Yes, each of us has to use our eyes and ears.

The CHAIRMAN. I thank the gentlelady.

Mr. Kline.

Mr. KLINE. Thank you, Mr. Chairman. Thank you gentlemen for your service and for being here today. A couple of points, I was looking at your report, I think it's in the executive summary here, and by the way, I did go look at the annex which is useful, but I have some sympathy with what my colleague from Arkansas, Dr. Snyder, said about, since that is redacted, the names out, it would be kind of nice if we could see it. But I am looking at page 6 in the report here and it says, as directed in the terms of reference we reviewed the accession, training, education, supervision and promotion of the alleged perpetrator of the incident at Fort Hood.

I know that is how we talk and there are lawyers everywhere, so we have an alleged perpetrator and we have an incident. But

I think picking up with Mr. Forbes' comments, most Americans say we had a brutal mass murder, not an incident. And as you pointed out, Mr. Secretary, certainly the victims, those killed and wounded and their families and those around were indeed terrorized, whether that is an act of terror or not, we need another lawyer to sort that out for us.

And so I think following up again on Mr. Forbes's comments, the American people recognize the 9/11 Commission was correct years ago when it said we have an enemy, and that enemy is Islamist extremists, their words. And the concern is that we may not be paying attention to the fact that the alleged perpetrator was, in fact, an Islamist extremist and how he was radicalized whether self-radicalized or radicalized by an imam in Yemen. I suppose it is still being looked at as probably a matter for the trial, so we don't need to go into that.

But I think there is some frustration out there, and you have heard some of it out here from us, that we seem to be overlooking what is the 800-pound gorilla or the elephant in the room. That this is something more than a random act of violence with an alleged perpetrator, and it is certainly more than an incident. You said, Mr. Secretary, that you thought we need to look at ways of carrying this information forward and I think you are on to something there. I know many, many years ago, when I was a second lieutenant in the Marines we were asked to keep a platoon commander's notebook. And in that platoon commander's notebook we had every Marine's name and number and the wife's name and dog's name and kept track of things so we knew who those Marines were in our platoon, we would keep track of it.

And then because of FOIA [Freedom of Information Act] came out that you can't do that, because those little notebooks with your comments will be taken away and made public. And I think that from that time it seemed the next 25 years that I served, and Admiral you served so many more, and thank you for that by the way, that ability to keep track of our men and women has gone further and further away from the little platoon commander's notebook to the fact that you can't keep track in the major events that occurred in the lives of our men and women in uniform. So the question to you is, I can't quite track it here, but have you made a specific recommendation to do something specific about some statute, or is that part of the reference that you have made for action by the Secretary of Army or something? Can you address that?

Admiral CLARK. The part that has referred to the Secretary of the Army is the specifics about determining the accountability and take measures as he deems required. So we step forward, and I indicated before, I believe you were here when we talk about in order to speed that process in a manner in which we manage ourselves and our structure in organization, so with have coherency and continuity in a person that is not only collected all of our information that steps forward and does the next phase also.

You know, your comments about the platoon commander's notebook remind me, again, of what officership is all about. And it also aligns itself with what the Chairman of the Joint Chiefs of Staff said on day one, hey, I expect the chain of command to function effectively and know what is going on in the unit and in the group.

Mr. KLINE. With respect, if I may, I only have got 20 seconds. But the point is that officership needs some tools and that platoon commander's notebook was part of it. So the question is, is there a recommendation that we take some legislative action that would allow for simplicity's sake that platoon commander's notebook to be reinstated because it is not there now?

Admiral CLARK. And you see our reference throughout talking about giving them the tools that they need and the gaps that exist. And so measures that have occurred because of interpretations is what policy review is all about. And so if it requires your kind of action, then it is exciting to know that there are people in the Congress who are ready to lead that effort.

The CHAIRMAN. I thank the gentleman, Mr. Taylor.

Secretary WEST. May I?

The CHAIRMAN. Yes, please respond.

Secretary WEST. In the back of our report, there is appendix C that lists for your convenience all the findings and recommendations by chapter and by subject, 2.8 or 2.9 of that is recommendations, carries a recommendation that I think goes to what you said, the ability to collect information and to carry it forward, so that is part of what you had. The second thing is you mentioned that the victims and the wounded were terrorized, I think my language was terrified. In both cases, I think we acknowledged that they died and were wounded with courage, honor and dignity.

Mr. KLINE. Thank you.

The CHAIRMAN. Mr. Taylor, gentleman from Mississippi.

Mr. TAYLOR. Thank you, gentlemen, for your continued service to the nation. Admiral, I am going to—I think this is the first time you have appeared before this committee out of uniform, so you are free to speak your mind.

Admiral CLARK. Yes.

Mr. TAYLOR. Could this have happened on your watch and regardless of how you answer that, why and what is the message for the base commanders who are still in uniform?

