

**Guardian and eGuardian.** Guardian is the FBI's terrorism threat tracking and management system. The FBI's written Guardian policy requires all personnel to enter all new terrorism-related threats, events, and suspicious activities – including new Type 1 & 2 assessments – into the system as a Guardian “incident.” Guardian thus serves as the primary database for setting leads to other Field Offices and JTTFs to open new terrorism-related assessments or investigations.

eGuardian is a secure enhancement of Guardian that shares unclassified information about terrorism-related threats, events, and suspicious activities with approved state, local, tribal, and other federal law enforcement agencies, including state fusion centers and regional intelligence centers. These agencies, in turn, can use eGuardian to report terrorism-related threats, events, and suspicious activities to the FBI and other participating agencies. The FBI reviews these reports to determine whether to create a Guardian incident and pursue an assessment or investigation.

Although Guardian is accessible to all authorized Agents, Analysts, and TFOs, larger Field Offices and JTTFs have discrete Guardian squads to assess and resolve Guardian incidents. At smaller locations, individual Agents and TFOs are assigned ongoing responsibility for Guardian incidents.

### **C. The Lack of Data Aggregation**

The FBI possesses more than [REDACTED] investigative and intelligence databases. Agents and Analysts regularly consult more than [REDACTED] of those databases in the performance of their duties. At the time of the Fort Hood shootings, however, with a few exceptions (notably IDW), users accessed each database using a discrete interface, a discrete password, and a discrete search engine. DWS-EDMS users could not conduct a simultaneous search of that system and the contents of any other FBI or other government agency database. Although the absence of this functionality did not directly affect the FBI's handling of the Hasan information, our investigation found that planning for enterprise data aggregation and consolidating and conforming the contents of these diverse databases are vital to the FBI's ability to respond to the threat of terrorism.

## Chapter 5

### The FBI's Investigation of Anwar Al-Aulaqi

The United States confronts a wide range of international and domestic terror threats. As of September 2011, the FBI was pursuing nearly [REDACTED] international terrorism investigations.

The FBI prioritizes counterterrorism cases in [REDACTED] tiers. [REDACTED]

[REDACTED] [The redacted portion describes sensitive FBI investigative techniques.]

As of September 2011, there were more than [REDACTED] Tier [REDACTED] and [REDACTED] Tier [REDACTED] international terrorism investigations in progress.

The FBI acquired its information on Nidal Hasan during the course of its investigation of Anwar Nasser al-Aulaqi (sometimes spelled "Awlaki"). At the time, the Aulaqi case was [REDACTED] a Tier [REDACTED] investigation [of a suspected radicalizer/recruiter].

#### A. Background

Aulaqi was born on April 21, 1971, in Las Cruces, New Mexico. He attended primary and secondary school in Yemen from 1979 to 1990. He received a Bachelor of Science in Civil Engineering from Colorado State University in 1994. He then moved to San Diego, California, where he served as an imam at the Al-Ribat Mosque from December 1995 until mid-2000.

[REDACTED] [During his time in San Diego, the] San Diego JTTF opened a preliminary investigation of Aulaqi [REDACTED]

[REDACTED] [The redacted portion describes the predicate for this investigation.]

At the beginning of 2001, Aulaqi moved to Falls Church, Virginia. He was an imam at the Dar al-Hijrah mosque in Falls Church from January 2001 until April 2002. [REDACTED]

[The redacted portion describes certain information the FBI learned about Aulaqi during this time frame.] WFO opened a full investigation. [REDACTED]

In March 2002, Aulaqi moved to England, where he reportedly lectured youth groups on jihad. WFO closed its investigation of Aulaqi in May 2003 for lack of evidence of a pattern of activity suggesting international terrorism. In 2004, Aulaqi moved to Yemen.

In January 2006, the WFO reopened its investigation based on [REDACTED]

In April 2006, the FBI transferred the Aulaqi investigation back to the San Diego JTTF. [REDACTED]

Later in 2006, Yemeni authorities arrested and imprisoned Aulaqi on kidnapping charges. [REDACTED] Aulaqi was released from prison in December 2007.

Aulaqi is a prime example of a radicalization leader. He established and sustained an international reputation as a prolix, charismatic imam who provided Islamic guidance in English through sermons, lectures, publications, recordings, and a website. For many years, he blurred his anti-Western rhetoric with mundane religious observations and advice. Communications with Aulaqi through his website could involve simple questions about how Western lifestyles comported with or could be reconciled with the teachings of the Quran (as interpreted, of course, by Aulaqi). But his rhetoric increasingly included public statements – and exhortations of violence – against the U.S. Lectures like “Constants on the Path of Jihad” and “44 Ways to Support Jihad,” which circulated on the Internet as audio files, provided the stimulus and opportunity necessary for radicalization.

During the past two years, Aulaqi or his rhetoric may have inspired or played a role in encouraging at least four known “homegrown” U.S. radicals who took or attempted violent acts or training: Hasan, Michael Finton, Faisal Shahzad, and Zachary Chesser. For each of them, the connection with Aulaqi was virtual (although Hasan claimed to have met Aulaqi briefly in the early 2000s at the Dar al-Hijrah mosque in Falls Church, Virginia.) The FBI is not aware of any evidence that Aulaqi instructed any of these individuals to engage in violent acts.

#### **B. The [DWS-EDMS Collection] [REDACTED]**

In 2008, the San Diego JTTF consisted of five squads, each led by a Supervisory Special Agent (SSA): three International Terrorism squads, a Domestic Terrorism squad, and a Threat squad. In addition to the five SSAs, the JTTF included 25 FBI Special Agents, five FBI Intelligence Analysts, and 36 full-time Task Force Officers (TFOs) from 20 different federal, state, and local agencies.

[REDACTED] [The redacted portion describes sensitive investigative steps taken by the San Diego JTTF.]

San Diego had assigned the Aulaqi investigation to Squad CT-3 [REDACTED]. FBI Special Agent (SA) SD-Agent and FBI Intelligence Analyst (IA) SD-Analyst, both members of CT-3, were assigned responsibility for reviewing [REDACTED] [information] using DWS. Their Supervising Special Agent was SD-SSA.

By 2008, Aulaqi [REDACTED] had established an international reputation as a popular English-speaking Islamic cleric with a prolific output of writings, sermons, and audio recordings as well as a website devoted to his teachings and his anti-Western views. At the same time, his works from the early 2000s, which provided a contemporary interpretation of Islamic matters for an English-speaking audience, were popular among a wider, more mainstream audience. Through his website, Aulaqi would answer mundane questions about Islam for Western followers on topics such as divorce and fasting during Ramadan. He appeared to understand legal limitations. He was not known directly to have instructed anyone contacting him through his website to engage in violent action.

SD-Agent and SD-Analyst believed that Aulaqi had [ambitions beyond radicalization] [REDACTED]. Their primary purpose was to [REDACTED] gather and, when appropriate, disseminate intelligence within the U.S. Intelligence Community about Aulaqi [REDACTED]. Between [REDACTED] March 2008 and the Fort Hood shootings in November 2009, the [REDACTED] [Aulaqi investigation] produced approximately [REDACTED] leads and [REDACTED] investigations, as well as some [REDACTED] Information Intelligence Reports (IIRs). [The redacted portion describes FBI investigative strategy.]

[REDACTED] Visitors to [REDACTED] [Aulaqi's web]site could select a "Contact the Sheikh" link, which opened a web page that allowed them to type a message to Aulaqi and enter their email address. The message was not posted on the site or otherwise available for public viewing. Instead, the website automatically forwarded the message by email to al\_aulaqi@yahoo.com. [REDACTED]

The [DWS-EDMS collection] [REDACTED] presented, in SD-Analyst's words, a "crushing volume" of information, confronting SD-Agent and SD-Analyst with [REDACTED] [thousands of electronic documents] [REDACTED] for review. SD-Agent spent

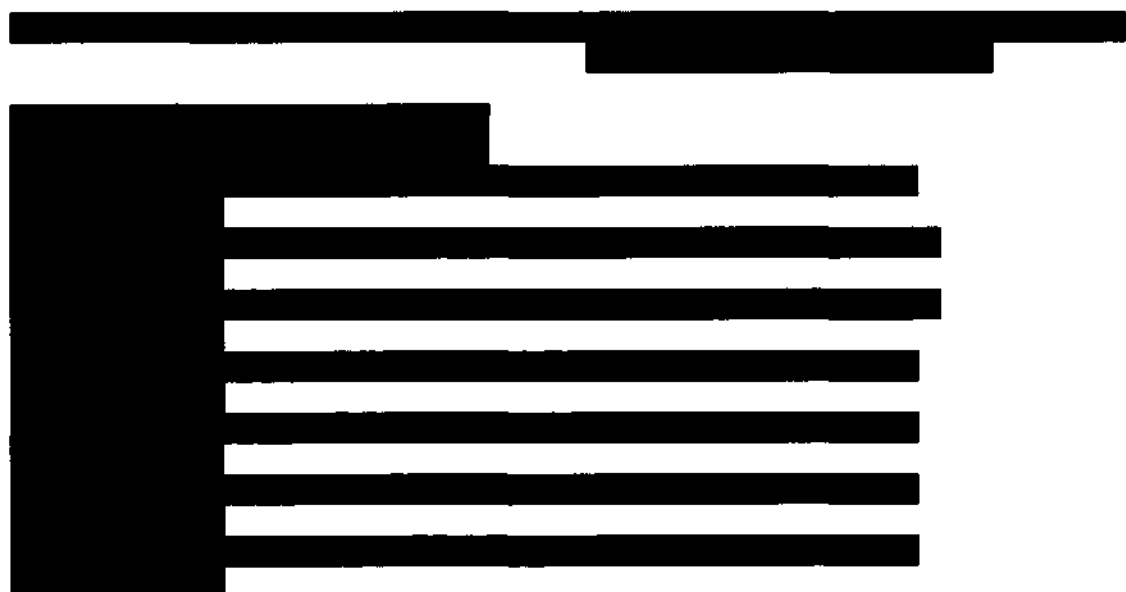
approximately three hours each day reviewing [this information] [REDACTED]. SD-Analyst spent about 40% of his time on the investigation.

