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# SELECT COMMITTEE ON BENGHAZI



*HONORING COURAGE, IMPROVING SECURITY, AND  
FIGHTING THE EXPLOITATION OF A TRAGEDY*

Report of the Democratic Members

June 2016



**Select Committee on the Events Surrounding  
the 2012 Terrorist Attack in Benghazi**

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June 27, 2016  
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# EXECUTIVE SUMMARY

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The Democratic Members of the Benghazi Select Committee submit this report in honor of the memories of Ambassador Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty; the other extraordinary heroes in Benghazi and Tripoli who risked life and limb to help their fellow Americans; and the men and women of the Defense Department, State Department, and Intelligence Community who serve the United States every day around the world.

We deeply regret that this report is not bipartisan. In May, we asked Chairman Trey Gowdy to work with us on a joint report with conclusions we could all agree on, followed by areas on which we may disagree. We also offered to provide him with a draft of our report in advance. But Chairman Gowdy mocked our request as “mildly amusing.”

We are issuing our own report today because, after spending more than two years and \$7 million in taxpayer funds in one of the longest and most partisan congressional investigations in history, it is long past time for the Select Committee to conclude its work. Despite our repeated requests over the last several months, Republicans have refused to provide us with a draft of their report—or even a basic outline—making it impossible for us to provide input and obvious that we are being shut out of the process until the last possible moment.

Our overarching conclusion is that the evidence obtained by the Select Committee confirms the core findings already issued by many previous investigations into the attacks in Benghazi. Although the Select Committee obtained additional details that provide context and granularity, these details do not fundamentally alter the previous conclusions.

Section I of our report begins by highlighting the bravery of our first responders on the night of the attacks. U.S. personnel in Benghazi and Tripoli conducted themselves with extraordinary courage and heroism and at grave personal risk to defend and rescue their fellow Americans. Our report provides poignant new details about how their actions saved lives.

Our report makes 21 findings based on the evidence we obtained, and it debunks many conspiracy theories about the attacks. In general, the report finds:

- The Defense Department could not have done anything differently on the night of the attacks that would have saved the lives of the four brave Americans killed in Benghazi, and although the military’s global posture prevented it from responding more quickly that night, improvements were made years ago.
- The State Department’s security measures in Benghazi were woefully inadequate as a result of decisions made by officials in the Bureau of Diplomatic Security, but Secretary Clinton never personally denied any requests for additional security in Benghazi.

- The Intelligence Community’s assessments evolved after the attacks as more information became available, but they were not influenced by political considerations.
- Administration officials did not make intentionally misleading statements about the attacks, but instead relied on information they were provided at the time under fast-moving circumstances.

There are some findings this report does not make. For example, an offensive, anti-Muslim video sparked protests and anti-American violence in Cairo and throughout the region, but it remains unclear to this day precisely what motivated all of the individuals in Benghazi on the night of the attacks. During his interview with the Select Committee just this past March, the former Director of the Central Intelligence Agency (CIA), General David Petraeus, told us:

I’m still not absolutely certain what absolutely took place, whether it was a mix of people that are demonstrating with attackers in there, whether this is an organized demonstration to launch an attack, whether—because you’ll recall, there’s a lot of SIGINT [signals intelligence] that we uncovered that very clearly seemed to indicate that there was a protest and it grew out of the protest. ... And there is a video of what took place. And they are just basically milling around out there. So if this is an attack, you know, maybe they rehearsed it to look like a protest, but maybe it was actually a mix. And so, again, I’m still not completely set in my own mind of what—and to be candid with you, I am not sure that the amount of scrutiny spent on this has been in the least bit worth it.

Section II of our report documents the grave abuses that Select Committee Republicans engaged in during this investigation.

Republicans excluded Democrats from interviews, concealed exculpatory evidence, withheld interview transcripts, leaked inaccurate information, issued unilateral subpoenas, sent armed Marshals to the home of a cooperative witness, and even conducted political fundraising by exploiting the deaths of four Americans.

In one of the most serious abuses, Chairman Gowdy personally and publicly accused Secretary Clinton of compromising a highly classified intelligence source. Although the Intelligence Community quickly debunked his claim, Chairman Gowdy has yet to apologize to Secretary Clinton for his slanderous accusation.

In our opinion, Chairman Gowdy has been conducting this investigation like an overzealous prosecutor desperately trying to land a front-page conviction rather than a neutral judge of facts seeking to improve the security of our diplomatic corps.

Decades in the future, historians will look back on this investigation as a case study in how not to conduct a credible investigation. They will showcase the proliferation of Republican abuses as a chief example of what happens when politicians are allowed to use unlimited taxpayer dollars—and the formidable power of Congress—to attack their political foes.

The Republican plan was laid bare when Majority Leader Kevin McCarthy admitted on national television that House Republicans established the Select Committee to bring down Secretary Clinton's poll numbers.

The delay by Republicans in issuing their report is no accident. They have waited until directly before the presidential conventions for maximum political impact, but the American people see through this partisan ploy. Republicans have tried to blame everyone else for their own delays, but their claims are ludicrous. Republicans have forfeited their credibility by delaying this report repeatedly in order to push it into the presidential election year.

In addition to issuing our report today, we are posting online all of the unclassified interview transcripts under our control so the American people can judge for themselves the integrity of this investigation and its findings.

This set of transcripts is not complete. Since February, Chairman Gowdy has withheld copies of transcripts from Democratic Members in violation of House rules. In order to use portions of these transcripts in this report, our staff members were often forced to take notes by hand in Chairman Gowdy's offices during limited time periods with Republican "minders" present.

Chairman Gowdy also continues to block the release of the transcript of Sidney Blumenthal's deposition, during which the Chairman and other Republicans asked hundreds of questions unrelated to the attacks in Benghazi in an effort to conduct political opposition research on Secretary Clinton's colleagues and supporters. References in our report to this transcript must remain redacted until Chairman Gowdy reverses his position and allows the public to see them.

Our report makes 12 recommendations. Because the fundamental goal of the Democratic Members has always been to improve the security of our diplomatic corps and Americans serving our country overseas, we make nine recommendations to improve security measures, security training, risk management processes, and support for survivors and their families. We also make three recommendations for Congress to consider before establishing any future select committees.

Set forth below are selected highlights from our report.

## **COURAGE AND HEROISM OF FIRST RESPONDERS**

The evidence obtained by the Select Committee demonstrates that Diplomatic Security agents, personnel from the nearby CIA Annex, and a security team that flew from Tripoli to Benghazi all showed remarkable courage throughout the harrowing attacks.

Before the attacks began, several Diplomatic Security agents heard "some kind of chanting" as a crowd moved closer to the compound, but the agents could not understand what they were saying because they did not speak Arabic.

