

INVESTIGATING NATIONAL SECURITY PERSONNEL IN THE POST-NIDAL HASAN ERA

Three years and one day before FBI briefed DNI Clapper about the questionable email practices of David Petraeus, and less than three years before FBI alerted Leon Panetta to John Allen's perhaps less questionable email practices, an Army officer who had been the subject of a 6-month investigation into his questionable emails killed 13 people and wounded another 29 at Fort Hood, TX.

While a number of people are criticizing the FBI (rightly, in the case of the agent who reportedly made this investigation his or her own personal project) for being out of control in the investigation that started with Jill Kelley's email, I'd like to put the FBI's decision to inform Petraeus' and Allen's superiors about their emails in the context of the failure to stop Nidal Hasan.

I don't mean to suggest that Petraeus and Allen's smutty emails to some beautiful middle aged housewives equate to an Army psychiatrist writing a radical anti-American cleric. At least given what we know, there were far more serious red flags in Hasan's emails to Anwar al-Awlaki than there were in Petraeus' love notes to Paula Broadwell (though Petraeus' use of counter-surveillance techniques would, by themselves, be a red flag).

But the point is—and one key lesson of the failure to stop Hasan—is that the FBI can't always know how important inappropriate email contacts are without talking to a person's superiors. If they had done with Hasan what they did here—inform the officer's superiors after concluding no criminal behavior had taken place (which is what they concluded with Hasan)—they

might have learned of the more troubling context behind the emails.

Besides, the most damaging leak, today's stories revealing a huge chunk of Allen emails that may be flirtatious but in no way problematic, came from a senior US defense official, not the FBI. There were surely more appropriate ways to delay Allen's confirmation hearing later this week, but that decision was presumably DOD's, not FBI's.

Carrie Johnson captures some of the other disclosure issues FBI faced. But the question as to why FBI informed Clapper and Panetta can be answered, IMO, by pointing to lessons learned with the Nidal Hasan case. FBI almost certainly had no reason to doubt Petraeus and Allen. But I don't blame FBI for not wanting to make the final decisions about how this email behavior affected the Generals' fitness to command.