On a typical morning in late 2008, SD-Agent and SD-Analyst would log in to DWS to review [information] [REDACTED]. SD-Analyst usually read [certain information] [REDACTED] while SD-Agent [read other information] [REDACTED]. It was not unusual, however, for both men to [read everything] [REDACTED].

[REDACTED] [T]hrough December 17, 2008, the date of Hasan's first message to Aulahi, [SD-Agent and SD-Analyst reviewed] [REDACTED] 12,799 [electronic documents – on average,] 1,420 [REDACTED] per month, or [REDACTED] 65 to 70 [REDACTED] per work day.

Between December 17, 2008, the date of Hasan's first message to Aulahi, and June 16, 2009, the date of his last message [REDACTED] SD-Agent and/or SD-Analyst reviewed [REDACTED] 7,143 [electronic documents] [REDACTED] [or, on average,] 65 to 70 [REDACTED] per work day. [REDACTED] [T]he workload could vary dramatically. As the following chart reveals, [REDACTED]

[REDACTED] [during portions of this timeframe, SD-Agent and SD-Analyst had to review, on average, as many as 132 electronic documents per work day.]





[REDACTED]

[REDACTED]

[REDACTED]

**Workflow.** Reviewers use Workflow [REDACTED] [identifications] to assist in managing and tracking products. [REDACTED]

[REDACTED]

**Translation.** These [identifications] [REDACTED] enable users to identify products that need translation.

[REDACTED]

**Attorney-Client Privilege.** These [identifications] [REDACTED] enable users to identify products that may be subject to attorney-client privilege.

[REDACTED]

[The redacted portions describe classified and sensitive FBI identification requirements.]

**D. Human Factors**

Research shows that trained information reviewers faced with binary decisions like those made by [SD-Agent and SD-Analyst] [REDACTED] – relevant/irrelevant, responsive/non-responsive, pertinent/non-pertinent – identify only about 75% of the relevant documents and, indeed, agree with each other’s decisions only about 75% of the time.

The Text Retrieval Conference (TREC), a project co-sponsored by the National Institute for Standards and Technology and the U.S. Department of Defense, conducts comparative research on text retrieval technologies. In 2008, the TREC Legal Track assembled volunteer research teams consisting primarily of second- and third-year law students, augmented by recent law school graduates, experienced paralegals, and litigation specialists. Each reviewer assessed the relevance or non-relevance of 500 documents, at an average rate of approximately 21.5 documents per hour. In 2006 and 2007, other reviewers had judged the relevance or non-relevance of samples of the same documents. The reviewers agreed on relevance decisions only 71.3% of the time. See Oard, Hedin, et al., 2009; Tomlinson, Oard, et al., 2008; Baron, Lewis & Oard, 2007.

Other studies have found comparable levels of agreement. The Electronic Discovery Institute (EDI), a non-profit research institution that studies human and technology-assisted document review, assessed a four-month review of 1.6 million documents by attorneys for Verizon. Two new teams of attorneys conducted independent reviews of a sample set of 5,000 documents. The teams agreed on relevance decisions only 70% to 76% of the time. See Roitblat, Kershaw & Oot, *Document Categorization in Legal Electronic Discovery: Computer Classification vs. Manual Review*, J. AM. SOC. INFO. SCIENCE & TECH. 61(1):70-80, January 2010; see also Barnett, et al., *Machine Learning Classification for Document Review*, XEROX RESEARCH CENTER EUROPE/XEROX LITIGATION SERVICES, 2009.

Although differences in the background and experience of reviewers, as well as extrinsic and random factors (for example, inattention, distraction, fatigue, or illness) can produce variations in accurate decision-making about the relevance [REDACTED] of information, other primary factors include the nature of language; reviewer workload; the size and pace of information collection; the complexity of the information under



review; the [redacted] [identification] requirements; the available information review and management tools; the available computer technology and infrastructure; training; and the availability of managed quality control.

#### **E. The Language Barrier**

The inherent ambiguity of language and the presence of jargon, idiom, foreign languages, and code challenge even the most capable reviewers and search technologies. A classic study measured the accuracy of attorneys and other experienced review professionals in conducting computer-assisted searches of 40,000 documents in order to determine their relevance or non-relevance to a train accident. See Blair & Maron, *An Evaluation of Retrieval Effectiveness for a Full-Text Document-Retrieval System*, 28 COMM. ACM 289 (1985). Although the reviewers estimated that their search methodology had identified more than 75% of the relevant documents, they located only about 20%.

The disparity resulted from the myriad of ways in which the documents used the English language; for example, describing the accident as an “incident,” “disaster,” “event,” “situation,” “problem,” and “difficulty.” The study concluded: “It is impossibly difficult for users to predict the exact words, word combinations, and phrases that are used by all (or most) relevant documents and only (or primarily) by those documents.” Blair & Maron, at 295.

The potential involvement of foreign languages only exacerbates the challenges for FBI reviewers. Because of Aulaqi’s U.S. origin and celebrity as an English-speaking imam, the [redacted] communications at issue are almost entirely in English, with occasional Arabic salutations, references, and quotations from the Quran. As a result, these communications did not confront reviewers with an ongoing need for translation services, which can delay access to products and complicate searches.<sup>8/</sup>

#### **F. The “Trip Wire”**

The Aulaqi [investigation] [redacted] also served as an occasional “trip wire” for identifying [redacted] persons of potential interest [redacted]. When SD-Agent or SD-Analyst identified such a person, their typical first step was to search DWS-EDMS and other FBI databases for additional information [redacted]. If the [redacted] [person] was a U.S. Person or located in the U.S., SD-Agent might set a lead to the relevant FBI Field Office. If the information was believed valuable to the greater intelligence community and met one of the FBI’s intelligence-collection requirements, SD-Analyst would disseminate it outside the FBI in an IIR. Indeed, section 1.7 of the FBI Intelligence Policy Manual requires dissemination of intelligence that has the potential to protect the U.S. against threats to national security or improve the effectiveness of law enforcement. See FBI Intelligence Information Report Handbook § 4.1.2; *Privacy Impact Statement for the FBI*, FBI Intelligence Information Report Dissemination Systems (FIDS) § 1.1 (July 2, 2010).

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<sup>8/</sup> We heard anecdotal evidence of a lack of sufficient human translation resources. [redacted] [redacted] Although developers have achieved remarkable advances in auto-translation, computers are not yet adequate substitutes for translators.

## Chapter 6

### The FBI's Assessment of Nidal Malik Hasan

#### A. San Diego: December 17, 2008 – January 7, 2009

On December 17, 2008, Nidal Hasan tripped the wire. He visited [www.anwar-alawlaki.com](http://www.anwar-alawlaki.com). Using the website's "Contact the Sheikh" tool, he wrote a message to Aulaqi that included a personal email address, [NidalHasan@aol.com](mailto:NidalHasan@aol.com). The website transferred that message by email to [al\\_aulaqi@yahoo.com](mailto:al_aulaqi@yahoo.com). [REDACTED] [The FBI acquired the] email and uploaded it to DWS.

[REDACTED] SD-Analyst reviewed Hasan's message to Aulaqi, which read:

Nidal Hasan wrote:

Assalam Alaikum Wa Rhahmutallahı Wa Barakatu,

There are many soldiers in the us armed forces that have converted to Islam while in the service. There are also many Muslims who join the armed forces for a myriad of different reasons.

Some appear to have internal conflicts and have even killed or tried to kill other us soldiers in the name of Islam i.e. Hasan Akbar, etc. Others feel that there is no conflict.

Previous Fatwas seem vague and not very definitive.

Can you make some general comments about Muslims in the u.s. military.

Would you consider someone like Hasan Akbar or other soldiers that have committed such acts with the goal of helping Muslims/Islam (Lets just assume this for now) fighting Jihad and if they did die would you consider them shaheeds.

I realize that these are difficult questions but you seem to be one of the only ones that has lived in the u.s. has a good understanding of the the Qur'an and Sunna and is not afraid of being direct.

Jazaka'Allah Khair.

This message and most of the messages and emails that followed contain misspellings and other typographical errors. We present all texts in their original form, without corrections.

SD-Analyst brought the message to SD-Agent's attention. SD-Agent [REDACTED] [identified] the email as a "Product of Interest." He traced the IP address to Reston, Virginia. (An IP address is a unique identifier assigned to a Transmission Control Protocol/Internet Protocol (TCP/IP) host – for example, a computer or mobile phone – when it connects to the Internet or a network. In theory, tracing ("resolving") an IP address should identify the Internet Service

Provider for, and geographic location of, the computer or other device used to send or receive an email or to visit a website.)<sup>9/</sup>

Because the message referenced the U.S. military and its IP address resolved to Northern Virginia, SD-Agent contacted DoD representatives on the San Diego JTTF to help assess the communication. He emailed the message to three Task Force Officers (TFOs): Naval Criminal Investigative Service (NCIS) Special Agent SD-TFO1 and NCIS Intelligence Analyst SD-TFO2, who served on CT-3; and DCIS Special Agent SD-TFO3, who served on another counterterrorism squad. SD-Agent's email included the full text of Hasan's message and noted:

Here's another e-mail sent to Aulaqi by a guy who appears to be interested in the military. The header information suggests that his name is "Nidal Hasan", but that might not be true. The IP address resolves to Reston, VA. Here's the full text of the message:

...

Can we check to see if this guy is a military member? Also, I would like your input, from the military standpoint, on whether or not this should be disseminated further. Thanks,

SD-TFO3 joined the San Diego JTTF in 2008. He did not know that DWS-EDMS existed until after the shootings. At that time, he learned that less than half of his squad – including Agents, Analysts, and TFOs – had ever heard of DWS-EDMS. He received training on the system in January 2010. As of the date of our interview in 2011, he had not had an investigative need to request access.

SD-TFO1 joined the San Diego JTTF in 2008. He knew about DWS, but at that time, a common practice was to ask IAs with DWS access to search [REDACTED] [information from acquired communications]. He received access to DWS-EDMS in December 2009 and received mandatory training in 2010.

SD-TFO2 joined the San Diego JTTF full-time in 2006; she received training on DWS-EDMS in April 2009, but did not have access until December 2009.