Admiral CLARK. Well, since we judge today that the policies and the programs and the procedures to guidance on unauthorized and prohibited activities are inadequate today, then I would suggest that they were inadequate when I served too. And that is the what and the why.

Mr. TAYLOR. And your specific recommendations now that you are out of uniform.

Admiral CLARK. My recommendations are focus on the behaviors and focus on anything—we are talking about protecting our people and our workplace, focus on the violence indicators. And then once you do that somebody said, does it include this, does it include that? Of course it does. It includes anything that is going to create harm for our people. Go deal with it, create the guidance on the indicators and empower and enable the commander so they can take the actions they need and connect the dots.

Mr. TAYLOR. In the case of this individual, did anyone—did any of his coworkers or did any of his patients raise an alarm flag and say I think this guy is dangerous?

Admiral CLARK. I wrote this down at the top of my page, I am constrained. I cannot——

Mr. TAYLOR. I really don't think you are.

Admiral CLARK. I'm sorry, I am. My interpretation of it is I am. By the way, this is not my report, we have turned it over.

Mr. TAYLOR. Again, I am asking you, Vern Clark, not Admiral Clark, you, Vern Clark, former CNO [Chief of Naval Operations], an opportunity to talk to the American public, did anybody in his command or patients raise a red flag that, I think, this man is dangerous?

Admiral CLARK. And I am here representing the work of this review. If you want to invite me back for another day to have discussions about other topics, I am here representing this review and representing this review, this area of discussion, I am restricted, and I would be happy to talk about it in closed session.

Mr. TAYLOR. You are invited back at your convenience, and I wish you would say it today. Thank you, Mr. Chairman.

The CHAIRMAN. I thank the gentleman. Mr. Coffman.

Mr. COFFMAN. Thank you, Mr. Chairman. I just want to thank you both for your long service to this country, but I want to start out saying how offensive the notion of this review in its classification ought to be to the American people. This is just another incident in a long pattern before this committee of information that is withheld from the public that is neither germane to national security interests in terms of its classification, nor is it impending on any legal processes. I read it, it is just merely a finding of facts prior to the event. And it ought to be available to the American public.

And so I think we have classification. It ought to be politically embarrassing and that ought to be a classification top secret, secret, confidential, politically embarrassing. Because the majority of information that has come before this committee that has been classified is merely classified because it is politically embarrassing.

General Mukasey had said right after the incident that after these people were killed that it was a great tragedy but would be a greater tragedy if, in fact, we overreacted. And I think he was referring obviously to the Muslim Americans currently serving in the military. I served during the Cold War both in the Army and Marine Corps, and there was a counterintelligence strategy for what we could detect individuals who had sympathies with those who might be ideologically aligned to our opposition at the time, Marxist communism.

We no relationship with a series of organizations that, in fact, were aligned, directly or indirectly with our adversaries at that time again during the Cold War. It would seem to me that we are at war now, and whether we called it the global war on terror or whether we call it overseas contingency operations with a version of radical Islam that has somehow morphed into a political ideology that has declared war on the United States.

And so do you see that out of your recommendation that we are, in fact, have been able to have a system of counterintelligence that looks at linkages, looks at objective patterns and behavior to try to decipher these sympathies with those who are aligned as enemies to this country.

Secretary WEST. I think the quick answer, Congressman, is yes, I think to some extent Secretary Gates even touched on that kind

of an idea in his statement the other day when he released a report. The fact is we do have to respond today to today's imperatives, and those imperatives include the possibility, that is why we are doing this, that an incident like this could occur again or worse, several, several at different installations and that they could be part of a coordinated effort.

So we need to look at now at what Admiral Clark just again reemphasized as the indicators and then collect them and make them available so the people can use them as match sticks as they evaluate what is happening in their units.

Mr. COFFMAN. Admiral.

Admiral CLARK. I reinforce my earlier comments. Certainly that kind of collection is authorized in certain circumstances, and although those are not a part of this committee's work but other committees in the Congress. It is a matter of, in the public domain, that improvements need to be made in that regard and that is all then about information sharing and might press the point earlier in response to another question inside the Department and in interagency domain to help commanders connect the dots.

Mr. COFFMAN. Let me say in closing, thank you for your testimony, I served in Iraq with the United States Marine Corps in 2005 and 2006, and I served with the Muslim Americans there and I was impressed with their service and dedication to their country. I do believe that they would want a counterintelligence operation to where there would be no question about their loyalty to this country, but I think they are a valuable asset to the Armed Forces of the United States. Thank you again. I yield back, Mr. Chairman.

The CHAIRMAN. The gentleman, Mr. Reyes.

Mr. REYES. Thank you, Mr. Chairman. And thank you gentlemen for being here this morning and for the work you have done. I apologize, but I have my own hearing so I got here late, but I did want to cover two areas that I think—if they have already been covered I apologize. The first one is the sharing of information. In terms of, I guess, the kind of intelligence that we know we have and have the capability to evaluate internally, you are—let me start there, what are your recommendations in terms of how much we haven't shared and how much we should?