Attackers breached the main gate of the compound, and one agent told us that "the doors were blown open." He said "about 70 individuals, you know, rushed into the building" where

the Ambassador was located. They broke glass and furniture, looted the buildings, and set fire to the residence, which quickly filled with toxic smoke.

Agents repeatedly risked their lives and rushed back into the burning building to try to save Ambassador Stevens and Sean Smith.

“I had seconds left of life,” one agent told us. He explained: “[T]he smoke and heat were so intense that, I mean, the smoke was coming in through my eyes, even though they were closed. It was coming in through my nose. And I stayed in there until I physically couldn’t do it anymore.” Another agent said it was almost “as if you had your eyes closed.” He added: “You couldn’t see your hand in front of your face.”

When the security team arrived from the Annex, they also rushed into the burning building. “It was so hot. You couldn’t see the end of your gun, even with the flashlight on; the smoke was so thick,” one security team member told us. Another said: “it was the most extreme heat I’ve ever felt. You could barely take a breath or two in there before you had to come back out.”

They were able to locate Sean Smith, who had died from the intense smoke, but not Ambassador Stevens. Concerned that attackers were “massing for a counter assault,” the team eventually traveled back to the Annex, where both State Department and Annex personnel took up fighting positions on the rooftops.

During a “lull” in the subsequent fighting, a security team from Tripoli arrived at the Benghazi airport. After receiving reports that the Ambassador had been taken to a local hospital, they tried to obtain transportation from Libyan security forces to get to the hospital. When they learned of the Ambassador’s death, they traveled instead to the Annex and joined in its defense shortly before dawn.

Several security team members explained how a deadly mortar struck the Annex, killing Tyrone Woods and Glen Doherty and causing life-threatening injuries to American personnel.

One team member described how he treated a survivor: “I started putting a tourniquet on his arm. He was bleeding from his left arm. He had a hole in his neck, and he had a hole in his chest. So I put tourniquets on his arm and started patching up with the help of others from the shrapnel wounds. And it seemed like seconds later when I heard somebody say, [Redacted], I have another one for you.”

Treating another survivor, the team member said that the survivor’s “right foot was hanging off” and that he “had a hole in his left arm” and “had several shrapnel holes in his head.” In response, the team member “readjusted the tourniquet on his right leg, put another one on his right leg, and ended up putting a tourniquet on his left arm and packing his neck with combat gauze to help stop the bleeding.”

The team continued to provide lifesaving care during the flight to Tripoli and after they landed. One team member explained how a survivor on the plane “stopped breathing, so I had to give him CPR.”

Witnesses praised the efforts of two more individuals in Tripoli—a Special Forces-trained medic and a State Department nurse—who took over medical care when the team landed there. One team member explained: “As soon as I put them on stretchers, we carried them off the plane, they started on them; they started helping the ambulance drivers.”

These heroic actions were universally praised by the witnesses we interviewed.

Secretary of Defense Leon Panetta said “there’s no question in my mind that they took the initiative” and “saved lives.” Secretary Clinton recounted: “[T]he agent who had been in the hospital all those months, as I was leaving, he called me over and he said: Secretary, please do everything you can to make sure I get to go back in the field. And I told him I would.”

“[I]t was one of the bravest and more courageous things I have ever seen,” the CIA Chief of Base in Benghazi told us. He added: “I think that, in many ways, we owe our lives to them.” The Deputy Chief of Base agreed: “I have the utmost respect for their capabilities, their heroism, what they did that night. I’m alive today because of their efforts, and I never forget that for a minute.”

The Deputy Director of the CIA, Michael Morell, called the first responders in Benghazi and Tripoli “absolute heroes” who “saved lives.” He added: “And a lot more people would have died without my guys acting with the bravery that they did. And I don’t want that lost ever, ever, ever.”

## **THE DEPARTMENT OF DEFENSE**

Evidence obtained by the Select Committee confirmed the findings of Republicans on the House Committee on Armed Services in 2014 that the U.S. military could not have done anything differently on the night of the attacks that would have saved the lives of the four brave Americans killed in Benghazi. Chairman Gowdy admitted this on national television, as did his chief counsel during closed-door interviews with military officials.

Secretary Panetta explained that he and General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, met with President Obama at the White House after being notified of the attacks in Benghazi, and “the President made clear that we ought to use all of the resources at our disposal to try to make sure we did everything possible to try to save lives there.”

Secretary Panetta returned to the Pentagon at about 6 p.m. and “immediately” convened a meeting with his chief military advisors, including General Dempsey; General Carter Ham, the Commander of U.S. Africa Command; General John Kelly, Secretary Panetta’s Senior Military Assistant; and others.

Secretary Panetta asked his advisors: “[W]hat are the immediate resources we can deploy in order to try to save these lives and do what we can? And they are the ones that made the recommendation of the teams that I then ordered to be in place.”

Secretary Panetta ordered the deployment of two Marine Fleet Antiterrorism Security Team (FAST) platoons stationed in Spain, the Combatant Commander’s In-Extremis Force (CIF)

based in Germany and on assignment in Croatia, and a special operations force based in the United States.

Secretary Panetta was clear: “I never had a question then and I don’t even have a question now that we did everything possible to try to see if we could save lives, in line with the President’s order.”

General Ham told the Select Committee there was “a very, very noticeable and profound sense of urgency, and I certainly detected no hesitation from any other combatant command, defense agency, or any other to be responsive to the command’s needs.” He said: “[T]he best phrase I can use is it was ‘all hands on deck’ to find, continually pursue options to address this evolving situation.”

Admiral Kurt Tidd, Director for Operations for the Joint Staff, said he felt “an enormous sense of urgency.”

Witnesses explained again why strike aircraft were not an appropriate option. Secretary Panetta told us: “Okay, yeah, so F-16s go in there and they drop a lot of bombs, but where is the Ambassador? Where are our people? What’s happening. You don’t just do that. You’ve got to have information.”

General Ham explained his decision not to send strike aircraft, warning that “it could’ve made things worse” by “causing friendly casualties, American or Libyan” or “causing casualties amongst noncombatants, which would further incite things.” He explained that they lacked the necessary “detailed information about the situation on the ground, a specific means of targeting and target designation” as well as “the ability to posture forces for recovery of a downed pilot should you lose an aircraft.” Others agreed:

- General Philip Breedlove, Commander of U.S. Air Forces in Europe: “I completely agree with the judgment not to use kinetic weapons via fighter aircraft in that environment.”
- Major General Michael Repass, Commander of U.S. Special Operations Command-Europe: “If you are blindly throwing ordnance at somebody out there, you are going to inadvertently kill people who ought not be killed.”
- General John Kelly, Senior Military Assistant to Secretary Panetta: “[T]o drop bombs without knowing what you’re dropping the bombs on might make people feel good, but it may be counterproductive, particularly when it’s killing or hurting the wrong people.”

