

**Congress of the United States**  
**Washington, DC 20515**

March 15, 2013

The Hon. Eric Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave NW  
Washington, DC 20530

Dear Attorney General Holder:

As you know, we have been deeply concerned about both the government's intelligence failures leading up to the Fort Hood terrorist attack on November 9, 2009, as well as the Obama Administration's response to the attack – particularly the misguided decision not to charge Maj. Nidal Hasan as a terrorist for his brutal, al-Qaeda-inspired assault on Fort Hood.

Last August, the House Commerce-Justice-Science Appropriations subcommittee held a hearing with FBI witnesses following the release of the Webster Commission report, which documented the failure by the FBI and military to appropriately connect the Fort Hood terrorist, Maj. Hasan, to Anwar Aulaqi. The House Homeland Security Subcommittee on Oversight, Investigations and Management also held a hearing last September, which concluded that the FBI's failure to rapidly share information and exhaust all intelligence sharing options led to the 2009 terrorist attack at Fort Hood.

We remain committed to addressing the intelligence and administrative failures leading up to the attack, as well as learning more about the administration's inexplicable decision to classify Maj. Hasan's crime as "workplace violence" instead of terrorism. That is why we were particularly surprised to learn last month on ABC's *Nightline* report that, "Army Secretary McHugh says awarding Purple Hearts could adversely affect the trial of Major Hasan. 'To award a Purple Heart, it has to be done by a foreign terrorist element,' said McHugh. 'So to declare that soldier a foreign terrorist, we are told, **I'm not an attorney and I don't run the Justice Department, but we're told would have a profound effect on the ability to conduct the trial.**'"

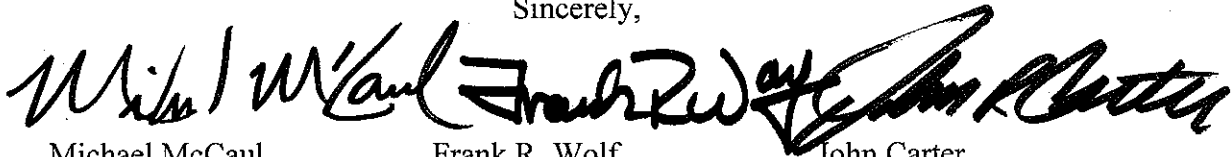
Because Maj. Hasan's trial is currently before a military court, we were surprised and troubled by Secretary McHugh's comment implying that the Justice Department may have been providing direction to the Defense Department on whether or not he should be charged or otherwise labeled as a terrorist. In light of Sec. McHugh's reference to the Justice Department's role in this case, we would appreciate answers to the following questions regarding the Justice Department's actions with regard to the Hasan investigation and trial:

- Did you or any other Justice Department official provide any written or verbal guidance to the Department of Defense recommending charges for Maj. Hasan? If so, what was the nature of that communication and the guidance provided?
- Did you or any other Justice Department official advise Sec. McHugh or any other Defense Department official on how designating Maj. Hasan as a terrorist would impact the military trial? If so, what was the nature of that communication and the guidance provided?

- Do you consider the Fort Hood attack of November 5, 2009 to be an act of terrorism or an act of “workplace violence”?
- Immediately following the Fort Hood terrorist attack, was the investigation considered a terrorism investigation or a criminal investigation? At what point was the decision made that Maj. Hasan would not be investigated and/or charged as a terrorist?
- Immediately following the Fort Hood terrorist attack, did the Justice Department prevent the FBI or any U.S. Attorney’s office from using any anti-terror statutory authority to fully investigate this case? Additionally, was any terrorism investigative or prosecutorial authority sought from the Justice Department’s National Security Division and, if so, was this request approved or denied?
- In the weeks immediately following the Fort Hood terrorist attack, with whom in the White House and Department of Defense did you or other Justice Department officials communicate?
- Was there a formal or informal interagency working group formed to address, respond to and/or coordinate the government’s legal, political and national security response to the Fort Hood attack of November 5, 2009? If so, who were the individuals who participated in this group? Who was the person responsible for chairing and/or leading this group? On how many occasions did it meet? We also request all documents in the department’s possession pertaining to these efforts.
- Whom in your department was responsible for creating, reviewing or approving any statements, press releases, talking points and/or other communications or policy statements issued by or from any of the following between the afternoon of November 5, 2009 to March 1, 2010 concerning or with respect to the November 5, 2009 Fort Hood attack: The President, White House staff, the Secretary and/or staff of the Department of Homeland Security, Gen. George Casey, the Secretary and/or staff or employees of the Department of Defense (including but not limited to the Army)? We also request all documents in the department’s possession pertaining to these efforts.

We look forward to your prompt response. The enclosed *Nightline* report details how the Fort Hood survivors and victims’ families continue to suffer due to the manner in which this case has been managed by this administration. We hope you will provide us with answers to these questions so we can begin to address their concerns.

Sincerely,



Michael McCaul  
Member of Congress

Frank R. Wolf  
Member of Congress

John Carter  
Member of Congress

## Fort Hood Hero Says President Obama 'Betrayed' Her, Other Victims

By NED BERKOWITZ and BRIAN ROSS

Feb. 12, 2013 —

[abcnews.go.com](http://abcnews.go.com)



### Soldiers Denied Purple Heart, Other Benefits After Military Classifies Shooting as 'Workplace Violence'

Three years after the White House arranged a hero's welcome at the State of the Union address for the Fort Hood police sergeant and her partner who stopped the deadly shooting there, Kimberly Munley says President Obama broke the promise he made to her that the victims would be well taken care of.