Admiral CLARK. Good to see you again, sir.

In the entire area of information sharing, our recommendation is, and the simplest way to say it is, take down the barriers. Get rid of them. And make sure you do it inside the Department, too. But certainly do it in the interagency process.

I have in front of me an immediate release, FBI release, on Friday, saying a series of things are going to be done. In your other committee, I know this is going to be something you are going to look at. Now, other investigations have occurred. The President chartered an examination of the intelligence process. I am sure that is the subject of your other work. But my response would be just as it was to Mr. Taylor; I am not here to represent that report. I am here to represent this report.

But our recommendation is we need the barriers removed. We need to make sure that—we are going to hold the commanders responsible. And to do that, we need to make sure that they have the tools, and sometimes the tool is maybe a risk-assessment tool that

helps them look at a series of diverse information. Other times it is straightforward raw intelligence. And so, remove the barriers, is the simplest way I know how to say it, sir.

Secretary WEST. I would say we have two information sharing problems that we address in our report. The first, as the Admiral alluded to, is amongst ourselves within the Department of Defense from one commander to another, from one command level to another, to get the information that is needed to make assessments there.

The second one I also alluded to and the product of one of the FBI investigations is sharing between agencies. And there, again, we saw some breakdowns, and we made some specific recommendations for some improvements, including increasing the operation of the Joint Terrorism Task Force.

Mr. REYES. Like Mr. Taylor, I hope we get an opportunity to have you back where you are not constrained by just reporting back on this report. The other issue—because as you probably know, I represent Fort Bliss, and I get a chance to talk to soldiers and their families. One—and I am curious to hear your thoughts. One of the things that they are conflicted about is the fact that, before they deploy, they are expected to read up and know about the country they are going to, Afghanistan and Iraq.

The incident at Fort Hood has sent I guess a chill down that says, if you are looking at the Internet to learn more, you may either become susceptible to radicalization, you may be getting the wrong information, you may—somebody may be monitoring it that may reflect negatively on them. How do we draw a balance on making sure that our troops going overseas into these areas are as knowledgeable as possible but yet don't have this cloud over them about the work that they do on their own through the Internet?

Secretary WEST. I think that raises a good question, Congressman.

I have to say that I don't think we either discussed it or analyzed that particular part of the balance, if you will, in preparing our report. We have been focusing, frankly, on whether even in that research I will have to say or that—those connections—there are indicators that need to be—that we need to be aware of and at least evaluate. Your point as to whether there is a kind of, what, and interim effect or an inhibitor in leading up to prepare is, I think, a valid one. I guess my answer is, if we pursue our research on the Internet with honest hearts and good intention, I think that is likely to show itself.

But if there are repeated efforts that lead to a growing radicalization, remember, it is not just that it is a collection of indicators, a whole host of them that are needed to be read. I think if they are read properly, then we should be able to separate the wheat from the chaff. But the people who are in danger of self-radicalization and therefore of violent acts and those who are simply preparing to go, now that may not be the most satisfactory explanation, but it is the best one I have.

The CHAIRMAN. I thank the gentleman.

Mr. Conaway.

Mr. CONAWAY. Thank you, Mr. Chairman.

Gentleman, thank you.

Admiral, good to see you this afternoon.

Mr. Secretary, you mentioned understanding the forces of radicalization and/or self-radicalization.

Admiral, you indicated key indicators of violence, lofty terms.

Certainly easier said than done. The clarity of hindsight allows us in most instances to weave a Tinkers to Evers to Chance connect-the-dots program that would say, oh, yeah, surely had we done that, we could have stopped whatever incident might have gotten involved. But in the fog of the present, the unclarity of the ongoing, of the day-to-day, we ought to always strive to get better at whatever it is we are doing. And if we have got your report, great, and as we plug in those things.

But I am concerned that—and Secretary West, you may have just called for a constant surveillance of Internet activity by all of us. Do we want to live in a country that creates a surveillance program of thoughts and ideas and those kinds of activities in our quest to be safe? There is a movie out there—I think Tom Cruise starred in it—where they set in place a system to anticipate crime, and they would go and punish folks who they thought would commit a crime in the future before it was committed just because it occurred between their ears.

So I don't want to build an unrealistic expectation that in a free America, in an America where the—where our protections under the Constitution allow us to think and say and express, that we don't sacrifice that in this quest to be safe because I don't know that you will ever get there and you won't be safe enough, and I don't know that I want to live in a world where I can't go to the Internet with some expectation of anonymity to look for things on the Internet if I am searching for bombs or whatever. But just to create that expectation and prepare the American people's mind that we, in fact, in the military, Department of Defense, could in fact surveil our people so closely that a fratricide incident will never occur or that if it does occur, we have spectacular failure of command; I don't know that I believe we can do that. Just your comments.