Military witnesses explained—as they had two years earlier to the House Committee on Armed Services—why the military’s global posture prior to the attacks prevented it from responding more quickly.

General Dempsey previously testified that “response forces, at some level, will eventually rely upon basing,” and “we don’t have any basing rights in Africa.” He added that “the tyranny of distance on the African continent is rather remarkable,” calling the time it takes to travel “overwhelming.”

Although some units did not meet their internal target timelines, General Ham explained that these units “would not have been in position to affect the outcome as things eventually played out on the ground.”

Witnesses explained that the military already made significant changes several years ago to substantially improve the military’s ability to respond to crises at diplomatic facilities worldwide. General Ham described these changes as “a tremendous improvement over the situation of just a few years ago” and “a huge benefit and improvement in crisis response.”

Not a single witness substantiated offensive Republican claims that Secretary Clinton or anyone else ordered Secretary Panetta or the military to “stand down.” Secretary Panetta told us that “if somebody had said that, I think, you know, it would not have interfered with my orders to proceed.” When asked again, he replied: “No. Never, never. It would have been against everything that the military stands for. ... To even imply that somehow the military, or someone would have said, maybe we shouldn’t go, it’s too risky, it’s crazy. It’s just not the way our military operates.”

## THE DEPARTMENT OF STATE

The evidence obtained by the Select Committee confirms the findings of the Accountability Review Board (ARB) that security measures in Benghazi were woefully inadequate as a result of decisions made by the Bureau of Diplomatic Security (DS).

In a portion of its report that was not released publicly in 2012, the Board found that the Deputy Assistant Secretary for International Programs “did not give sufficient weight to the judgments put forward by most DS agents on the ground.” The Board was “troubled” by her responses, “and in some instances lack of formal responses,” to the “repeated requests for additional security staffing that were made from post.”

The Board concluded that the Deputy Assistant Secretary “showed a lack of proactive leadership, management oversight and transparency in ensuring adequate security support for one of the U.S. government’s most vulnerable overseas posts—a vulnerability that was known to her.”

The Deputy Chief of Mission in Libya through June of 2012 told the Select Committee that the Deputy Assistant Secretary “was the decisionmaker” and was often “a roadblock and very unhelpful.”

Contrary to repeated Republican claims, not a single witness we spoke to identified any evidence that Secretary Clinton personally denied security requests in Benghazi. Five Republican House Chairmen first made this accusation in 2013, and Rep. Darrell Issa repeated it on national television. These and similar claims have been debunked repeatedly by the *Washington Post* Fact Checker, the *Tampa Bay Times* PolitiFact, and others.

During our hearing with Secretary Clinton, Rep. Pompeo argued that the Select Committee had obtained “over 600 requests” for security from Benghazi, but he refused to provide the evidence for his claim.

Republican presidential nominee Donald Trump took up this allegation himself, claiming: “Look at Benghazi, our ambassador. He wired her 500 or 600 times asking for help.” The Fact Checker called his baseless accusation “a whopper.”

None of the witnesses we interviewed—including those on the ground in Benghazi—recommended withdrawing from Benghazi in 2012. In fact, just weeks before the attacks, Ambassador Stevens and Deputy Chief of Mission Gregory Hicks were pressing for a permanent U.S. presence there. In a draft proposal, they wrote that “a permanent platform” would “protect U.S. national security interests in the region” and “promote a stronger, healthier and more vibrant bilateral relationship with the new, free, and democratic Libya.”

Secretary Clinton was active and engaged on the night of the attacks and in the days that followed. In the hours directly after the attacks, she spoke with President Obama, the National Security Advisor, the CIA Director, and the Chairman of the Joint Chiefs of Staff. She also spoke with Libyan General National Congress President Magariaf, and she consulted with a host of officials within the State Department.

She personally participated in a Secure Video TeleConference (SVTCS) with senior officials from the Intelligence Community, White House, and Department of Defense. Her Deputy Chief of Staff, Jacob Sullivan, explained: “[S]he took the really unusual step of a cabinet Secretary walking into a working level operational SVTCS because she wasn’t going to stand on ceremony. She wanted to be there to make sure that we were doing everything we could.”

Mr. Sullivan described Secretary Clinton’s “enormous sense of urgency” and said she “kicked it into high gear, and she got very focused and began the process of trying to execute a strategy to get our people out of Benghazi safely.” According to Mr. Sullivan, her approach was: “I am not going to rest until we get Chris Stevens back, and I’m going to do everything in my power to make that happen.”

Secretary Clinton’s Chief of Staff at the time, Cheryl Mills, described Secretary Clinton as “very concerned,” “very determined,” and “worried” about U.S. teams on the ground in Libya and elsewhere, and said Secretary Clinton was “devastated” about the deaths of Americans in Benghazi.

Ms. Mills said Secretary Clinton “spent time reaching out to our team in Tripoli, constantly trying to determine if they had what they needed, constantly trying to remind people that, while we all have jobs, people are fragile and you have to remember the fragility of people and their humanity and you have to give respect to that.”

Mr. Sullivan explained: “Over the next few days, we had our posts assaulted by protestors in a number of cities, and every day she’d show up early and go home late, helping manage the response, calling foreign officials where she needed to get more help, calling interagency colleagues when she needed to get marines or other security personnel in place.”

Ms. Mills said Secretary Clinton “made herself consistently present to people on her team because she wanted them to know that, as hard as this was, this was something that required us all to bear witness, to learn, and to try to be the very best we could in those moments.”

## THE INTELLIGENCE COMMUNITY

The evidence obtained by the Select Committee confirms the bipartisan findings of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence that assessments and information provided by the Intelligence Community to government officials changed repeatedly in the days and weeks following the attacks, in part based on new information that became available to intelligence analysts.

Not a single witness appearing before the Select Committee identified evidence that intelligence assessments or CIA talking points provided to Congress and Ambassador Rice were influenced by political considerations.

- On September 12, 2012, an Executive Update and Situation Report stated that the “presence of armed assailants from the incident’s outset suggests this was an intentional assault and not the escalation of a peaceful protest.”
- On September 13, 2012, a fully coordinated Intelligence Community assessment stated that “the attacks began spontaneously following the protests at the U.S. embassy in Cairo” and that “[e]xtremists with ties to al-Qa’ida were involved in the attacks.”
- On September 15, 2012, talking points drafted by the CIA stated that “the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. diplomatic post in Benghazi and subsequently its annex” and referenced “indications that extremists participated in the violent demonstrations.”
- On September 24, 2012, a revised Intelligence Community assessment—issued after the review of surveillance video from the State Department compound and the distribution of reports from FBI interviews of officials on the ground—stated that analysts’ assessments “gradually evolved from what we first conveyed” and that “[o]ur most credible information indicates that there was not a protest ongoing at the time of the attack as first reported.”