SD-TFO3 searched for "Nidal Hasan" in the Defense Employee Interactive Data System (DEIDS) and other DoD databases, without success. On December 19, 2008, he advised SD-Agent that Hasan was not a member of the military.

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<sup>9/</sup> The FBI uses IP addresses as a guidance tool, not an identifier. IP resolution is an imprecise and often meaningless inquiry. Unrelated persons could be assigned the same IP address at different times during the day on different computers, notably when using public hubs (for example, an Internet café or coffee shop) or if their service provider uses dynamic IP allocation, which assigns IP addresses temporarily and changes them each time a customer logs on. Moreover, knowledge that IP addresses leave a digital footprint has led [REDACTED] [wrongdoers] (notably child pornographers) to use anonymizers and other techniques or tools to thwart IP address searches.

On January 1, 2009, Hasan sent a second message to Aulahi through the website. ■

■ SD-Analyst and SD-Agent reviewed that message. Its full text read:

Nidal Hasan wrote:

Assalam Alaikum Wa-RhamatuAllahu Wa-Barakatu,

Imam, It seems as though Iran is the only government that is not afraid to openly voice its discontent in a straight forward and firm way. I am curious about your opinion in regards to Israeli catalzing unity [sic] among all Muslims regardless of specific religious difference. Additionally, is it better for Muslims to say I am just Muslim and not Sunni or shia which seems to divide us.

Jazak-Allah Khair.

SD-Agent ■ [identified] this message as "Not a Product of Interest."

On January 7, 2009, SD-TFO2 emailed SD-Agent:

[SD-Agent],

Though [SD-TFO3]'s research indicates that Nidal is not a military member, I still think this would make a good [Intelligence Information Report]. There might be other information out there that links him to the military in some way. ■

Please let me know if it goes out in an IIR. I'll see if my HQ can eval it.

[SD-TFO3]-did you check to see what other Hasan's are in the military?

■ If not, I can have our guy run just the last name.

[The redacted portion involves classified and sensitive FBI investigative information.]

Later that day, after additional checks in DEIDS and other databases, SD-TFO3 located an active duty U.S. Army officer named Nidal Malik Hasan assigned to Walter Reed Army Medical Center in Washington, D.C. He informed SD-Agent of Hasan's probable identity and gave him a print-out of the DEIDS record. The DEIDS record abbreviated "Commissioned Officer" as "Comm Officer" SD-TFO3 misinterpreted the abbreviation to mean "Communications Officer."

SD-Agent searched DWS to determine whether Aulahi had responded to Hasan's December 17, 2008, message. He had not. However, the search returned Hasan's January 1, 2009, message. SD-Analyst traced its IP address to Washington, D.C. (SD-Agent performed a "participant" search of DWS, rather than a full text search; otherwise, DWS would not have found the second message.)

SD-Agent and SD-Analyst discussed issuing an IIR about Hasan's messages. Given his understanding that Hasan could be a Communications Officer, SD-Agent feared that Hasan might have access to IIRs and thus could learn about the Aulaqi [investigation.] [REDACTED] SD-Agent decided not to issue an IIR.

SD-Agent prepared, and SD-SSA approved, an Electronic Communication (EC) setting two leads.

A lead is "a request for investigation to assist in bringing a case to a logical conclusion." Manual of Administrative Operations and Procedures (MAOP) § 10.2.9(1). Then-existing FBI policies identified three types of leads: Action Required, Discretionary Action, and Information Only. "Action Required leads are used if the sending office requires the receiving office to take some type of action.... Discretionary Action leads are used if the sending office has some information that may be of importance to the receiving office. These leads may or may not require action by the recipient, and the recipient will decide what, if any, action to take.... Information Only leads are used for information only and when no specific action is required or necessary." MAOP § 10.2.9(1)(a)-(c).

The Manual of Investigative Operations and Guidelines (MIOG), Part II, § 16-1.4(2) also required the originator of a lead to assign "precedence designators" to each addressee. These designators specified the desired speed of response: Immediate, Priority, or Routine. The Manual instructs the originator of a lead to:

- (b) Use the Immediate designator when addressee(s) must take prompt action or have an urgent need for the information....
- (c) Use the Priority designator when addressee(s) must have the information or take action within 24 hours....
- (d) Use the Routine designator when addressee(s) must have the information in the normal course of business.

SD-Agent had set prior "trip wire" leads to other JTTFs from the Aulaqi [investigation] [REDACTED]. Each had been a Routine Discretionary Action lead.

San Diego's EC (inadvertently dated January 7, 2008, rather than 2009) set a Routine Discretionary Action lead to the Washington, D.C., Field Office (WFO) because Nidal Malik Hasan appeared to be living or working in its Area of Responsibility. San Diego set the lead "For action deemed appropriate. San Diego requests that WFO notify San Diego if any action is taken based on this information."

The EC provided basic information about Aulaqi and San Diego's investigation, then set forth the complete text of Hasan's two messages and advised that Aulaqi had not responded. The EC described Hasan's possible military status and provided his home address and telephone number. The EC concluded:

While email contact with Aulaqi does not necessarily indicate participation in terrorist-related matters, Aulaqi's reputation,

background, and anti-U.S. sentiments are well known [REDACTED]. Although the content of these messages was not overtly nefarious, this type of contact with Aulaqi would be of concern if the writer is actually the individual identified above.

[The redacted portion involves classified and sensitive FBI investigative information.]

SD-Agent emailed copies of the lead to SD-TFO1, SD-TFO2, and SD-TFO3.

Under written FBI policy, “the recipient will decide what, if any, action to take” on a Discretionary Action lead. MAOP § 10.2.9(1)(a)-(c). SD-Agent expected WFO to take investigative action, including, at the least, contacting DoD and conducting an interview of Hasan, presumably using a pretext. However, San Diego’s principal target was Aulaqi, and SD-Agent did not view the Hasan information as important to, or something that would further, the Aulaqi investigation. He did not plan to monitor the lead or follow WFO’s actions, if any, in response.

The EC also set an Information Only lead to a Headquarters unit – International Terrorism Operations Section (ITOS) 1, Continental United States (CONUS) 6 – to “read and clear” the EC. ITOS 1 supports, coordinates, and oversees all FBI CONUS-based international terrorism investigations. CONUS 6 is the ITOS 1 unit with regional responsibility for overseeing intelligence collection and investigative efforts by the San Diego JTTF. ITOS1-SSA, ITOS1-Analyst, and ITOS1-Agent received the EC at ITOS 1, CONUS 6. SD-Agent’s cover email to these personnel stated:

This one is for WFO. The individual is likely an Army communications officer stationed at Walter Reed. I would recommend that this not be disseminated as an IIR, since he may have access to message traffic. If this needs to get to the military, WFO might have to do it internally.

Because the available information did not decisively define a terrorism-related threat – and because San Diego set the lead as part of an ongoing investigation – Guardian policy did not require San Diego to create a Guardian incident.

SD-SSA left San Diego in January 2009 to become Assistant Special Agent in Charge (ASAC) [of another FBI office] [REDACTED]. SD-Agent became the acting Supervisory Special Agent for CT-3 on or about January 19, 2009, and held that position until mid-July 2009. His supervisor in that position was the Counterterrorism ASAC of the San Diego Field Office.

#### **B. Washington, D.C.: January 7, 2009 – February 25, 2009**

The Counterterrorism Division in the Washington Field Office includes several FBI-only counterterrorism squads, as well as the Washington, D.C., JTTF (WFO). In 2009, the JTTF at WFO consisted of four squads, each led by an FBI Supervisory Special Agent (SSA): an International Terrorism squad (CT-1), a Guardian squad, a Domestic Terrorism squad, and the

National Capital Response squad. CT-1 consisted of 12 FBI Special Agents, 10 TFOs, one IA, and its SSA, WFO-SSA.

No FBI written policy specifies which office has ultimate responsibility for inter-office leads. In practice, the receiving office owns the lead. That office is responsible for conducting an assessment/investigation in response to the lead and determining what, if any, additional investigative steps are warranted. As a matter of practice, WFO thus owned the Hasan lead and bore ultimate responsibility for its outcome.

SD-Agent set the lead to WFO CT-1 on January 7, 2009. The FBI has no written policy on when the receiving office should assign a lead set by EC. (In comparison, FBI policy requires that supervisors assign Guardian-based assessments within five business days of receipt.)

WFO-SSA did not review and assign San Diego's lead until nearly two months later, on or about February 25, 2009. The delay may have been caused, in part, by WFO's focus on imminent threats relating to the election and inauguration of President Barack Obama.

According to FBI statistics, WFO CT-1 covered [REDACTED] leads in 2009 – on average, [REDACTED] leads per squad member.

**C. San Diego: January 7, 2009 – February 25, 2009**

Between January 7, 2009, and February 25, 2009, [SD-Agent and SD-Analyst reviewed at least 3,000 electronic documents in the Aulaqi investigation.] [REDACTED] Hasan sent six [messages to Aulaqi] [REDACTED]. Aulaqi responded to Hasan twice. SD-Agent and SD-Analyst were the only FBI personnel who reviewed these emails. They did not associate these messages with Hasan's initial messages or the lead.

At the time San Diego set the Hasan lead, DWS had no [REDACTED] [REDACTED] [capability for tracking and correlating certain email data. A new message could be linked with an earlier message only through memory, notes, or by actively searching the system] (see Part Two, Chapter 11).

Because of these shortcomings, Agents, Analysts, and TFOs had to track [and correlate certain email data] [REDACTED] outside of the system. SD-Agent relied primarily on memory and notes for this purpose. SD-Analyst used an Excel spreadsheet. He did not add Nidal Hasan or NidalHasan@aol.com to his spreadsheet. (Although SD-Analyst also used Favorites to track email addresses of interest, those functionalities were not available until well after San Diego set the Hasan lead.)

On January 16, 2009, Hasan sent his third message to Aulaqi through the website application:

Nidal Hasan wrote:

Asalaum Alaikum, Please comment if my flow of logic is correct.  
JazakAllah Khair,

Is it Permissible to Fire Unguided Rockets into Israel  
There is no question that firing unguided rockets into Israel has the potential of indiscriminately killing civilians. The real question is why Hamas would do such a thing. Can one envision a scenario where it would be acceptable to so. Well, what if Israel was and continues to indiscriminately kill and hurt civilians and commit other atrocities in the Gaza territory to serve their expansionary ambitions. One can then begin to at least understand why the Palestinians would do such a thing. In fact it is probably one of the only things they can do to in an attempt to avenge themselves and repulse the enemy.