Secretary WEST. I am not sure, Congressman, that I called for it. But I certainly acknowledge that I understood the Congressman's concern and the concern of events by his people. Because we do advocate looking for the indicators and recording them and having an entity that can make a collection of what kinds of indicators we are to be looking for.

You solved the problems I had with your question because we are not calling for it for the American people. We are talking about the fact when people are part of the military family, they come privileged to enter our facilities by just inserting a card.

Mr. CONAWAY. So they sacrifice their——

Secretary WEST. Some things. That is already established.

Mr. CONAWAY. I understand that. But the more they sacrifice in terms of their personal freedoms and personal privacies, the less attractive the uniforms will be.

Secretary WEST. I think you are right.

Admiral CLARK. And I would love to comment on that. I don't want to align myself with the movie. That is not where I want to go. And you don't either.

Mr. CONAWAY. I don't remember the name of the movie.

Admiral CLARK. I don't know either. I haven't seen it.

Mr. CONAWAY. Chilling.

Admiral CLARK. What I do believe is we could have done better on this one. So we want to do as well as we know how to do. And the keyword again is this balance thing. And this is why we took great care not to define exact outcomes but to say, Mr. Secretary, as you look at this, this is an area you need to put the spotlight on when you look at the policy, programs, and procedures. We believe there is fruit to be harvested here, and then people in responsible positions in the administration make the decision about what that balance is going to be. And we believe that that is going to require everybody to challenge the assumptions and then move forward, and certainly the Congress has a role to play in all of that.

Mr. CONAWAY. I think understanding the radicalization process, I think what—you look at a fellow, Hasan, all of the advantages that he had, born here, grew up here, all of the educational advantages he had; how did he decide to do what he did? Allegedly—I am a CPA [Certified Professional Accountant], not a lawyer, so I can talk a little clearer, perhaps. Anyway, thanks for your comments this morning. I yield back.

The CHAIRMAN. I thank the gentleman.

Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Chairman.

I think I am the last member here, so I guess I am the end of the totem pole. So, hopefully, I just think that, though, if we are ending here, we need to get back to the beginning, and that is what the chairman said. And I think that you have seen consistency on both sides of the aisle here. A lot of the questions we have over here are a lot of the questions that were raised on the other side. And I think the chairman, though, said it best at the beginning, what we have here are two issues that the American people in my district, and I am sure across this country, are concerned with, and that deals with the breakdown between communication of the federal agencies, the Department of Defense, the Department of the Army, the FBI and the CIA, whoever should have known about these things or been communicating. I mean, after 9/11, as we all know, that is why we have Homeland Security, so we don't have these breakdowns in communication between federal agencies. That is one thing that is not acceptable to the American people.

So those questions and those solutions as we move forward, and I understand that you are under restriction. I am a former judge advocate. I served at Fort Hood. I was in the First Calvary Division, and my son was born at the hospital that Major Hasan worked at. So it is very emotional for me to sit here. But as a lawyer, I understand what your restrictions are and what the Army—I always say that—to people that are quick to react to this situation, what the Army has done or not done. And my initial pushback is we need to give the Army the benefit of the doubt that we are doing things the right way, and we are not purposely doing things to expose people to risk or danger that we can do better. And I think that, with this review, hopefully, that that is true.

And whether or not you can address that specifically that we will get better and that as, Admiral, you said that if we had inadequate

policies, that those dots will be connected, and we will address them in the future.

The one question, though, I did have with that, Admiral, and I don't know if you are specifically saying that, you alluded to the fact that commanders will be held responsible. And I don't know if that means retrospectively because there were things missed. But I don't really understand what you mean when you said that if the policy is inadequate, but we are going to hold commanders responsible. How can you hold commanders responsible if the policy was what it was?

Admiral CLARK. Thank you for the opportunity to clarify. Certainly what happens when issues like this come up and hearings are held, the judgment is, did the commander do what he could do with the tools that he had? That is what I am saying. If it is within the ability of the commander to have the information that is required or to take the actions or to pursue the lines of inquiry, then they are held accountable. If they do not have, which is certainly the case in a number of these things that we are citing today where policy, we believe, was inadequate, then that is another story. And as a former judge advocate, you know how you would advise the commander when they came before you.

Mr. ROONEY. And I will say, I didn't finish my point with the chairman. The second point was, what may or may not have been missed with regard to Major Hasan and how we connect those dots and have the correct policy that is adequate, and what we can expect from our commanders moving forward? So those are the two things that I think the American people quite simply want to know. And I will just—if I could clean up a few things here because I have a minute left.