CIA Director Petraeus explained that video from the compound “took a while to come back” and that analysts did not immediately receive the reports of FBI interviews: “The State Department folks got sequestered in Germany, I think, where they were interviewed, and we didn’t get that information for quite some time.”

In addition, although an extremist group called Ansar al-Sharia initially claimed responsibility for the attacks, the group withdrew its claim the following day, stating that the attacks were “a spontaneous and popular uprising in response to what the West did.”

The Director of the CIA Office of Terrorism Analysis told the Select Committee that “in any fast-breaking event, like the attacks in Benghazi, analysts attempt to strike a balance of providing our best understanding of the events, and waiting for additional reporting to come in to bring the picture into sharper focus.”

She explained why the analysts assessed that there was a protest: “[I]n their mind,

they believe there had been a protest. They believed that that protest turned into an assault on the compound. Whether that was that the protest took place as a cover for an assault, whether the protest was something that individuals were opportunistically taking advantage of in the past, they just didn't know."

CIA Deputy Director Michael Morell told the Select Committee: "I know analysts better than I think I know my own kids. And if the analysts had believed that what they had written was somehow being turned for political reasons, or if the analysts had believed that I was somehow editing the talking points for political reasons, they would have gone crazy."

He explained that there were "a dozen or so sources that suggested to them, told them there was a protest, and there were zero, zero sources saying there wasn't a protest, when they made that judgment on the 12th and published it on the 13th."

Deputy Director Morrell also explained the process for developing the CIA talking points: "The talking points were exactly what the analysts thought. Politics was not in anybody's mind." He added: "[N]obody who was doing the work in the intelligence community recognized that there were any politics here at all to begin with. It was only later that it became political."

CIA Director Petraeus, who reviewed the talking points before they were provided to Congress, confirmed that changes in the final drafts were "understandable" and that Deputy Director Morell played a "forthright role." He told the Select Committee: "I think the folks that were engaged in that were faithfully trying to carry out their respective duties."

Considerable attention has been focused on public allegations that the CIA Chief of Base in Benghazi told the security team at the Annex to "stand down" before responding to the attack on the State Department Special Mission Compound.

The Select Committee interviewed all surviving members of the security team. One reported that the Chief of Base in Benghazi directed him to "stand down." In his previous appearance before the House Permanent Select Committee on Intelligence in 2013, this security team member did not mention that the Chief of Base directed him to "stand down."

A second security team member told the Select Committee that he did not hear the words "stand down" directly, but was told about them by the other security team member on the night of the attacks. He did not share this information with the Intelligence Committee.

The Chief of Base in Benghazi told the Select Committee that he did not use the term "stand down," but he confirmed that he told the security team to wait while he tried to obtain additional help from local security forces.

Although there is a disagreement about whether the words "stand down" were uttered, witnesses agreed that the team was told to wait while CIA officials in Libya requested security assistance from local Libyan forces, and they generally agreed that it was appropriate to try to obtain this additional security assistance.

None of the witnesses appearing before the Select Committee identified any evidence that CIA officials were motivated by political or improper motives or that their decisions were

directed by any officials outside Libya.

CIA Director Petraeus, a former military commander, said the decision to seek local support to help prevent an ambush was “a very reasonable precaution to take.” The CIA Chief of Station in Tripoli, the most senior U.S. intelligence official in Libya, said the direction by the Chief of Base in Benghazi was “absolutely” reasonable and that if he had not made it, “it would have been negligent.”

One individual on the ground told the Select Committee that the Chief of Base was “the most experienced operator on that base when it came to judging operational decision-making.”

Some security team members criticized the length of time that passed before the team departed, asserting that they might have been able to save Ambassador Stevens and Sean Smith if they had left earlier. One acknowledged that this likely would have cost more lives: “Now, would we have probably died? Yes, probably. So, it’s okay. It’s our job.”

Another said he felt the wait became too long, but he “respected the fact that he wanted us to wait and see if he can gather additional fire power to help.”

Like its predecessors, the Select Committee identified no evidence of an advance warning of the attacks to the Intelligence Community and no evidence to substantiate Republican claims that the CIA was collecting or shipping arms from Libya to Syria or elsewhere.

## **NO INTENTIONALLY MISLEADING PUBLIC STATEMENTS**

For more than three years, Republicans have accused Administration officials of intentionally misleading the American people about the attacks in Benghazi. In 2013—well before House Speaker John Boehner chose him to lead the Select Committee—Chairman Gowdy proclaimed: “[W]e know we were lied to.”

The evidence obtained by the Select Committee demonstrates that these claims are baseless. Republicans simply disregard the fact that the intelligence reports changed repeatedly, and the Administration’s statements changed with them.

Not one person interviewed by the Select Committee provided any evidence of an intentional effort to misrepresent the facts. Instead, they described how they were devastated by the loss of their friends and colleagues in Benghazi and how they focused urgently on the safety of U.S. personnel as demonstrations and violence continued throughout the week across the Middle East, North Africa, and elsewhere.

Secretary Clinton’s statements on September 11 and 12, 2012, tracked early reporting from the U.S. Embassy in Tripoli that Ansar al-Sharia “claimed responsibility and called for an attack on Embassy Tripoli on Facebook and Twitter.” They also tracked an early intelligence report that “the presence of armed assailants from the incident’s outset suggests this was an intentional assault and not the escalation of a peaceful protest.”

On the night of the attacks, Secretary Clinton called the President of the Libyan General National Congress to ask for help and referenced Ansar al-Sharia’s claim of responsibility. She

added: “I also need you to help us in Tripoli. We have seen serious threats on social media sites, like Facebook, and it is important that your government take all possible measures, in an urgent manner, to secure our facilities.”

Later that night, Secretary Clinton emailed her daughter and again referenced that two officers had been killed by an al-Qaida-like group, which tracked the reporting at the time.

The next day, she told the Egyptian Prime Minister it was “a planned attack—not a protest,” and that it “had nothing to do with the film.” She again referenced Ansar al-Sharia’s claim of responsibility and again asked for help to “lower the temperature on everything that is going on and to make sure this does not happen again today, tomorrow, or after Friday prayer.”

In her public statements, Secretary Clinton said: “Some have sought to justify this vicious behavior as a response to inflammatory material posted on the Internet.” This statement was accurate.

Victoria Nuland, the State Department’s spokesperson and a former advisor to Vice President Dick Cheney, told Congress in 2013 that she helped write this statement because groups across the region “were applauding the attack,” and there was “considerable cheerleading on social media throughout the region for violence against U.S. missions, facilities, personnel.” She said the attacks were “linked in social media to a response to the movie” and “pent up anger.” She said the purpose of the statement was to address “a larger community in the broader Middle East and North Africa,” to “calm things,” and to “help our embassies and both governments secure security.”