Realistically it's akin to a mosquito attacking a man i.e. it's uncomfortable and annoying but not a real threat. One may consider the firing of missiles into Israel a transgression in the eye of Allah (SWT) because of its indiscriminate nature. However, if one recalls the verse about the permissibility of transgressing albeit a different scenario I believe it still applies. Verse 2:194 states ""The sacred mont. is for the sacred month, and for the prohibited things, there is the Law of Equality (Qisas). Then whoever transgresses the prohibition against you, you transgress likewise against him. And fear Allah (SWT), and know that Allah (SWT) is with Al-Muttaqun. Other verses that seem to apply include the following.

1. And those who when an oppressive wrong is inflicted on them(are not cowed but)help and defend themselves. (42:39)
2. The recompense for an injury is an injury equal thereto (in degree): but if a person forgives and makes reconciliation his reward is due from Allah: for (Allah) loveth not those who do wrong. (42:40).
3. But indeed if any do help and defend themselves after a wrong (done) to them against such there is no cause of blame (42:41).
4. The blame is only against those who oppress men with wrongdoing and insolently transgress beyond bounds through the land defying right and justice: for such there will be a Penalty grievous. (42:42)

Aulaqi did not respond. Two days later, on January 18, 2009, Hasan sent a lengthier message discussing how the Western world views Hamas.

Nidal Hasan wrote:

Assalum Alaikum Sheikh Awlaki,

I know your busy but please comment if the logic of this piece is accurate. am a novice at this and would like reassurance.



May Allah (SWT) reward you.

Hamas is a democratically elected Islamic organization that is trying to establish the law of God in their land. That is why they, as well as other Islamic countries are hated by the West. The Muslims should know that Hamas and other sprouting Islamic states will make mistakes and is not going to be perfect in the implementation of Shariah. The west will be sure to point these deficiencies out. However, the believers have mercy on the believers and are firm against the non-believers. Not the other way around. How is it that Israel and the U.S. can get away with so much in the way of the mischief that they create on the earth but if any Islamic group makes an error, they are ripped apart by the enemies of Islam, some of which call themselves Muslim. With that said, Hamas should be given the benefit of the doubt if any doubt exists in regards to their strategy of rocket firings in an attempt to repel the enemy. To the rest of the Muslim world the believers ask, how is it that while the weak and the oppressed men, women and children in Gaza are pleading: "Our Lord, rescue us from the people of this tyrannous country, and appoint for us a protector from you, and appoint to us, a helper from you, that no one comes to help. Where are the Muslims? So unlike those Islamic states that seem to be choked up when an oppressive wrong is inflicted on the Muslims, Hamas helps and defends its own Muslim people. The Palestinians have sanction to fight because they have been wronged and have been driven from their homes unjustly just because they are endeavoring to be a God abiding state and won't submit to the enemy. And although they have full right to implement the concept of an "eye for an eye" or "injury for injury" and punish the Israelis with the like of that wherewith they are being punished, in reality Hamas seems to be more similar to mosquitoes bothering a camper on a hot summer day. More of a nuisance than an actual threat as measured by the number of casualties and damage those rockets have produced. Even if the Palestinians did forgive and forget the atrocities of the unjust killings of innocent men, women, and children, Israel would continue its transgressing oppression. Hamas and other Islamic countries believe death is better than oppression and do not to fear the blame of the blamers. The blame is only against those Zionists who oppress men with wrong-doing and insolently transgress beyond bounds through the land defying truth and justice and will be held accountable. Hamas, after mutual consultation among their fellow Muslims, seeks to make ready against the Israelis what ever force and war mounts they can muster, so that they may strike terror into the hearts of their enemies and the enemy of God. Even if all that amounts to is annoying rockets that render no real damage. Their goal is to be left alone, which can only be done by ridding themselves of Israeli aggression, blockades, and oppression. Again, the Palestinians could forgive the Zionist regimen but that wouldn't stop the oppression and is thus a mute point. On top of that, the Western world makes clear that it does not want Islamic rule to prevail. Again~ they make that quite clear; not only in their own lands but in the lands of the Muslims as witnessed by their mighty plotting around the world. So in the case of Israelis reckless aggression that costs the lives of innocent women,

children, and men, the law of retribution applies. It' 's a matter of survival. If a country used a nuclear weapons on a country with the intent of destroying it, it would reciprocate in a similar manner hoping it would survive. Hamas and the Muslims hate to hurt the innocent but they have no choice if their going to have a chance to survive, flourish, and deter the zionist enemy. The recompense for an evil is an evil. So, to claim that these rocket attacks go against the spirit of Islam is false. The blame is only against those who oppress men wrongly and insolently transgress beyond bounds through the land defying truth and justice. When the enemies of Allah (SWT) tried to use the Islamic teachings against prophet Muhammad (SAWS) he uprooted those palms trees and defeated them. Even if Hamas and other budding Islamic nations do not make sound decisions at times one would expect Allah (SWT) to forgive them based on their intentions to please him by establishing and defending a country that envisions obedience to Allah (SWT). A good example of this is when an expedition to attack the Meccan caravan during a holy month was made by mistake, Allah (SWT) revealed that is was a grave sin but he not only forgave them but rewarded them further stating that disbelieving in him (SWT) was an even greater sin as a warning to the non believers. Again, Hamas and other Islamic nations use different strategies to defend their land. As they mature through this difficult process they need support from the believers and expect Muslims to suspend their critical judgment and make prayers to Allah (SWT) to help them.

Aulaqi did not respond. SD-Agent [redacted] [identified each email as] "Not a Product of Interest" because they contained [redacted]

On February 16, 2009, Hasan again wrote to Aulaqi using the website application:

Nidal Hasan wrote:

Please have alternative to donate to your web site. For example, checks/money orders may be sent to .

This can assure privacy for some who are concerned.

Jazaka-Allah-Khair

About a minute later, Hasan sent a second, similar message:

Nidal Hasan wrote:

Assalum Alaikum Wa-RhamatuAllāhi Wa-Barakatu,

Please have alternative methods to donate to your web site. For example, checks/money orders may be sent to .

This can assure privacy for some who are concerned and maximize the amount given.

Jazaka-Allah-Khair

About twenty minutes later, Hasan sent a third message to Aulaqi, this time about a \$5,000 scholarship:

Nidal Hasan wrote:

Assalum Alaikum Wa-RhamatuAllahu Wa-Barakatahu Imam,

InshAllah, A \$5,000.00 scholarship prize is being awarded for the best essay/piece entitled "Why is Anwar Al Awlaki a great activist and leader".

We would be honored if you would award the prize. If you have any questions, concerns, or potential modifications, please e-mail me.

Advertisement will be posted in the Muslim link, in the March 2009 issue.

Jazakallah Khair, ViR Nidal PS-We met briefly a very long time ago when you were the Imam at Dar al Hijra. I doubt if you remember me. In any case I have since graduated medical school and finished residency training.

SD-Analyst reviewed all three messages [redacted] and [identified] them "Not a Product of Interest." [redacted] [The next day] SD-Agent changed the [redacted] [identification] on the third message to "Product of Interest."

On February 19, 2009, Aulaqi responded for the first time to Hasan. He sent an email to NidalHasan@aol.com, the address included in Hasan's messages:

Assalamu alaykum Br Nidal,

I pray this message reaches you at the best state of emaan and health. Jazakum Allahu khairan for thinking good of me. I don't travel so I wont be able to physically award the prize and I am too "embarrassed" for a lack of the better word to award it anyway.

May Allah assist you in your efforts.

Assalamu alaykum  
Your Brother  
Anwar Awlaki

Aulaqi sent the email using the address al\_aulaqi@yahoo.com. Later that day, Hasan replied to that address:

Al-Hamdu-leelah,

It's nice to hear your voice even if its email.

Unfortunately, when I sent the e-mail to you everyone was giving me the green light with tentative reassurances. Everything was in the process to launch the essay contest in time for the upcoming

issue of the Muslim link. Now, obstacles have been placed by Muslims in the community that are petrified by potential repercussions. Allah willing everything will work out in such a way that pleases Allah (SWT). You have a very huge following but even among those there seems to be a large majority that are paralyzed by fear of losing some aspect of dunya. They would prefer to keep their admiration for you in their hearts. In any case, my personal experiences have taught me that if you align yourself to close to Allah (SWT) you will likely not have many friends but plenty of hardships. Even the Prophets use to say when is the help of Allah (SWT) coming. May Allah (SWT) elevate those that please him and render useless the efforts of those that displease him; and ensure that we both are those that please him.....ameen.

PS: If you need any assistance, Allah willing I will be able to help. I believe my biggest strength is my financial situation. Of course, and this goes without saying, that everything should be legal and in accordance with the u.s. Law and Allah (SWT) knows best and is the best disposer of affairs and ultimately decides between truth and falsehood. InshaAllah, Allah (SWT) forgives us for our short coming, forbids are body from touching the Hell-Fire, allows plenty of shade on the day of reckoning, and hastens our entrance into Jannah where we will see each other (in Jannah) sipping on non-intoxicating wine in reclined thrones and in absolute and unending happiness. PS: I'm looking for a wife that is willing to strive with me to please Allah (SWT). I will strongly consider a recommendation coming from you.

Jazaka-Allah-Khair, Sincerely, Nidal Hasan SoA(SWT), MD, MPH

SD-Agent reviewed both messages [REDACTED] and [identified] them "Not a Product of Interest."

**On February 22, 2009, Aulaqi again emailed Hasan:**

Assalamu alaykum Br Nidal,  
Believe it or not I kind of felt that the contest would end up running into red tape. People in that part of the world are becoming very timid and it doesn't look it's getting any better. Thanks for the offer for help. Well it is needed but I just don't know how to do it. There are poor people, orphans, widows, dawa projects, and the list goes on. So if you have any ideas on how to get help across and in accordance to law in a climate that is strict to start with please let me know.  
Tell more about yourself. I will keep an eye for a sister.