Mr. West, absolutely, a terrorist act could have been one of the charges referred here. Whether or not it is or it isn't, I don't actually know. I know that there is murder, premeditated, attempted murder charges here. But within the rules and scope of the law, terrorist act is certainly evident here. I am not going to question why it was or was not charged. But you are right.

Secretary WEST. We are not there. It may well be charged.

Mr. ROONEY. I do just want to close with this. I think with this idea that has been raised a few times here with political correctness versus good order and discipline, I sort of disagree a little bit with what was just said. All of these guys wearing the uniform behind you understand that when they sign up, they are sacrificing a lot of constitutional rights, that the rest of us—that is part of sacrifice. That is part of service. And we know that when we are signing our name on the dotted line and filing—and getting into formation every morning. That is part of the deal.

But I just think that it needs to be—I think it needs to be remembered that the Supreme Court has upheld time and time again that for the sake of good order and discipline, sacrificing some of the rights that we civilians have, including political correctness for the sake of—it might not be all politically correct in the military, that the military gets to do that, to keep us safe. So, with that, I will just thank you for your service and for your testimony.

The CHAIRMAN. Admiral.

Admiral CLARK. Very briefly. And our report points out that there are differences between uniform members and civilians in the Department. And I then refer back to Mr. McKeon's comments early on that this is not just an issue in the Department of Defense. And so if you look at the kind of threat that we are describing, we are talking about a challenge to us as a people. And so we didn't say, go change those rules; don't change that mix. But we did point out that it is different. And so if when we then examine the whole force protection of the environment, we have to understand what we have and we have to make judgments and those judgments have to be made on balance, and then those policies have to be defined and in an enabling way that goes back to the point that we pressed here: Let's equip and enable the commander, the leaders in these institutions so that they can lead the command with the context of good order and discipline and all that goes with that.

The CHAIRMAN. Mr. McKeon, final comments.

Mr. MCKEON. Thank you, Mr. Chairman.

And again, thank you for being here and for being able to answer some questions and not being able to answer questions. I don't know if we all understand all of that. But it is what it is. I said in my opening statement that an officer takes an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic. I also said in my questioning that the media reports that we have been given, one of them was that Major Hasan had made a statement that Sharia law trumped the Constitution. What I want to know is, if you can answer that, did he, in fact, say that? Yes or no.

Admiral CLARK. Sir, it is in the restricted annex. Any reference to anything that he might have said that we decided to cite.

Mr. MCKEON. Okay. If somebody is an officer in the armed services and they make a statement such as I quoted that would indicate opposition to the oath that they took as an officer, why would they then have a right to be promoted to higher rank, or why are they even indeed left as an officer in the service?

Secretary WEST. I think it is fair to say that statements like that are indicators that ought not be missed and that ought to be taken into account in making decisions on precisely what you said.

Mr. MCKEON. Thank you very much.

Admiral CLARK. May I clarify that I didn't say whether that such a comment was in the restricted annex? Any comments that he might have said that we decided to include in the annex are in that restricted section, and I would personally enjoy a fulsome discussion on that particular subject.

Mr. MCKEON. Thank you.

The CHAIRMAN. I thank the gentleman.

Let me ask, in summary, if you agree with my comments that we have all been frustrated, as you know, by our inability to discuss all aspects of the shooting at Fort Hood?

Some things are clear. More needs to be done to identify and document behavior that suggests an individual may present a danger. We need to carefully examine what new tools or authorities may be needed to address this. Do you agree with that?

Secretary WEST. You said it better than we wrote it, Mr. Chairman.

Admiral CLARK. I align completely with your words.

The CHAIRMAN. Thank you.

We also heard there was a failure in what the independent review, your independent review, has described as officership; that at least in the case of Major Hasan, military officers failed to accurately document Major Hasan's performance and abilities in his academic and his military evaluations. Do you agree with that?

Secretary WEST. That is with greater detail than we said it, sir. What we said is they failed to apply Army policies to the perpetrator, and they also—there are inconsistencies in what they wrote.

The CHAIRMAN. Okay.

Admiral.

Admiral CLARK. Secretary West is correct.

The CHAIRMAN. Let me ask as a last question, I think it is very, very important. Your term officership, I think across the board, those in uniform should fully understand that term. Would each of you give the definition of that term one more time?

Secretary WEST. I am going to let Admiral Clark go first. It is a term that he uses most often. And then I will give my view.

The CHAIRMAN. Admiral.

Admiral CLARK. We talked about it at length inside our review. And just a couple of days ago, one of the staff members came up and provided me with this instruction that has it in it. And it happens to be from the Uniform Services University of the Health Sciences. And if you would like, we can provide it to you. But it talks——

The CHAIRMAN. Would you like that to be part of the record?

Admiral CLARK. That is fine. That is—I agree with everything that is in here, and it talks about all of the elements that unify the role of a commissioned officer in the United States of America, and talks about upholding the Constitution and the oath, and then the standards and all of the things that we would expect that go with leadership and a person who decides to live the lifestyle of service in the role of leadership supporting the goals and objectives and the principles and values of the United States of America.