The Select Committee chose not to re-interview Ms. Nuland.

The Select Committee did re-interview Jacob Sullivan, the Deputy Chief of Staff for Policy, who drafted the statement with Ms. Nuland, and he corroborated Ms. Nuland’s testimony from 2013. He explained: “my first concern in getting this out was to do everything we could to try to help prevent further violence from happening.” He said they chose the words “carefully” because they “didn’t know the motives of the actual attackers of Benghazi.”

On September 13, the Intelligence Community issued another product, which was the first “fully coordinated” intelligence assessment. The title of this assessment was “Extremists Capitalized on Benghazi Protests.” It stated that “the attacks began spontaneously following the protests at the U.S. embassy in Cairo.” This assessment became the basis for talking points drafted later that week by the CIA, cleared by the Intelligence Community, and provided to Congress and Ambassador Rice.

Mr. Sullivan explained that “this was a fast-moving situation with a lot of information coming in,” and they “went back and forth on what exactly had happened in Benghazi.” He explained that “to this day, people haven’t been able to figure out exactly who the attackers were, exactly what motivated them, so certainly in that first week, we weren’t going to. All we could do was the best with the information we had at the time was, and that’s what we did.”

Secretary Clinton testified to the Select Committee that the “intelligence community, which took the lead on trying to sort this out, as they should have, went through a series of interpretations and analysis. And we were all guided by that.”

Ambassador Rice also explained during her interview with the Select Committee how she relied on the CIA's talking points when she spoke about the Benghazi attacks on five Sunday news shows on September 16, 2012.

She said she relied on the "intelligence community's current best assessment," which "mirrored very closely the finished intelligence products that I had received."

She added: "[F]or me to go out and try to second guess the intelligence community or glean individual pieces of information and make my own judgments would have been to substitute my personal judgment for the best assessment of the intelligence community. ... And it would have been highly inappropriate."

Ben Rhodes, the Deputy National Security Adviser for Strategic Communications, confirmed Ambassador Rice's account, stating: "given that we had a process underway to compile the best assessment of the intelligence community for public use at that time, it stood to reason that she should use those points in her appearances."

He created a separate document to prepare Ambassador Rice for a wide range of issues she could be asked about, but on the "specific question of what happened in Benghazi, our expressed intent was to provide her with the HPSCI [House Permanent Select Committee on Intelligence] talking points to inform her as to the position of the intelligence community."

Ambassador Rice's spokesperson at the United Nations, who staffed her before and during the Sunday shows, corroborated this account and dismissed as "frustrating" allegations that Ambassador Rice intentionally misled the public. She explained: "I think those of us who give our lives to public service expect more. And I also think it does a disservice to our colleagues whose lives were lost to perpetuate conspiracy theories."

The Director of National Intelligence, James Clapper, responded to Republican criticism of Ambassador Rice in 2013, testifying that it was "unfair because the hit she took, I didn't think that was appropriate." He added: "She was going on what we had given her, and that was our collective best judgment at the time as to what should have been said."

The Under Secretary of State for Management, Patrick Kennedy, testified in 2012: "If any administration official, including any career official, were on television on Sunday, September 16th, they would have said what Ambassador Rice said. The information she had at that point from the Intelligence Community is the same that I had at that point."

The Director of the National Counterterrorism Center, Matt Olsen, told the Select Committee that he "certainly" would have used the talking points: "[I]f I knew they came from Michael Morell and I knew that others had looked at them, that would give me more confidence—that would give me confidence if I were a policymaker, whether in the Executive Branch or Congress, relying on these as a basis for a public statement, yes."

He made clear to the Select Committee that "what she said was accurate." Although he felt that her "demeanor" and "the way in which she phrased her comments" were in some ways "more unequivocal," these were "small differences," according to Mr. Olsen. He concluded: "in terms of the facts that she conveyed, my sense was that they were fully consistent with what we were assessing at the time."

It was not until September 24, 2012, that the Intelligence Community disseminated a revised assessment after surveillance video from the State Department compound were reviewed and the FBI disseminated reports of their interviews with officials on the ground.

## **REPUBLICAN ABUSES—FROM A TO Z**

The Select Committee has broken its promise to the American people—to address the attacks in Benghazi in a fair, credible, and bipartisan manner.

On May 11, 2014, directly after the Select Committee was established, Chairman Gowdy stated on national television: “I have said from day one I want this to transcend politics and I want it to inspire trust in you and our fellow citizens.”

He also predicted that “if we overplay our hand or if we engage in a process that is not fair according to the American people, we will be punished as we should be for that.”

The abuse of millions of dollars in taxpayer funds for partisan purposes—to influence a presidential election—discredits the House of Representatives.

It is a disservice to the American public, the men and women who serve our nation abroad, and the families of those who were killed during the attacks.

To create a historical record for Congress to consult before establishing any future select committees, Section II of this report sets forth the abusive conduct of Republicans on the Benghazi Select Committee in subsections A through Z.

# FINDINGS

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## OVERALL CONCLUSION

- The evidence obtained by the Select Committee confirms the core findings already issued by many previous investigations into the attacks in Benghazi. Although the Select Committee obtained additional details that provide context and granularity, these details do not fundamentally alter the previous conclusions.

## COURAGE AND HEROISM OF FIRST RESPONDERS

- U.S. personnel in Benghazi and Tripoli conducted themselves with extraordinary courage and heroism and at grave personal risk to defend and rescue their fellow Americans on the night of the attacks.

## THE DEPARTMENT OF DEFENSE

- The United States military could not have done anything differently on the night of the attacks that would have saved the lives of the four brave Americans killed in Benghazi.
- The military's global posture prior to the attacks prevented it from responding more quickly, and significant changes were made several years ago to substantially improve the military's ability to respond to crises at diplomatic facilities worldwide.
- Repeated Republican claims that Secretary Clinton or anyone else intentionally delayed the military response or ordered a "stand down" are unsubstantiated, meritless, and offensive to our men and women in uniform.

## THE DEPARTMENT OF STATE

- Security measures in Benghazi were woefully inadequate as a result of decisions made by officials in the Bureau of Diplomatic Security.
- Contrary to repeated claims by Republican leaders, Secretary Clinton never personally denied any requests for additional security in Benghazi.
- Secretary Clinton was active and engaged in responding to the attacks in Benghazi.
- The attacks in Benghazi were caused by terrorists rather than by U.S. foreign policy.
- The claim that documents were "scrubbed" by State Department officials is unsubstantiated.

- The review conducted by the Accountability Review Board was independent, thorough, and efficient.