Assalamu alaykum  
Anwar

**Hasan replied by email that day:**

Alaykum salam wa-rhamatullallahı wa-barakatu,

I will keep trying. If Allah (SWT) wants something to occur no one can stop it. My job is to put the effort and have patience. Your various works force the controversial issues to surface and be addressed. If there is going to be a resolution between Islam and the West the difficult issues have to be brought up.? I think this is important. It may take many generations before people realize the gift that Allah (SWT) has given them through your work. But, I see the value now and don't have to wait for your death.

In regards to pleasing Allah (SWT) I, with his mercy, am already involved in giving to the poor, orphans, widows and dawa projects. They are usually connected with the Muslim Community Center in Silver Spring MD but I do alot of work by myself because of the rigid criteria they have for giving to the poor and needy. Whether its time or money I truly believe Allah (SWT)? gives it all back and more. My goal is Jannat Firdaus and I praise and thank Allah (SWT) for giving be the ability to strive, to see the truth, to beg for his forgiveness, and ask for his guidance. If people truly understood the peace they could have by really believing that Allah (SWT) is in control and that he is just testing to see who is the best amongs us, it would be alot' easier to see throught Shaitans promises of poverty and destruction.? I want to be with those who are the best. Imam, if you have any specific projects that you feel are important to get on their feet let me know. I will read up on them and Inshallah I will please Allah (SWT). In regards to a sister for marriage. My name is Nidal Hasan. If you google "CSTS and Nidal Hasan" you will see a picture of me. I currently reside in Silver Sping MD; 301-547-1599. I was born and raised in the U.S .. Both, of my parents are from Palestine but have both passed away (yaAllah-arhamhum). I joined the U.S. military at age 17 as an infantryman. I subsequently received a BS in Biocehmistry, Degree in medicine with residency training in psychiatry, and am just finishing up my fellowship training in Disaster and Preventive Psychiatry. During my workig career I have been a bus boy, a dishwasher, a cook, a cashier, a lab technician, a researcher, and entrepreneur. Allah (SWT) lifted the veil from my eyes about 8-9 years ago and I have been striving for Jannat Firdaus ever since. I hope, Inshallah, my endeavor will be realized. If you know someone that you feel that will be compatible and complement my endeavors to please Allah (SWT) please let me know.

Assalum Alaykum,  
Nidal

SD-Analyst reviewed these two messages [redacted] [and identified] each of them "Not a Product of Interest."

Aulaqi sent no further personal email messages to Hasan.

**D. Washington, D.C.: February 25 – 26, 2009**

FBI Supervisory Special Agent WFO-SSA supervised CT-1, a [REDACTED] squad in the WFO JTTF. On or about February 25, 2009, he read San Diego's Discretionary Action lead on Hasan. Because Hasan was apparently in the U.S. military, WFO-SSA sent an EC on February 25, 2009, assigning the lead to WFO-TFO, a DCIS Special Agent who had joined the WFO JTTF in 2007. WFO-SSA also placed a paper copy of the lead on WFO-TFO's office chair.

WFO-SSA instructed WFO-TFO to conduct an "assessment." He gave him no other instructions. He did not impose a deadline. He expected WFO-TFO to take action within a reasonable time.

At that time, no written FBI policy set a deadline for completing work on Routine leads. Because FBI supervisors reviewed work assignments at quarterly file reviews, informal FBI policy required work on Routine leads to be completed within ninety days. (By comparison, FBI written policy requires that "[e]very attempt must be made to 'mitigate' Guardian incidents within the first 30 days" after assignment. [REDACTED] [FBI policy number redacted])

On May 27, 2009, the ninetieth day after the lead was assigned, WFO-TFO read the lead. During the ninety days between February 25 and May 27, 2009, Hasan communicated with Aulaqi five more times.

**E. San Diego: February 25, 2009 – May 27, 2009**

On February 28, 2009, Hasan sent Aulaqi an email attaching a document titled "Public Opinion in the Islamic World on Terrorism, al Qaeda, and U.S. Policies," and dated February 25, 2009. Hasan wrote:

Assalam Alaikum Wa-Rhamatu-Allahi Wa-Barakatu,

This well done survey sponsored by the U.S. government through the University of Maryland shows that most Muslims feel that US is trying to undermine Islam. It substantiates an earlier study it did as well as other studies by other organizations. I think you will find it interesting. V/R Nidal

Aulaqi did not respond. [REDACTED] [SD-Agent identified] this email as "Not a Product of Interest." That day, Hasan sent Aulaqi a link to a news article about Imam Yayha Hendi of the Islamic Society of Frederick, Maryland. Hasan wrote:

FYI:? He is well known in the Greater Washington Area and serves the U.S. military as Imam for the Bethesda medical center. ?A true vision of what the government views as a good role model for all Muslims.

<http://your4state.com/content/fulltext/?cid=53341>

SD-Agent [redacted] [identified] this email as a "Product of Interest." [redacted]  
[redacted] [He also identified] it "Reasonably Appears to be Foreign Intelligence"  
because he initially believed that [redacted].

On March 3, 2009, Hasan emailed Aulaqi

Assalam Alaikum Wa-Rhamatu-Allah! Wa-Barakatu Anwar,  
Please tell me the full amount that you would need to secure the  
domain fee, etc for the time period specified. I have already  
sent a previous request asking that different payment methods be  
used so that the full amount goes to your website and no one gets  
a cut. If you don't have an alternative and don't intend to get  
one please let me know and I can send it through PayPal.  
Jazakallah Khair,  
Nidal

Aulaqi did not respond. SD-Analyst [redacted] [identified] this email as a "Product of  
Interest," but "Non-Pertinent." [redacted]

On March 7, 2009, Hasan wrote Aulaqi again:

I know your busy. Please keep me in your rolodex in case you find  
me useful and feel free to call me collect. I ask Allah (SWT) to  
honor those that please him in this life and the next and to  
render the efforts useless of those who strive against the most  
Gracious. InshAllah we will see each other later.

PS: I really enjoyed the story about the brave person who stated  
"I dont fear any man" but Prophet Muhamad (SAW) said you will  
tremble when you see this man and when he saw the man he indeed  
trembled.

JazakAllah Khair, Nidal Hasan, MD, MPH  
9304 Cedar Lane  
Bethesda Maryland  
20814 (301) 547-1599

Aulaqi did not respond SD-Analyst [redacted] [identified] this email as "Reasonably  
Appears to be Foreign Intelligence" because [redacted]

Almost two months passed before Hasan wrote to Aulaqi again.

On May 17, 2009, the U.S. Army promoted Hasan from Captain to Major.

On May 25, 2009, Hasan visited Aulaqi's website and posted a new message, which the  
website automatically forwarded to al\_aulaqi@yahoo.com. We do not know why Hasan used  
the website instead of the email address Aulaqi had disclosed to him. By that time, the website  
had been updated, and the messages were rendered in a different format when emailed. The  
message read:

Your name: Nidal Hasan  
Email: NidalHasan@aol.com

Message:

Brother Anwar don't fear the blame of the blamers'

When I read this verse (below) I think of you. Most of us have turned back for fear or the for zina of this life. We have thus suspended our critical Judgment for a small price.

Allah (SWT) makes it clear that most wont believe and of those that do; the ones who struggle for his cause are greater in his sight then those who sit back and pray.

O you who believe! Whoever from among you turns back from his religion (Islīq), Allīq will bring a people ([like Anwar Al Awalaki] whom He will love and they will love Him; humble towards the believers, stern towards the disbelievers, fighting in the Way of Allīq, and never fear of the blame of the blamers. That is the Grace of Allīq which He bestows on whom He wills. And Allīq is AllSufficient for His creatures' needs, All-Knower.

Your Brother Nidal

Aulaqi did not respond. [REDACTED] SD-Analyst [identified] this email as "Not Pertinent" and "Not a Product of Interest "

**F. Washington, D.C.: May 27, 2009**

On February 25, 2009, WFO-SSA had assigned the Hasan lead to WFO-TFO and asked him to perform an assessment. Under informal FBI policy, Routine leads were to be closed or transformed into a case within ninety days. On May 27, 2009 – ninety days after WFO-SSA assigned the lead – WFO-TFO read it.

WFO-TFO noticed San Diego's misinterpretation of the DEIDS notation "Comm Officer." WFO-TFO had known others to interpret that notation to mean Communications Officer.

WFO-TFO searched DEIDS to confirm the military status and duty location of Nidal Malik Hasan. He searched the DoD Joint Personnel Adjudication System and learned that Hasan had a Secret clearance and had recently passed a clearance re-investigation. WFO-TFO searched the FBI Telephone Applications database and found no links between the telephone number shown in Hasan's DEIDS report and any "target" numbers. WFO-TFO's search of the FBI's Automated Case Support (ACS) system using Hasan's email address returned only San Diego's EC.

WFO-TFO did not search DWS-EDMS, IDW, or DaLAS. Although he was a member of a [REDACTED] counterterrorism squad, he says he did not know that DWS-EDMS existed. He believes that no one at WFO CT-1 other than an Intelligence Analyst, WFO-Analyst, had access to DWS-EDMS until after the Fort Hood shootings. He had previously reviewed [REDACTED] [FBI-acquired communications], but only in ACS.



WFO-TFO contacted DoD-Analyst, a non-JTTF DCIS Intelligence Analyst based in Arlington, Virginia. He asked DoD-Analyst to obtain records on Hasan from the Defense Manpower Personnel Center in Monterey, California. She emailed the records to him.

WFO-TFO had limited access to DoD personnel files. The files he could review, which DoD-Analyst provided to him, consisted of Hasan's Electronic Personnel File, which totaled approximately 65 pages. The file included, among other things:

- Academic Evaluation Reports and Academic Transcripts from the Uniformed Services University for Health Sciences dating to 1999;
- Six Officer Evaluation Reports (OERs) covering June 2003 to June 2008; and
- Promotion Orders.