The CHAIRMAN. Thank you.

I know Mr. McKeon joins me, as well as all of the members of the committee, in thanking you for your service on this panel, your leadership, and of course the fact that you have been such outstanding American leaders in the past. Thank you very, very much.

[Whereupon, at 12:16 p.m., the committee was adjourned.]

A P P E N D I X

JANUARY 20, 2010

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

JANUARY 20, 2010

Opening Statement of the Chair
Hearing on the Findings of the Independent Review Related to Fort Hood
January 20, 2010

On November 5th, 2009, a gunman opened fire at the Soldier Readiness Center on Fort Hood Texas. In line at the center were soldiers preparing for deployment to combat zones overseas by completing last minute administrative tasks. 13 people were killed and 43 were wounded. On a U.S. Army base on United States' soil. The alleged gunman, Army Major Nidal M. Hasan, is an active duty Army psychiatrist. As of today, he has been charged under article 118 of the Uniform Code of Military Justice (UCMJ) with 13 counts of premeditated murder, and under article 80 of the UCMJ with 32 counts of attempted premeditated murder.

We all have the same questions. Why did this happen? Could it have been prevented? Was the response adequate? More importantly, we all share the same intent to ensure that everything possible is done so that this does not happen again.

There are several task forces and panels examining these very questions. Today, we will hear from the first of these groups to issue a report, the Independent Review Related to Fort Hood. Secretary Gates chartered the review soon after the shooting, and gave them 45 days to quickly examine Department of Defense's programs, policies, and procedures related to force protection, emergency response to mass casualty situations, support of health care providers, and oversight of the alleged perpetrator prior to the shooting.

To co-chair the Independent Review, Secretary Gates picked two seasoned senior leaders: former Secretary of Veterans Affairs and Secretary of the Army Togo West and former Chief of Naval Operations Admiral (Retired) Vern Clark. Gentlemen, we thank you for your service and look forward to hearing your findings. It is also worth noting that Secretary West is no stranger to this type of initial review. He co-chaired the Independent Review Group created by Secretary Gates following the disclosure of deficiencies at Walter Reed in 2007. Sir, we hope to benefit from your experience, especially your insights about behavioral health within the Army.

There are many subjects I hope our witnesses will address from the adequacy of our force protection and emergency response policies to the efforts that exist to identify service members with radical and/or violent tendencies before they may hurt others. I am particularly concerned though about the system of officer evaluation in the Army and other services. The performance reports—in Army parlance OERs—must accurately reflect the strengths and weaknesses of officers. Problems must not be passed from one assignment to another.

This hearing continues the committee's oversight of these issues that began with several briefings at the end of last year. We will continue this oversight in the coming weeks and months. I have said from the outset that we must take great care that our inquiries into the shooting do not compromise or imperil the prosecution of the alleged gunman in any way. We will continue our inquiries in a thoughtful and deliberate manner that will not

risk undermining the legal case against the alleged shooter. I would also remind members that the conditions under which the department shared the restricted annex associated with this report were that we would not discuss its contents publicly and ask that members respect those conditions.

The primary concern of this committee is the safety of all those who serve in or support our armed forces. We owe this to our service members, Department of Defense civilians, and family members.

Opening remarks- Mr. McKeon
House Armed Services Committee
Findings of the Department of Defense Independent Review Relating to Fort Hood

The House Armed Services Committee today received testimony from the former Pentagon officials tapped by the Secretary of Defense to investigate the tragic shootings at Ft. Hood last fall. Rep. Howard P. "Buck" McKeon (R-CA), the top Republican on the Armed Services Committee, released the following opening statement for the hearing:

Secretary West and Admiral Clark, I join Chairman Skelton in welcoming you. You had a short time to develop your findings and recommendations and I compliment both of you with regard to their breadth and scope.

In short, you have documented and highlighted the lack of preparedness by the Department of Defense and by this nation to first recognize, and then deal effectively and comprehensively with the existing and growing internal domestic terrorist threat.

This threat is not a Department of Defense (DOD) problem alone. As your report points out, an integrated, synchronized nationwide effort will be necessary to ensure national preparedness to prevent and respond to future domestic acts of terror.

Major Hasan may have been an individual actor in the Fort Hood shootings, but the radicalization of an officer who took an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic; and to bear true faith and allegiance to the Constitution, should send shock waves through all Americans as to the power and reach of an enemy like al-Qaeda in Yemen to generate such radicalism among other U.S. citizens.

Al-Qaeda in Yemen declared war on the United States with the attack on the *U.S.S. Cole* in 2000. While the U.S. has taken actions to curb their power and influence as an external threat, this nation and its allies seemingly have also taken action to assist in the organization's growth. For example, in 2006, the escape of 23 members of al-Qaeda from a maximum security Yemeni prison, including several who attacked the *Cole*, led to the formation of al-Qaeda on the Arabian Peninsula. The 2007 release of Said Ali al-Shiri from prison at Guantanamo Bay allowed him to join al-Qaeda in Yemen.