## **THE INTELLIGENCE COMMUNITY**

- The Intelligence Community did not receive advance warning of the attacks in Benghazi.
- The CIA security team's response in Benghazi was delayed temporarily while leadership on the ground sought local support.
- Republican claims that the CIA was collecting and shipping arms from Libya to Syria or elsewhere are unsubstantiated.
- Intelligence assessments evolved after the attacks in Benghazi as more information became available.
- Political considerations did not influence the intelligence assessments or the CIA's talking points provided to Congress and Ambassador Rice.

## **NO INTENTIONALLY MISLEADING PUBLIC STATEMENTS**

- The Select Committee has obtained no credible evidence that any Administration official made intentionally misleading statements about the attacks in Benghazi.
- Statements made by Secretary Clinton in the week following the attacks were consistent with the information she had at the time and were intended to prevent further violence throughout the region.
- Statements made by Ambassador Rice on the Sunday shows about the Benghazi attacks were based on talking points prepared by the Intelligence Community.
- Republicans simply disregard the established fact that the Intelligence Community's assessments changed repeatedly, and the Administration's public statements changed with them.

## **REPUBLICAN ABUSES—A TO Z**

- The Select Committee squandered millions of taxpayer dollars in a partisan effort to attack a presidential candidate.



# A. COURAGE AND HEROISM OF FIRST RESPONDERS



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# Courage and Heroism of First Responders

Based on the evidence obtained by the Select Committee, including documents, briefings, surveillance video footage, and interviews, the Democratic Members make the following finding:

- U.S. personnel in Benghazi and Tripoli conducted themselves with extraordinary courage and heroism and at grave personal risk to defend and rescue their fellow Americans on the night of the attacks.

Although this conclusion is similar to those in numerous previous investigations, Democratic Select Committee Members believe it should be noted—first and foremost—that the brave actions of American personnel saved lives on the night of the attacks. Both Democratic and Republican Select Committee Members share these views.

For example, during the Select Committee’s interview with one Diplomatic Security (DS) agent, Ranking Member Elijah E. Cummings stated: “The bravery that you’ve shown and so many others, we can never thank you enough.”<sup>1</sup>

During the same interview, Republican Select Committee Member Lynn Westmoreland stated: “My hat is off to you. I admire what you did. I think you did a great job.”<sup>2</sup> He also stated to one of the Annex security team members: “First of all, thank you for your service. ... I appreciate everything you did.”<sup>3</sup>

Similarly, in the Select Committee’s interview with a member of the Annex security team, Democratic Select Committee Member Tammy Duckworth stated:

Well, I wanted to be sure to come and express to you how much the members of this committee, my colleagues, admire the heroism that you guys displayed that night. As someone who wasn’t left behind on a battlefield, I think I’m especially sensitive to the fact that you did everything you possibly could to rescue both friends and people that you didn’t know that well. And that I just want to express how much we recognize just how much you put yourselves in danger, and that you didn’t even think about it, and that you would do it all over again in order to preserve American lives and not leave any Americans behind. And I want to express that.<sup>4</sup>

During the same interview, Democratic Select Committee Member Adam Schiff stated:

First of all, I just want to thank you for your service to the country, your long military service. I want to thank you for what you did that night. It took a lot of guts. And I’m very grateful for what you did. It must have been hell.<sup>5</sup>

These statements match the conclusions of the independent Accountability Review Board (ARB), which issued its unanimous report in 2012, finding:

DS and Annex personnel on the ground in Benghazi performed with courage and an overriding desire to protect and rescue their colleagues, in a near impossible situation. The multiple trips that the DS agents and Annex security team members made into a burning, smoke-filled building in attempts to rescue Sean Smith and Ambassador Stevens showed readiness to risk life and limb to save others. . . . The Board members believe every possible effort was made to protect, rescue, and recover Ambassador Stevens and Sean Smith, and that the bravery of the DS agents present in Benghazi helped prevent a further loss of life, particularly given their assistance in defending the Annex.<sup>6</sup>

Similarly, in January 2014, the Senate Select Committee on Intelligence issued its bipartisan report, concluding:

The Committee honors the lives and sacrifices of the four American heroes who died in Benghazi on September 11, 2012. We also recognize those who came to their aid or mobilized assistance in their defense.<sup>7</sup>

On April 2, 2014, Rep. Mike Rogers, the Republican Chairman of the House Permanent Select Committee on Intelligence, stated during a public hearing:

Many of the brave officers who came to the rescue testified in closed session before the committee. These men took extraordinary measures to save their fellow Americans. Without their courage, their skill, the terrorists would have killed other Americans in Benghazi that night for sure. Most of these silent warriors preferred to stay unnamed and many still defend America, in some of the most dangerous locations around the world.<sup>8</sup>

In November 2014, the House Permanent Select Committee on Intelligence reached the same conclusion in its bipartisan report, finding:

CIA security personnel on the ground in Benghazi, Libya, during the attacks that began on September 11, 2012, exhibited bravery and tactical expertise, saving the lives of fellow Americans from the State Department under difficult conditions.<sup>9</sup>

## **1. RESPONSE OF DIPLOMATIC SECURITY AGENTS**

The Select Committee conducted transcribed interviews with four Diplomatic Security agents who were on the ground in Benghazi on the night of the attacks. These agents showed remarkable courage and fortitude during incredibly challenging circumstances. They worked swiftly to protect the Ambassador and defend the compound. Despite suffering from smoke inhalation, many of these agents continued to provide security at the CIA Annex.

All of these agents previously shared their accounts with the ARB. Their accounts supported the ARB's description of events, and they corroborated the account of the fifth DS agent on the ground that night, who testified previously in a closed deposition before the House

Committee on Oversight and Government Reform and who was not re-interviewed by the Select Committee.

## **AGENT 1'S ACCOUNT**

Agent 1, a U.S. Navy veteran, described the beginning of the attack from his perspective in Villa C of the State Department's Special Mission Compound (SMC) with the Ambassador and Sean Smith:

Okay, so the evening started with [Agent 2, Agent 3,] and I sitting at a table near the pool at the end of the night. Ambassador Stevens had come by and said, I'm going to bed. Sean Smith said the same thing and went, you know, went inside the villa, and we were just sitting out kind of relaxing at the end of the night.

While we were talking, I started hearing some kind of chanting, I thought it was. So I told the others, you know, I told the other two, hang on. Just listen for a minute. And what we heard was chanting. And it was my impression that it was coming closer. You know, so immediately when I realized, you know, that this is a potential security incident, or a potential something, I said, you know, go get your gear, right now. I ran into Villa C where the Ambassador and Sean Smith were and the other two ran in a different direction.

I remember hearing the chants. I mean, they were fairly close already. I mean, yelling distance, which is pretty close especially in a city setting. So my impression is that I don't have much time. So I ran right to my room, you know, put my helmet on, put my vest on, grabbed my weapons, my additional weapons, and I turned to lock the gate, and basically, it was a jail cell door with three locks on it. I locked all three locks.