The OERs contained almost uniformly positive evaluations of Hasan by his superior officers. For example, the Department Chair of Psychiatry at Walter Reed wrote that Hasan's research on Islamic beliefs regarding military service during the Global War on Terror "has extraordinary potential to inform national policy and military strategy." There were comments that Hasan deserved promotion. The Promotion Orders showed that Hasan had been promoted from Captain to Major ten days earlier, on May 17, 2009. The only derogatory information that WFO-TFO found was an indication that Hasan had not passed his Army Physical Fitness Test between July 2007 and June 2008.

WFO-TFO did not have access to any files maintained locally by Hasan's command. Those files revealed that the program directors overseeing Hasan during his residency and fellowship at Walter Reed and the Uniformed Services University of the Health Sciences ranked him in the bottom 25 percent. He was placed on probation and remediation and often failed to meet basic job expectations such as attendance at work and being available when he was the physician on call. WFO-TFO also did not have access to a memorandum to the National Capital Consortium's Credentials Committee, dated May 17, 2007, faulting Hasan's professionalism and work ethic, which was leaked to the media in the aftermath of the Fort Hood shootings.

Based on what he read, WFO-TFO believed that Hasan's communications with Aulaqi were relevant to his research on Islam and the military. WFO-TFO decided that Hasan was not involved in terrorist activities. He took no further investigative action.

WFO-TFO then consulted WFO-SSA. WFO-SSA did not ask whether Aulaqi had responded to Hasan's messages or whether there were any further emails between Hasan and Aulaqi. He did ask whether WFO-TFO had checked all of the FBI databases. WFO-TFO said that he had.

WFO-SSA and WFO-TFO discussed whether an interview of Hasan or his supervisor would be appropriate. They believed that any overt investigative steps would do more harm than good. Given the [REDACTED] origin of the information [REDACTED], WFO-SSA and WFO-TFO believed that interviewing Hasan would jeopardize the [Aulaqi investigation.] [REDACTED] They could think of no way to interview Hasan without

disclosing the FBI's access to the messages, [REDACTED] which would harm the prime interest – San Diego's investigation of Aulaqi. Neither WFO-SSA nor WFO-TFO believed a pretext interview of Hasan would be appropriate.

WFO-SSA and WFO-TFO also believed that the "least intrusive means" requirement precluded an interview of Hasan or contact with his superior officers. They knew that an interview is a permissible technique for an assessment. They believed, however, that Hasan's messages were relevant to his research and that an interview of Hasan was unnecessary. WFO-TFO believed that an interview would require notification to Hasan's commanding officer; that the interview would probably be briefed up the Army chain of command; and that this would harm Hasan's career. As a result, WFO-TFO considered an interview highly intrusive.

WFO-SSA agreed with WFO-TFO's conclusions – including the determination that Hasan was not a threat – and believed that no further action was appropriate.

Neither WFO-SSA nor WFO-TFO considered approaching Hasan as a potential confidential human source. In their view, a good source had access to information. The two messages to Aulaqi contained no indication that Hasan could provide useful information.

After these actions and discussion – which took place within the span of four hours on the same day, May 27, 2009 – WFO-TFO wrote and WFO-SSA approved the WFO EC response to the lead. After outlining the information gathered, the WFO response concluded:

Due to [REDACTED] Hasan's email contact with Aulaqi, Hasan was not contacted, nor were his command officials. Given the context of his military/medical research and the content of his, to date, unanswered messages, WFO does not currently assess Hasan to be involved in terrorist activities. WFO will re-assess this matter if additional information is identified.

Although the response stated that WFO had "reviewed FBI and Department of Defense databases and record systems" and that Hasan's messages were "to date, unanswered," WFO had not checked DWS-EDMS, [IDW, and DaLAS] to determine whether this was correct.

WFO sent the response to San Diego, ITOS 1 (CONUS 6 and CONUS 2), and the Baltimore Field Office (because Hasan's home address was located in Baltimore's Area of Responsibility).

**G. San Diego: May 27, 2009 – June 11, 2009**

On May 31, 2009, Hasan visited Aulaqi's website and sent another message to him:

Assalum Alaikum Wa-RhamatuAllahi Wa-Barakatuhu brother Anwar;  
InshAllah Khair,

I heard a speaker defending suicide bombings as permissible and have been using his logic in debates to see how effective it really is.

He contends that suicide is permissible in certain cases. He defines suicide as one who purposely takes his own life but insists that the important issue is your intention.

For example, he reported a recent incident where an American Soldier jumped on a grenade that was thrown at a group of soldiers. In doing so he saved 7 soldiers but killed himself. He consciously made a decision to kill himself but his intention was to save his comrades and indeed he was successful. So, he says this proves that suicide is permissible in this example because he is a hero. Then he compares this to a soldier who sneaks into an enemy camp during dinner and detonates his suicide vest to prevent an attack that is known to be planned the following day. The suicide bomber's intention is to kill numerous soldiers to prevent the attack to save his fellow people the following day. He is successful. His intention was to save his people/fellow soldiers and the strategy was to sacrifice his life.

The logic seems to make sense to me because in the first example he proves that suicide is permissible i.e. most would consider him a hero. I don't want to make this too long but the issue of "collateral damage" where a decision is made to allow the killing of innocents for a valuable target. If the Qur'an states to fight your enemies as they fight you but don't transgress. So, I would assume that a suicide bomber whose aim is to kill enemy soldiers or their helpers but also kill innocents in the process is acceptable. Furthermore, if enemy soldiers are using other tactics that are unethical/unconscionable than those same tactics may be used.

JazakAllah Khair, P.S. We miss hearing from you!

Aulaqi did not respond. [REDACTED] SD-Analyst reviewed this email and [identified] it [REDACTED] "Needs Review." SD-Agent then reviewed the email and [REDACTED] [identified] it "Not a Product of Interest" and "Not Pertinent" because he read it as [REDACTED]

#### **H. San Diego and Washington, D.C.: June 11, 2009 – June 15, 2009**

On or about June 11, 2009, SD-Agent reviewed WFO's response to the lead. He was disappointed. He believed the assessment was "slim." The information about Hasan's personnel files was unhelpful, because personnel files typically contain praise. The reasons for not interviewing Hasan seemed to be weak excuses for not taking additional action.

Despite WFO's offer to "re-assess this matter if additional information is identified," SD-Agent and SD-Analyst did not check DWS-EDMS for additional messages between Hasan and Aulaqi.

SD-Agent showed the response to SD-TFO2 and SD-TFO3. They agreed that the assessment was inadequate. SD-TFO2 found it hard to believe that a DoD representative had written the response. SD-TFO3 found the response so strange that he suspected that Hasan was a confidential source for WFO.

SD-Agent decided to follow-up with WFO. He had taken that step only once before in his career, when another Field Office had failed to take action on a lead SD-Agent knew his FBI counterpart WFO-SSA. Instead of contacting him, SD-Agent put SD-TFO3 in what SD-Agent considered the "uncomfortable position" of asking a fellow DCIS Agent why he did not take further action. SD-Agent took this approach to avoid being, in his words, "the heavy" in dealing with a DCIS Agent in another JTTF. He did not consider bringing the issue to his supervisor, to WFO-SSA, or to anyone at Headquarters.

SD-TFO3 contacted a DCIS program manager to ask for background information on WFO-TFO. The program manager spoke positively about WFO-TFO.

SD-TFO3 called WFO-TFO on June 11, 2009. WFO-TFO said he was unable to talk because he was occupied with a shooting incident at the Holocaust Museum. He said they could talk as soon as he was available.

On the following day, June 12, 2009, SD-TFO3 emailed WFO-TFO. The full text of his message reads:

[WFO-TFO],

We just received your response to our lead on 415F-SD-60934, Subj: Anwar Nasser Aulaqui re: Assessment of Nidal Malik Hasan (a US Army Captain, Medical Doctor, Walter Reed).

The case agent wanted me to follow up on this commenting: The response looks a little slim, i.e. limited probing into this individuals background, no contact w/ command and no interview of Hasan.

We were wondering if we were missing something, i.e. we need to read between the lines (Hasan is a friend of WFO)?

[SD-TFO3], Special Agent  
DCIS San Diego Resident Agency

WFO-TFO discussed the email with WFO-SSA. WFO-SSA did not consider contacting SD-Agent. He left the response to WFO-TFO, and advised him to "be nice" in responding. WFO-TFO sent the following email to SD-TFO3 that afternoon:

[SD-TFO3]: Sorry I couldn't get back to you on a hard line yesterday. I never made it into the JTTF scif as I (along with most everyone else) was pulled to work the Holocaust Museum shooting.

Please note that I looked into HASAN as a result of a discretionary lead, "for action as deemed appropriate." From your email, I assume SD desired a deeper investigation. However, since HASAN's contact with Aulaqi [REDACTED], I did not contact him nor his command officials directly. I did however, determine that HASAN was conducting US Army sponsored research that was online with the questions he sent Aulaqi.

Due to [REDACTED] HASAN's email contact with AULAQI, HASAN was not contacted, nor were his command officials. Given the context of his military/medical research and the content of his, to date unanswered email messages, WFO does not currently assess HASAN to be involved in terrorist activities. WFO will re-assess this matter if additional information is identified.

To my knowledge, HASAN is not a CHS nor "a friend of WFO." If you have additional information regarding HASAN's links to terrorism or request any specific action, please share and we will re-assess. BTW, HASAN lives in Baltimore's AOR but works in WFO's AOR. I copied Baltimore on the response EC.

SD-TFO3 forwarded WFO-TFO's email to SD-Agent, with the following cover message:

[SD-Agent],

RE: E-mail from Hasan to Aulaqi

This will not be a satisfying read. That said, I've asked the question of WFO and here's their answer.

A few days later, on or about June 15, 2009, SD-Agent visited SD-TFO3 to discuss WFO-TFO's email. SD-Agent was upset. He again asked SD-TFO3 to call WFO-TFO to find out why WFO had done nothing further.

According to SD-TFO3, he called WFO-TFO again. SD-TFO3 told him that, upon receiving a lead like this one, San Diego would have conducted, at the least, an interview of the subject. SD-TFO3 recalls that WFO-TFO replied, in effect (paraphrased, not a quotation): "This is not SD, it's DC and WFO doesn't go out and interview every Muslim guy who visits extremist websites. Besides, this guy has a legitimate work related reasons to be going to these sites and engaging these extremists in dialogue. WFO did not assess this guy as a terrorism threat." SD-TFO3 also recalls that WFO-TFO indicated that this subject is "politically sensitive for WFO."