Moreover, the nation has not learned the lesson from September 11 – that organizations who have information about potential or actual terrorists must share that information with all who might act to prevent terrorist activities. As is becoming apparent, such was not the case in either the November attack by Major Hasan, who had internet contact with al-Qaeda in Yemen, or the attempted Christmas Day bombing of Northwest Flight 253, by a terrorist acting under orders of al-Qaeda in Yemen.

With regard to the Fort Hood shootings, your report is clear that Major Hasan's supervisors were aware of his shortcomings as an officer and medical professional and failed to act appropriately. The report is strangely silent on whether or not Major Hasan gave any clear evidence of his radicalization or whether there were any substantive clues about that radicalization that his supervisors should have acted upon. I hope that your testimony will address these issues.

The report also points out numerous personnel policy shortfalls that contribute to the Department's unpreparedness to deal with internal threats. Among the many findings, there was criticism of current policies, practices and procedures related to identifying potentially violent behaviors, information sharing, the accommodation of religious practices, counterintelligence activities in cyberspace, and definitions of and responses to prohibited activities.

Although you make no specific recommendations as to how to resolve these issues, you are clearly suggesting that these policies, practices and procedures need to be refocused, tightened, and implemented with renewed vigor. Such a course of action suggests the possibility for closer Government scrutiny by DOD and other agencies, for example, of various electronic social media like Facebook, Twitter and web pages, and e-mails of U.S. citizens. The report is silent on how such initiatives should be balanced against 1st Amendment and privacy concerns. I would be interested in your views on this issue.

Finally you made six recommendations for immediate action. I would hope in your testimony and the follow-on questions you could address three of them in detail and why you singled out those three from among all the other recommendations for immediate action. The three immediate action recommendations I refer to are: 1) The need to synchronize Continental United States based DOD emergency management systems with the national emergency framework; 2) DOD enhancement of Joint Terrorism Task Forces; and 3) The creation of a DOD entity to concentrate in one place the DOD effort to gather, analyze and interpret data useful for identifying indicators of potential violent action, and to create a comprehensive and usable catalogue of those indicators that can be updated continuously and made available throughout the DOD and military services.

In closing I want to thank you for your past and continuing service to this nation. Your report is a significant first step in identifying the areas that need to be improved if this nation is to be safe from internal domestic terrorist activity.

Opening Statement
DoD Independent Review Congressional Hearing Conference
HASC
20 January 2010

Chairman Skelton, Representative McKeon, distinguished Members of the Committee: We appreciate the opportunity to appear before you and discuss the findings and recommendations of the Department of Defense Independent Review Relating to Fort Hood.

Two months ago, a gunman opened fire at the Soldier Readiness Center at Fort Hood, Texas. Thirteen people were killed and 43 others were wounded. November 5, 2009 will be remembered as a day of great tragedy. We extend our deepest sympathy to the families of the fallen, to the wounded, to their families, and indeed all touched by this tragic event.

Following the shooting, Defense Secretary Robert M. Gates established the Department of Defense Independent Review Related to Fort Hood, and asked that Admiral Clark and I lead it. We have done so and report on it today.

Events such as the Fort Hood shooting raise questions about how best to defend against threats posed by external influences operating on members of our military community. The challenge for the Department of Defense is to prepare more effectively for a constantly changing security environment. It is with that backdrop in mind that Secretary Gates asked us to conduct our review.

Secretary Gates charged us to provide an independent review and assess whether there are programs, policies or procedural weaknesses within the Department of Defense that create vulnerabilities to the health and safety of our servicemen and women, DOD

civilians, and their families. Dr. Gates asked that we take a careful look at personnel policies, force protection measures, emergency response procedures and support to our military health care providers. And, he asked us to evaluate the Army's application of its policies, programs, processes and procedures to the alleged perpetrator.

We established a board of advisors with senior officers from the four services. We constituted five review teams, consisting of a range of experts, who investigated the key tasks outlined in our terms of reference. The teams had unrestricted access to personnel and facilities. The teams traveled to Fort Hood as part of their review.

Our charter directed us to focus on the non-criminal aspects of the shooting. Although Fort Hood was central to our review, our scope extended across the entire Department in order to gather the most significant and meaningful findings and recommendations. As recognized by the Secretary of Defense in stating that he intends to call upon the military departments to conduct in-depth follow-on reviews based on our results, areas in our report will require further study. By design, we limited the depth of our report in areas that will be covered in follow-on reviews.