And at about that time Ambassador Stevens and Sean Smith were coming out of their rooms. Sean Smith was already, you know, donning his helmet and vest. I guided them both into the safe haven, and set myself up in the safe haven with—I was holding my M4. I had a pistol, a radio, a shotgun, and when we were, you know, when we were in there, I radioed to the other guy, hey, we are all in the safe haven.

I could hear outside explosions, yelling, chanting, screaming, gunfire, and I reported all of this on the radio just saying, this is what my senses are telling me. Then people started banging on the doors on the building, so I reported that. Hey, there is banging on the doors. They are trying to come in, you know, we need immediate assistance. And there wasn't any response on the radio.

Shortly after that, to my recollection, the doors were blown open. And about 70 individuals, you know, rushed into the building, all of them carrying AK-

47s, grenades, RPGs, you know, a mixture throughout everyone. Different—there were a couple of different assault rifles.

And with the number of individuals that came into the building versus me, I chose just to stay in the shadow that I was in. So I was partially in the safe haven, partially outside of the safe haven. The area was, you know, there was a big shadow where I was sitting, and my view through the jail cell door was into the common area. So I could see where everybody was going, and they began breaking everything. I could just hear glass breaking. I could hear stuff being thrown around. I could hear furniture being moved.

If I may just back up a little bit. When we made it into the safe haven, I handed my cell phone to the Ambassador. I said, call everybody on my cell phone. Call everybody that you know that can help us. ...

And then slowly, people started to kind of trickle out. And then the lights started to kind of dim. My initial response, or my initial thought was, well, they just knocked out the generators. You know, we have regular city power, but we also have backup generators. So flickering would be a likely, you know, cause of this. But in reality, it was smoke. And it took me about, you know, 2 or 3 seconds after that to determine that it was smoke.

As soon as I realized it was smoke, I turned to the Ambassador and Sean Smith and I said, we are moving to the bathroom. And at that time, grabbed the Ambassador, Sean Smith was right behind him and we started crawling towards the bathroom. It's about a 3- to 4-meter crawl. And it only took seconds for us to reach—to reach the hallway that the bathroom was in. But by that time—seconds later, the smoke had already filled the entire room and I began basically army crawling like on my belly, and breathing through my hands like this, the last, you know, centimeter of air that was left.

And as soon as it became that thick, no light was visible from the lights that were fully on. The sounds were, you know, crackling and breaking of things from the heat. And so to lead them to the bathroom, I was saying, come on guys, follow me. And I was slapping my hands on the floor, or you know, hitting stuff with my hands if I felt anything.<sup>10</sup>

The agent explained that he made it to the bathroom, but the Ambassador and Sean Smith did not. As he started to lose consciousness, he proceeded to a bedroom where he could open the window to exit the building:

And as soon as I passed the threshold to my bedroom, you know, I had seconds left of life, essentially. And so I quickly went over to my window and I started to crank open these metal shutters, but I was cranking the wrong way. So I had to turn back and crank it the other way. Then I had to open up a glass window, and then I had to pull a pin and push out this big metal gate. And as soon as I did that, I collapsed on to my little patio area.

And around the patio area was, you know, maybe a 2-1/2-foot tall cinderblock wall. And as soon as I went out there, I just started taking fire immediately. I remember hearing explosions, which I equate to grenades. I remember feeling the cement exploding and hitting me in the face. And I remember the sounds. So after catching my breath, I jumped back into the building, and I searched for the Ambassador and Sean Smith. I went as far as my threshold, and reached out into the—into the area we had just come from to see if I could feel anybody. But the smoke and heat were so intense that, I mean, the smoke was coming in through my eyes, even though they were closed. It was coming in through my nose. And I stayed in there until I physically couldn't do it anymore.

When I was in the Navy, they engrain in you, 110 percent. And most people don't think you can do 110 percent, but it's part of my character. I do 110 percent and I stayed in there until—until I physically could not and mentally could not stay in there any longer.<sup>11</sup>

The agent described going back into the building repeatedly:

The last time I went out, you know, I decided that if I went back into the building that I wasn't going to come back out. The smoke and heat were way too powerful, and way too strong, and it was extremely confusing feeling my way in a smoke-filled building. And I didn't want to get lost, and so I decided to climb up the ladder up to the roof.

I climbed up the ladder, and pulled up the ladder behind me and that's the moment that I knew that Ambassador Stevens and Sean Smith were probably dead. Immediately, upon getting up to the roof, I started radioing for my colleagues, you know, telling them the situation, you know, telling them my situation, you know, I am exhausted. I am completely exhausted. I gave everything I had. And I'm still thinking of ways to help, still thinking of ways to get the guys out.<sup>12</sup>

After Agent 1 tried unsuccessfully to break a skylight on the roof, other agents arrived to help. Despite severe smoke inhalation, Agent 1 explained that he continued to defend the perimeter of the building while other agents and Annex security personnel continued to search for the Ambassador.

After arriving at the Annex, the DS agents joined other personnel and joined in the defense of the Annex. Agent 1 described how he took up a fighting position at the main gate of the Annex:

So I get up, and basically I say, you know, give me a weapon. I'm back in the fight. I get up. I get an M4. I can, you know, I can barely stand, but I can still think. I can still, you know, I can still fight. And I go sit by the main door of the Annex building that we were in. So I could see the main gate, in case anybody came over the main gate.<sup>13</sup>

After a mortar attack struck the Annex, he explained he assisted with emergency medical care for the wounded:

They also brought [Annex Security Team Member 3] in, and, you know, part of my job in the military as you know, combat search and rescue, when you rescue somebody, you know, you can do the whole med stuff afterwards. We can stabilize them until we get them back to a proper location.

And so I went to work right away with [Agent 4] and [Agent 2]. And we worked really hard on him and I have to tell you, you know, to be doing tourniquets, and to be comforting somebody, and that somebody is, you know, your really good friend and colleague, it is pretty hard to do. But you know, it had to be done. And we did it.<sup>14</sup>

## AGENT 2'S ACCOUNT

Agent 2, a U.S. Army veteran, was making his rounds in the Benghazi compound at the time of the attack and described the attack from his perspective:

I left the TOC [Tactical Operations Center] to make my rounds to kind of just walk around the perimeter and just kind of get a general sense of how things were going. And I got to Villa C, where the other agents were all sitting. They were all outside Villa C. And we had a—we talked for a bit. And then I heard a scream or like a cry from the main gate.

And, of course, you know, that was unusual and it set all of our hair on end. We, I think, both—we all had an understanding that something was off. Very shortly after that, we saw—very shortly after that, the main gate had been breached. And so, after we heard this cry, we set into motion our react plan. [Agent 1] went into the villa to secure the villa. We acted according to our roles and responsibilities as we set forth in the react plan.