WFO-TFO, on the other hand, does not recall receiving another telephone call from SD-TFO3. The FBI does not have records of SD-TFO3's telephone calls from the San Diego JTTF.

According to FBI written policy, "the receiving office" – here, WFO – "will decide what, if any, action to take" on a Discretionary Action Lead. MAOP § 10.2.9(1)(a)-(c). SD-Agent and SD-TFO3 dropped their inquiries to WFO. They believed they had done all they could do.

#### **I. San Diego: June 16, 2009 – June 17, 2009 and After**

On the next day, June 16, 2009, [REDACTED] Hasan [sent his] final message to Aulaqi. Hasan sent the message via the website. Its full text read:

Assalam Alaikum Wa-RhamatuAllahi Wa-Barakatuhu,

I listened to a lecture that made a parallel between Iblis and the People of the book and was wondering if it was consistent with what the Quran teaches. He basically stated that Allah (SWT)

speaks the truth and should always be obeyed. He told the story of how Allah (SWT) told Adam (AS) to take Shaitan as an enemy and told him to stay away from the tree. Shaitan told Adam that he was his well wisher and the only reason the tree was denied him because it would make him an angel or live forever. So Adam listened to Shaitan and neglected the heedings of his lord. He goes on to say that Allah (SWT) warns us not to take the people of the book as protecting friends (aulia) and the lecturer stated that if we ignore Allah (SWT) like Adam we will have no excuse if we end up in hell fire because of the advice given by the people of the book. He explains that some of the people of the book are sincere in their advice but are ignorant and if you listen to sincere ignorant advice over Allah (SWT) you fall at your own peril. V/R Nidal

SD-Analyst reviewed the email and [REDACTED] [identified] it “Not a Product of Interest” and “Not Pertinent.”

[REDACTED] [By] June 16, 2009, the date of Hasan’s last message, [SD-Agent and SD-Analyst had reviewed more than 20,000 electronic documents as part of the investigation – on average 1,375 per month, or 65 to 70 per work day.] [REDACTED]

The weighty pace of activity on the [Aulaqi investigation] [REDACTED] continued after Hasan’s last message. On July 1, 2009, the Aulaqi investigation shifted from “315” to “415” designation as part of an administrative revision of case classification codes. [REDACTED] [REDACTED] As of November 5, 2009, the date of the Fort Hood shootings, [REDACTED] [SD-Agent and SD-Analyst had reviewed more than 29,000 electronic documents – on average 1,525 per month, or 70-75 per work day.]

The FBI took no further action concerning Hasan until November 5, 2009.

#### **J. Aftermath**

Effective July 15, 2009, the U.S. Army transferred Hasan from Walter Reed Army Medical Center to the Darnall Army Medical Center at Fort Hood, Texas. Fort Hood is the Army’s staging area for deployment to combat zones.

On August 16, 2009, Hasan reported to the Killeen Police Department that a fellow Army soldier, John Van De Walker, had vandalized his car. Police arrested Van De Walker on October 21, 2009. According to newspaper reports, he confessed that Hasan’s bumper sticker, which referenced Allah, offended him. He used a key to scratch Hasan’s car.

On July 31, 2009, Hasan purchased a Herstal FN-57 handgun from Guns Galore in Killeen, Texas.

In October 2009, the U.S. Army notified Hasan that he would be deployed to Afghanistan in November 2009.

On November 5, 2009, Hasan entered the Fort Hood deployment center, where he shot and killed thirteen people and wounded 43 others. Nearly five months had passed without any further known personal communications between Hasan and Aulaqi (see Chapter 7).

In the wake of the shootings, Aulaqi publicly hailed Hasan as a role model for his attack on fellow soldiers, stating: “Who would object to that?”

SD-Agent continued to [REDACTED] [investigate Aulaqi] with the assistance of other San Diego JTTF members and ITOS Analysts. SD-Analyst transitioned to a domestic terrorism squad, which he had requested prior to the Fort Hood shootings. WFO-SSA transferred from WFO to [REDACTED] [another FBI] Field Office, where he is a member of [REDACTED] [its] JTTF. WFO-TFO has returned to DCIS as Special Agent in Charge of [one of its offices.] [REDACTED]

[REDACTED] [In mid]-2011, an FBI [REDACTED] report documented an interview with an FBI subject [REDACTED] in which [REDACTED] [the subject] claimed to have met Aulaqi after the Fort Hood shootings. According to [REDACTED] [the subject], Aulaqi told him that Hasan “had contacted him via the Internet and had asked what he could do to help Muslims” and that Aulaqi had “advised Hasan that since he was an American soldier, he should kill other American soldiers.” According to [REDACTED] [the subject], Aulaqi said he had given Hasan “permission to carry out his attacks at Fort Hood.”

Although Hasan did contact Aulaqi via the Internet, we found no evidence, direct or indirect, that Aulaqi made these purported statements to Hasan (see Chapter 7). The evidence shows instead that Aulaqi did not even respond to Hasan’s first message and its question about whether the acts of Muslim soldiers who had killed other soldiers could be reconciled with the Quran. The WASHINGTON POST reported on November 16, 2009, that in an interview with a Yemeni journalist, Aulaqi “said that he neither ordered nor pressured Maj. Nidal M. Hasan to harm Americans....”

On September 30, 2011, the White House and the State Department confirmed reports that Anwar Nasser al-Aulaqi had been killed in Yemen.

## **Chapter 7:**

### **Review of FBI Data Holdings on Nidal Malik Hasan**

#### **A. Introduction and Conclusions**

We conducted, to the degree possible given the criminal investigation and prosecution of Hasan, an independent investigation of all FBI data holdings to assess:

- (1) Whether contemporaneous searches of FBI data holdings on December 17, 2008 (the date of Hasan's first message); January 7, 2009 (the date of San Diego's lead); May 27, 2009 (the date of WFO's response to San Diego); or November 4, 2009 (the day before the shootings) would have revealed other information about Hasan;
- (2) Whether there was any evidence of other electronic communications between Hasan and Aulaqi;
- (3) Whether surveillance of Hasan's email in the weeks before the shootings would have produced any actionable evidence of imminent violence or other wrongdoing; and
- (4) Whether the FBI's post-shooting review of FBI and USIC data holdings on Hasan was accurate and complete.

Our investigation concludes that:

- (1) Contemporaneous searches of FBI data holdings would not have revealed any suggestion of impending wrongdoing by Hasan or any other actionable information about Hasan;
- (2) There is evidence of electronic communications between Hasan and Aulaqi other than the eighteen messages [reviewed by SD-Agent and SD-Analyst] [REDACTED] but those communications were generic mass "news" emails that Aulaqi sent to all persons who subscribed to his website's email list;
- (3) Surveillance of the NidalHasan@aol.com email account in the weeks preceding the shootings would not have produced any actionable evidence of imminent violence or other wrongdoing; and
- (4) The FBI's post-shooting review of FBI and USIC data holdings on Hasan was professional, comprehensive, accurate, and complete. (We did not examine, and



do not express any views on, other elements of the FBI's post-shooting investigation of Hasan.)

## **B. Contemporaneous Searches of FBI Holdings**

To assess whether the FBI possessed other information about Hasan as of December 17, 2008 (the date of his first message); January 7, 2009 (the date of the lead); May 27, 2009 (the date of WFO's response to San Diego); or November 4, 2009 (the day before the shootings), we searched the FBI's primary data holdings: ACS, DWS-EDMS, IDW, and DaLAS.

**ACS.** We searched all ACS holdings as of November 5, 2009, using the search terms [REDACTED]. Our search returned only San Diego's EC of January 7, 2009, setting the lead on Hasan.

**DWS-EDMS.** We searched all DWS-EDMS holdings as of November 5, 2009, using the search terms NidalHasan@aol.com [REDACTED].

A full text search using the term NidalHasan@aol.com returned [REDACTED] [some of the] known communications between Hasan and Aulaqi.

The messages sent via Aulaqi's website included the search term, but adjacent to other characters, as <NidalHasan@aol.com>. As a result – and underscoring the limitations of literal search technologies – a full text search did not return those messages.

A “participant” search for NidalHasan@aol.com – which is limited to iterations of email accounts – avoided the full text search limitations and returned [all messages between Hasan and Aulaqi that SD-Agent and SD-Analyst reviewed.] [REDACTED].

The search [REDACTED] returned [REDACTED] [all messages between Hasan and Aulaqi that SD-Agent and SD-Analyst reviewed]; and one match from [REDACTED] [an unrelated investigation] (which we discuss below).

The [REDACTED] matches for [REDACTED] included the [REDACTED] matches for [REDACTED]. We reviewed each of the remaining [REDACTED] matches. [REDACTED]. None involved the Nidal Hasan at issue.

SD-Agent conducted a “participant” search of DWS on or about January 7, 2009, using NidalHasan@aol.com. That search returned the message Hasan sent to Aulaqi on January 1, 2009. If SD-Agent or SD-Analyst had searched DWS – and later, DWS-EDMS – using the only

other identifying search terms known at the time [REDACTED] then or at any other time before November 5, 2009, they would have found only one relevant product other than [the messages between Hasan and Aulahi that SD-Agent and SD-Analyst reviewed] [REDACTED]  
[REDACTED]

Our search revealed the name Nidal Hasan in the text of a March 29, 2006, [REDACTED] mailing list message [REDACTED] [that the FBI acquired in] an investigation unrelated to Aulahi. The post is titled "Imam Needed for Walter Reed Army Medical Center." Its text reveals that Nidal Hasan is a member of the military by referencing Walter Reed and including one of Hasan's military email addresses as a contact. The person who posted the text appears to have copied it from another online source – probably an Internet post by Hasan.

The full text, which the reviewing Agent on that separate [REDACTED] [investigation] properly tagged "Non-Pertinent," reads:

Assalamu 'alaykum was rahmatullah,

Brothers and sisters,

Walter Reed Army Medical Center is in need of an Imam for jumua'ah prayers held at WRAMC in Washington, DC, as well as to console/make dua for Muslim patients in the Medical Center.

This has the option of becoming a full-time position, based on experience and educational qualification.