We recently submitted our report to the Secretary of Defense. Before discussing the overall report, we note that we cannot address specifics with respect to the alleged perpetrator in open session, in order to preserve the integrity of the ongoing military justice process. We can tell you, however, that several individuals failed to apply professional standards of officership regarding the alleged perpetrator. We recommended the Secretary of Defense forward these issues of accountability to the Secretary of the Army. The detailed results and findings associated with the alleged perpetrator are found in a restricted annex that will not be publically released at the present time.

The review was much broader than the assessment of the alleged perpetrator. With that in mind, our report includes recommendations to strengthen the Department of Defense's ability to prepare for and respond to potential threats. It is based upon research by our teams of more than 35,000 pages from over 700 documents related to departmental policies, programs, processes, and procedures.

Before discussing the details of our findings, we would like to highlight some observations from the tragic events on November fifth.

First, no amount of preparation is ever too much. Leaders at Fort Hood had anticipated mass casualty events in their emergency response plans and exercises. The initial response to the incident demonstrated this. It was prompt and effective. Two minutes and forty seconds after the initial 9-1-1 call, Fort Hood first responders arrived on the scene. One-and-a-half minutes later, the assailant was incapacitated, taken into custody and remained in custody handcuffed to a law enforcement representative for the next several chaotic hours. Two ambulances and an incident command vehicle from the post hospital arrived on the scene two minutes and fifty seconds later to begin providing life-saving emergency care. Yet 13 people died; scores were wounded. We will prepare harder; plan more diligently; seek to envision the next incident.

Second, we must be attentive to today's hazard. Even as the role of our nation's military is to confront the external threat to our country, one of the most significant emerging concerns in the protection of our force is the internal threat. We need to develop a better understanding of the forces that cause a person to become radicalized; commit violent acts; and make us vulnerable from within.

Third, courage and presence of mind in the face of crisis can carry the day. It happened at Fort Hood. Courageous acts were the key to preventing greater losses that day.

As our report reveals, however, these attributes alone are not enough to protect our force. We must exercise the foresight necessary to identify the looming menace – self radicalization and its often resultant violence -- and act preemptively.

Our review of DoD policies, procedures, and processes revealed shortcomings in the way DoD is prepared to deal with internal threats, and in particular, the threat posed by troubled and potentially dangerous individuals and groups.

Commanders are our key assets to identify and monitor internal threats. Existing policies, however, are not optimized for countering these threats. The policies reflect insufficient knowledge and awareness required to help identify and address individuals likely to commit violence.

While the department focuses very effectively on many things, guidance concerning workplace violence and the potential for self-radicalization is insufficient. DoD policy on prohibited activities is limited and only addresses active and visible participation in groups that may pose threats to good order and discipline. This lack of clarity for comprehensive indicators limits commanders' and supervisors' ability to recognize potential threats and detecting a trusted insider's intention to commit a violent act requires observation of behavioral cues/anomalies.

Complicating the force protection challenge is the diverse nature of responsibilities as they have evolved within DoD since 911. Because no senior DoD official is assigned overall responsibility for force protection policy (Diverse nature responsibilities

throughout DoD), synchronization is difficult. Moreover, there is a lack of DoD policy integration. This has resulted in a lack of a well-integrated means to gather, evaluate, and disseminate the wide range of behavioral indicators that could signal an insider threat. Some policies governing information exchange, both within DoD and between outside agencies, are deficient and do not support detection and mitigation of internal threats. The time has passed when concerns by specific entities over protecting "their" information can be allowed to prevent relevant threat information and indicators from reaching those who need it—the commanders.

As the Secretary indicated, we see a requirement to create the ability to adapt rapidly to the changing security environment, which requires anticipating new threats and bringing a wide and continuously evolving range of tools, techniques, and programs into play. Robust information sharing, therefore, is essential, along with the accompanying command and control structure to convert active information gathered on potential threats into decisions and actions, including dissemination of the analysis and assessments to the appropriate levels of command.

While leaders at Fort Hood responded well under the stress of a rapidly evolving crisis, we are fortunate that we faced only one incident at one location. Real time information sharing will be critical should we face a situation of multiple events.

While all 50 states have complied with the Federal requirements for the National Incident Management System, designed for a synchronized response in crises, there are no established milestones to define initial and full capability within DoD. The timelines should be evaluated; doing so could lead to an umbrella plan for emergency response and recovery and ensure interoperability with all the states. Synchronizing the DoD emergency

management program with this national guidance will ensure the Department can integrate effectively with all partners in response to any and all emergencies. Using common emergency management principles, we can prepare our military communities to respond to emergency from the smallest incident to the largest catastrophe.

The response by the Fort Hood community in the aftermath of this tragedy serves as a reminder of the strength, resiliency and character of our people. We were very impressed with them, both military and civilian. In a community where we might have expected the fabric of trust to fray, it remained intact and grew stronger through mutual support. The thrust of our effort has been to do all that we can to prevent similar tragedies in the future.

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