"Betrayed is a good word," former Sgt. Munley told ABC News in a tearful interview to be broadcast tonight on "World News with Diane Sawyer" and "Nightline."

"Not to the least little bit have the victims been taken care of," she said. "In fact they've been neglected."

There was no immediate comment from the White House about Munley's allegations.

Thirteen people were killed, including a pregnant soldier, and 32 others shot in the November 2009 rampage by the accused shooter, Major Nidal Hasan, who now awaits a military trial on charges of premeditated murder and attempted murder.

Tonight's broadcast report also includes dramatic new video, obtained by ABC News, taken in the immediate aftermath of the shooting, capturing the chaos and terror of the day.

**WATCH Exclusive Video of Fort Hood's Aftermath**

Munley, since laid off from her job with the base's civilian police force, was shot three times as she and her partner, Sgt. Mark Todd, confronted Hasan, who witnesses said had shouted "Allahu Akbar" as he opened fire on soldiers being processed for deployment to Afghanistan.

As Munley lay wounded, Todd fired the five bullets credited with bringing Hasan down.

Despite extensive evidence that Hasan was in communication with al Qaeda leader Anwar al-Awlaki prior to the attack, the military has denied the victims a Purple Heart and is treating the incident as "workplace violence" instead of "combat related" or terrorism.

**READ a Federal Report on the FBI's Probe of Hasan's Ties to al-Awlaki**

Al-Awlaki has since been killed in a U.S. drone attack in Yemen, in what was termed a major victory in the U.S. efforts against al Qaeda.

Munley and dozens of other victims have now filed a lawsuit against the military alleging the "workplace violence" designation means the Fort Hood victims are receiving lower priority access to medical care as veterans, and a loss of financial benefits available to those whose injuries are classified as "combat related."

**READ the Fort Hood Victims' Lawsuit**

Some of the victims "had to find civilian doctors to get proper medical treatment" and the military has not assigned liaison officers to help them coordinate their recovery, said the group's lawyer, Reed Rubinstein. "There's a substantial number of very serious, crippling cases of post-traumatic stress disorder exacerbated, frankly, by what the Army and the Defense Department did in this case," said Rubinstein. "We have a couple of cases in which the soldiers' command accused the soldiers of malingering, and would say things to them that

Fort Hood really wasn't so bad, it wasn't combat."

Pentagon Press Secretary George Little said the Department of Defense is "committed to the highest care of those in our military family."

"Survivors of the incident at Fort Hood are eligible for the same medical benefits as all servicemembers," said Little. "The Department of Defense is also committed to the integrity of the ongoing court martial proceedings of Major Nidal Hasan and for that reason will not at this time further characterize the incident." Secretary of the Army John McHugh told ABC News he was unaware of any specific complaints from the Fort Hood victims, even though he is a named defendant in the lawsuit filed last November which specifically details the plight of many of them.

"If a soldier feels ignored, then we need to know about it on a case by case basis," McHugh told ABC News. "It is not our intent to have two levels of care for people who are wounded by whatever means in uniform."

Some of the victims in the lawsuit believe the Army Secretary and others are purposely ignoring their cases out of political correctness.

"These guys play stupid every time they're asked a question about it, they pretend like they have no clue," said Shawn Manning, who was shot six times that day at Fort Hood. Two of the bullets remain in his leg and spine, he said.

"It was no different than an insurgent in Iraq or Afghanistan trying to kill us," said Manning, who was twice deployed to Iraq and had to retire from the military because of his injuries.

An Army review board initially classified Manning's injuries as "combat related," but that finding was later overruled by higher-ups in the Army.

Manning says the "workplace violence" designation has cost him almost \$70,000 in benefits that would have been available if his injuries were classified as "combat related."

"Basically, they're treating us like I was downtown and I got hit by a car," he told ABC News.

For Alonzo Lunsford, who was shot seven times at Fort Hood and blinded in one eye, the military's treatment is deeply hurtful.

"It's a slap in the face, not only for me but for all of the 32 that wore the uniform that day," he told ABC News.

Lunsford's medical records show his injuries were determined to be "in the line of duty" but neither he nor any of the other soldiers shot or killed at Fort Hood is eligible for the Purple Heart under the Department of Defense's current policy for decorations and awards.

Army Secretary McHugh says awarding Purple Hearts could adversely affect the trial of Major Hasan.

"To award a Purple Heart, it has to be done by a foreign terrorist element," said McHugh. "So to declare that soldier a foreign terrorist, we are told, I'm not an attorney and I don't run the Justice Department, but we're told would have a profound effect on the ability to conduct the trial."

Members of Congress, including the chairman of the House Homeland Security committee, Rep. Michael McCaul, R-Texas, say they will introduce legislation to force the military and the Obama administration to give the wounded and dead the recognition and honors they deserve.

"It was clearly an act of terrorism that occurred that day, there's no question in my mind," McCaul told ABC News. "I think the victims should be treated as such."

Former Sgt. Munley says she now believes the White House used her for political advantage in arranging for her to sit next to Michelle Obama during the President's State of the Union address in 2010.

Munley says she has no hesitation now speaking out against the President or taking part in the lawsuit, because she wants to help the others who were shot that day and continue to suffer.

"We got tired of being neglected. So this was our last resort and I'm not ashamed of it a bit," said Munley. She is also raising money for a movie about Fort Hood, and says some of the proceeds will go to the victims.



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