For more information, please contact br. Nidal Hasan at Nidal.Hasan@NA.AMEDD.ARMY.MIL.

May Allah bless your efforts, wassalama 'alaykum,

**DaLAS.** We also searched all DaLAS holdings as of November 5, 2009, using the search terms NidalHasan@aol.com [REDACTED]  
[REDACTED]

These searches returned [REDACTED] matches. We reviewed each file. One file was the [REDACTED] "Imam Needed" mailing list message noted above, which had been uploaded to DaLAS on August 5, 2008, in a case unrelated to Hasan. Because of potential attorney-client privileged information, access to that file was restricted to specified users.

None of the other files involved the Nidal Hasan at issue here. As discussed below, as of November 5, 2009, DaLAS did hold one other non-pertinent product involving Hasan; but that product could be tied to Hasan only through an email address that the FBI identified after the shootings. A search of DaLAS using all potential search terms known to San Diego and WFO prior to the shootings could not have returned that item.

### C. FBI Searches of FBI Data Holdings

In the immediate aftermath of the Fort Hood shootings, STAS conducted a search of all FBI data holdings to identify all information in the FBI's possession involving Hasan. STAS identified the [REDACTED] "Imam Needed" post that we located in our search of DWS-EDMS.

The Electronic Communications Analysis Unit (ECAU) and the Digital Media Exploitation Unit (DMX) later conducted a second search in support of the criminal investigation and prosecution. Prior to this search, the U.S. Army Criminal Investigation Division (CID) had supplied ECAU and DMX with all content and metadata for five DoD email addresses associated with Hasan. ECAU had independently determined that, in addition to the NidalHasan@aol.com account, Hasan had a second AOL account with email and instant messaging (AIM) addresses as well as a Yahoo! email account.

FBI Analysts checked these nine email/AIM addresses against four FBI databases (ACS, Clearwater, DaLAS, and DWS-EDMS) as well as several USIC databases. The Analysts found [REDACTED] matches [REDACTED] in FBI holdings.

[REDACTED] [One] match on a search for Nidal.Hasan@NA.AMEDD.ARMY.MIL, returned the "Imam Needed" post [noted above] in DWS-EDMS and DaLAS.

[REDACTED] Another match, on a search for Hasan's other AOL email address, was located in DaLAS on a forensic image of a computer hard drive that the FBI's Newark Division had seized in 2007 pursuant to a criminal warrant in a tax case. This product is also innocuous. It shows that, on February 10, 2005, Hasan had used his other AOL address to visit a non-Jihadist web forum and post a question about the Quran's prohibition on intoxicants. The full text reads:

Assalam wa Alakum; I discovered Islam 2 years ago and have been building my knowledge base of the Quaran and Sunna. My question is concerning the verse in the Quaran that refers to intoxicants and the multiple hadiths that indicate the prohibition of its use. Perhaps if a islamic leader took charge we would have mediations that seve as great pain relievers as well as anti anxiety medications that arent [sic] intoxicants. However, the best materials we have now are intoxicants ie: valium, ativan, percocet, morphine etc. Should physicians be prescribing these even if the prophet SAWS stated more or less that he hoped whoever takes an intoxicant for medication purposes doesn't [sic] get better.

**Conclusion:** Based on our review, we conclude that contemporaneous searches of FBI data holdings on any date between December 17, 2008, and November 4, 2009, would not have disclosed any other actionable information about Hasan.

**D. Evidence of Other Electronic Communications Between Hasan and Aulaqi**

In the aftermath of the Fort Hood shootings, the FBI obtained access to the existing contents of Hasan's known private and military email accounts. We reviewed the content of Hasan's active private account, NidalHasan@aol.com. We also interviewed FBI personnel tasked with reviewing Hasan's other email accounts and the contents of his computer hard drive and telecommunications devices. There is no certainty that the contents of these accounts and media provide a complete history of Hasan's communications prior to the shootings. Most email systems delete sent messages automatically or after a specified time period, and users may delete messages as they see fit and set rules to delete messages after specified time periods. Moreover, email deleted from Hasan's New Mail, Old Mail, Sent Items, and Trash folders on AOL would not normally be recoverable because AOL regularly purges its systems of deleted email. With these limitations in mind, neither the extensive ECAU/DMX review nor our relatively limited review identified any other personal contact between Hasan and Aulaqi.

Our review of the NidalHasan@aol.com account disclosed, however, that Hasan did receive other electronic communications from Aulaqi. None of these communications was personal or specific to Hasan. Instead, at some date prior to December 21, 2008 – at about the same time he sent his first message to Aulaqi – Hasan had subscribed to a Google FeedBurner list to receive “Anwar Al Awlaki On-Line” email updates, by which he and an unknown number of other subscribers received irregular mass email announcements, articles, and other statements from Aulaqi.

The email updates were issued to FeedBurner – and, in turn, to NidalHasan@aol.com and other subscribers – from the email account donotreply@anwar-alAulaqi.com. [REDACTED] The FBI did not acquire these emails until after the Fort Hood shooting. [REDACTED]

Through his subscription, Hasan received and retained at least 29 email updates from Anwar al Awlaki On-Line. The subjects of these updates varied and included, for example:

- A December 20, 2008, email, titled “Salutations to al-Shabab of Somalia,” offered congratulations to al-Shabaab “for your victories and achievements,” asked Allah to “guide you and grant you victory,” and noted that “[o]nly Allah knows that if my circumstances would have allowed I would not have hesitated in joining you and being a soldier in your ranks”;
- A January 5, 2009, email provided Word and .pdf copies of Aulaqi's article “44 Ways of Supporting Jihad”;
- A July 14, 2009, email discussed “Fighting Against Government Armies in the Muslim World,” challenging the Muslims “fighting on behalf of America against the mujahideen in Pakistan, Somalia and the Maghrib.... What kind of twisted fight is this? The blame should be placed on the soldier who is willing to follow orders

whether the order is to kill Muslims as in Swat, bomb Masjids as with the Red Masjid, or kill women and children as they do in Somalia, just for the sake of a miser salary. This soldier is a heartless beast, bent on evil, who sells his religion for a few dollars. These armies are the number one enemy of the ummah. They are the worst of creation. Blessed are those who fight against them and blessed are those shuhada who are killed by them.”

We reviewed Hasan’s messages to Aulaqi in the added context of these mass-mailed messages from Aulaqi. We found no direct connection between the personal messages and the mass-mailed ones.

**Conclusion:** Upon completion of our review of FBI data holdings and interviews, we found no evidence that, in the year preceding November 5, 2009, Hasan and Aulaqi engaged in any person-to-person electronic communications other than in the 18 known messages

#### **E. Post-Shooting Review of Seized Electronic Records and Media**

We examined all available email messages associated with NidalHasan@aol.com that the FBI obtained during the investigation of the shootings. For the reasons noted above, the available email does not likely represent every email that Hasan sent and received using the account.

We read every existing email – 184 messages – that Hasan sent and received in the two weeks before November 5, 2009. We found no obvious evidence of the intentional deletion of email in those two weeks. We concluded that access to that email would not have provided any evidence of an imminent violent act.

The available email received by Hasan in those two weeks consisted primarily of unsolicited messages (“spam”); one of the Aulaqi mass newlist emails discussed above; and emails from other subscription news alerts (Google Alert, for “sharia”); RSS feeds (Islamistwatch.org), and newlists (islamicreliefusa.org, the Middle East Forum, newsrealblog, RadicalIslam.org, ). The subjects of these emails also varied; for example:

- An article entitled “The Third Jihad” from RadicalIslam.org
- An article entitled “Exporting American anti-Americanism to Muslim world” from the Middle East Forum website
- A blog entry entitled “Imam Killed in FBI Shootout Sat on Board of Muslim Lobby Group MANA,” also from the Middle East Forum website

Hasan’s only existing personal emails in that two-week period were businesslike messages to and from U.S. Army representatives concerning his posting to Afghanistan and routine administrative and scheduling matters. We also found two emails exchanged with his brother, Anas Hasan. On October 30, 2009, Hasan wrote to Anas:

Assalum Alaikum Wa-RhamutaAllahi Wa-Baragatuhoo Wa-Maghfiratu,

Anas, I'm not sure if Eyad told you but I am leaving for Afghanistan next month. I will be leaving sometime next week to visit Eyad and his family in Virginia and than head towards Georgia for some final training before flying out. In any case, I have transferred 21,000 dollars that I owe you into the business account. We are now even- of course you take the 4,000 that you have of mine also for a total of 25,0000. Please take it out ASAP, I don't like things floating and if you lose it for any reason it's your fault..

I have filled out a power of attorney so that you may handle my affairs in case I need something done during the 6 months I'm in Afghanistan or if I die, etc- I'm not sure if it will work for everything but I will give a copy to Eyad to hold when I visit him. In the event that I am incapacitated or not able to use my money/property i.e. captured by the enemy please donate my money/property to the poor as soon as possible- use your judgment but you know I'm trying to maximize by rewards. If I happen to die obviously split it according to the Islamic inheritance law and give the maximum allowable amount to a charity/sadaqa jariah etc- I think its 1/3 of my wealth. I am not aware of any psychiatrist that have died in Iraq/Afghanistan by enemy fire however it's always good to be prepared.

This message would raise suspicion only in hindsight. Read in the context of Hasan's impending deployment to Afghanistan, the message appears innocuous and the likely act of a soldier about to be deployed to a combat zone

On November 1, 2009, Anas sent Hasan an email titled "Cair: Houston Texas Office" that included only a website link. The link provides an online form to report any hate crime or incident of bias, profiling, or other discrimination to the Council on American-Islamic Relations' Houston office. This message may relate to John Van De Walker's vandalism of Hasan's car in August 2009.

In addition to reviewing every available email sent and received by Hasan in the two weeks prior to the shootings, we searched all available email in his AOL account using a series of potentially relevant search terms (including, among others, imam, jihad, gun, handgun, pistol, Herstal, Five-Seven, FN, FN-57). Our searches returned no emails containing those search terms.

**Conclusion:** Electronic surveillance of the NidalHasan@aol.com email account in the weeks preceding the shootings would not have produced any actionable evidence of imminent violence or other wrongdoing.