



Written by [Mary McHugh](#) on May 1, 2010

Obama Adm. Stonewalls Document Request on Ft. Hood Shooter

Saying that divulging the material could jeopardize their prosecution of Army Maj. Nidal M. Hasan, the Pentagon and Justice Department informed a Senate Committee on April 27 that witness statements and other investigative documents would not be forthcoming. The Obama Administration said it intended to provide more information but not the exact items the congressional subpoena was requesting.



Hasan is the accused gunman behind the November 5 shootings at Ft. Hood, Texas, in which 13 were killed and another 32 wounded.

The Senate Committee on Homeland Security and Governmental Affairs, which subpoenaed the documents, was informed by the Pentagon that it would be given Hasan's personnel file and part of an Army report on the shootings, but not the items specifically requested.

This refusal did not sit well with the committee. Calling it "an affront to Congress's constitutional obligation to conduct independent oversight of the executive branch," spokeswoman Leslie Phillips said that the decision was still being made as to whether or not to pursue the subpoenas in court. The committee, chaired by Sen. Joseph Lieberman (I-Conn.), was compelled to issue the subpoenas on April 19, after waiting months for the cooperation they wanted from the Obama Administration. It was not forthcoming.

According to Pentagon press secretary Geoff Morrell, efforts to cooperate with the Senate investigation have been made by the Defense Department. Citing conversations that Senator Lieberman had with both Deputy Defense Secretary William J. Lynn and Sen. Susan Collins (ME), the committee's ranking Republican, Morrell asserted that the administration has tried to cooperate. He could not say, however, whether these attempts would placate the committee's request, stating, "We feel as though we have leaned very far forward. This is as far as we are prepared to go."

It is not entirely clear why the Obama administration is not cooperating exactly with the Senate Committee's request. Investigations so far have indicated great remiss in the Army's handling of Major Hasan's career and his increasingly worrisome adherence to radical Islam, even to putting SoA for "Soldier of Allah" on his business cards. His emails to American-born Muslim cleric Anwar al Awlaki were intercepted by U.S. Intelligence but never led to the major's arrest. According to witnesses at Ft. Hood, Hasan exclaimed "Allah akbar!" ("Allah is Great") as he began the shooting spree there last fall.

Sen. Lieberman himself had called for an "independent, bi-partisan congressional investigation" of the shootings, as the Pentagon should not be investigating itself over this failure to supervise its ranks. His committee consulted with Eugene R. Fidell, president of the National Institute of Military Justice and a senior research scholar at Yale Law School, who has experience in the military justice system spanning



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40 years. He wrote:

Your staff has asked whether, in my opinion, the Committee's effort to determine what the government knew about Dr. Hasan before the shooting at Ft. Hood, as opposed to whether he is guilty or innocent, is likely to put at risk the fair administration of justice. Speaking only for myself and expressing no position on his guilt or innocence, I am satisfied that the Committee's investigation can proceed and would not interfere with the prosecution.

Unlike the Obama Administration, Fidell explained that as long as the committee did not presume to judge Hasan's guilt or innocence, that its subpoena request should be honoured as it would not interfere with the prosecuting of Maj. Hasan. He [asserted](#), "Nothing unique to the military justice system precludes access to the kinds of information the Committee has sought."

According to the Associated Press on Wednesday, April 28, the Army intends to [seek the death penalty](#) against Major Hasan.

Photo: Nidal M. Hasan



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