So [Agent 1] went in to lock down the Villa C. [Agent 4] and [Agent 3] went off to the cantina to equip themselves and to barricade in place. And then I made my way back to the TOC. It was at that point, since Villa C and the main gate are fairly close together, I had a view of the main gate area, and I could see people starting to stream in, attackers starting to stream in.

I was armed at that time. I decided not to open fire on them. I thought that it would be prudent to stay with the plan and that, if I were to open fire on them, it probably—I felt that that wasn't a wise tactical decision. I would probably be overwhelmed pretty quickly. So I made my way back to the TOC. As I was headed back to the TOC, I called in on the radio and initiated our—formally initiated our attack/react. I called three times, attack/react. It was then the IDNS [Imminent Danger and Notification System] alarm system started going off.<sup>15</sup>

He explained that he joined another agent in the TOC, barricaded the door, contacted the Annex, and attempted to contact their internal February 17 Quick Reaction Force (QRF) for assistance:

A: Agent [5] was already monitoring CCTV. He was getting into contact with Command Center. I used our dedicated radio to spin up our assets and the Annex to inform them that we were under attack. In addition, I attempted to get in contact with our QRF elements via our established communication lines, our cell phone lines. Unfortunately, I couldn't get into contact with them.

Q: And why was that? Was it because the call didn't go through, or no one picked up?

A: It was the—no one picked up on that line. I don't know exactly what happened on their end. The cabana is fairly close to the main gate as well. And I don't know exactly what happened, where the breakdown was with our communications. In addition, I don't know how they reacted to the attack.<sup>16</sup>

He explained that he asked the Annex to reach out to the February 17 force for help:

And so because I couldn't reach our QRF element inside, I went back to our connection in the Annex to ask them to spin up the 17 February Brigade's assets to respond to the compound. The Annex also had a liaison with the militia and were able to contact them and to request assistance, and so I asked them to relay our message.<sup>17</sup>

He explained the location of the Ambassador and the steps he took when the fire started:

Well, according to our react plan, the management officer and the Ambassador, along with Agent [1] would hold in a safe room. This is kind of a storage closet that we had in the center of the safe haven, probably the safest place available to us on compound. And shortly after I noticed—shortly after I saw that Villa C was on fire, I saw—I tried to reach out to [Agent 1]. This is about the time that our communications are degrading. It's becoming a very chaotic environment. There's a lot of gunfire, of course. We're receiving gunfire in the TOC as well as he's receiving gunfire as well.

And, once I start to have trouble, I get—I do eventually get in contact with [Agent 1] but the type of things—my communications with him were very troubling because he seemed, from the quality of his voice and the things that he's telling me are troubling to me, like he's, you know, he's dealing with the effects of the smoke and the flame. And so, in addition, he is—both he and [Agent 3], who I'm communicating with on the radio, are very—are asking me very insistently about when is our reaction force coming, when are the 17 February guys. By this time, I had already asked the Annex to spin up their reaction force and send them in, but they're, you know, they're taking time.

So they're very insistently asking when this help is coming, and I don't have an answer for them.

And so, following this kind of troubling communication I have with [Agent 1], I make the decision that I'm going to go ahead and break from the plan. And I decide to leave the TOC, and my plan is to meet up with [Agent 3] and [Agent 4] in the cantina and break them out. And then together we'll take one of the armored vehicles to Villa C and attempt to relieve [Agent 1], the Ambassador, and Smith.

I pick what I feel is an opportune moment. I scan with the cameras and see that in the immediate courtyard outside of the TOC building, I don't see any movement or any enemies, and so I decide that I'm going to go ahead and go out. I go out. [Agent 5] barricades the TOC behind me, and then I make my way tactically up to the cantina. And I clear my way to the cantina. I don't encounter any resistance.

And then I tell—and then eventually I find the room that [Agent 4] and [Agent 3] have barricaded them themselves in, and I gain entry to that room. I tell them. Let me in. I identify myself. And so we go in there. I inform them of the situation, and now that we're face to face, it's much easier to communicate the facts of what's going on. And I say, you know, Let's go; we've got to go and help [Agent 1].<sup>18</sup>

After a short time, they were able to regain contact with Agent 1, who was on the roof of Villa C, and learned that he had lost contact with Ambassador Stevens. Agent 2 explained:

At the same time, I can hear in the background and he informs me that he's under fire; they're firing at him from the ground to the roof. And so I make my decision again, and I convince the guys to come. We're all going to go out and implement my plan. We get into the armored vehicle and make our way over to the other side of the compound.

At this time, as providence would have it, the [Annex Security Team] guys are contacting the attackers outside the compound. And I'm not sure exactly if the February 17 response force is also arriving or if they arrive later, but nevertheless, the attackers are withdrawing under that contact and so, by the time we reach Villa C, they have withdrawn, and we are able to take up a position right outside the safe-haven exit escape hatch.

I call out to [Agent 1], and I bring him down from the roof, and he is visibly shaken. You know, he is suffering. I'm not a doctor, but he is suffering from some type of smoke inhalation, in my opinion. And so we put him into—the we sit him down into the armored vehicle, and [Agent 3] stays behind with the armored vehicle in the driver's seat, in case we need to make a quick getaway. And then [Agent 4] and I link up with the members of the [Annex Security Team], and we position ourselves outside of the safe-haven escape hatch, and

then I doff my equipment. I go into the safe haven with the intention of recovering Smith and Stevens.

Immediately upon entering the safe haven, it becomes very clear to me that it would be a very—that would be very difficult. The smoke is extremely thick and acrid. From what I understand now, that was a result of the accelerants used to start the fire. But open flame is not so much an issue; it's the volume and the toxic nature of the smoke that made it very difficult. Even immediately entering the room, I became very disoriented.

But using my internal map, my memory of the layout of the safe-haven area, I make my way along the wall searching and feeling my way. I make my way into the safe-haven closet, the safe room, where, according to our plan, everyone would've been staged. And I don't find anybody in there. I go and make sure that—I go and work my way around the wall to the gate, the locked gate of the safe haven itself. And I'm able to confirm that the gate is still locked. It was locked by padlock from the inside. So I can make the assumption that nobody has entered the safe haven and nobody has left. So that limits the search area.

So I continue to search. I just kind of follow along the walls, calling out to the Ambassador and Smith, and doing my best to feel around for them.<sup>19</sup>

He continued:

[T]here was no visibility. So I was just trying to feel with my limbs, my hands and feet, and still maintain contact with the wall so that I wouldn't lose myself. But, nevertheless, I started to feel very disoriented myself. I started to be worried that, you know, I was really craving oxygen by that point, and I eventually found myself in the bathroom. I broke a window out to try and ventilate the space and to get some fresh air for myself. And I cleared my head a little bit.<sup>20</sup>

He described that he found and recovered the deceased body of Sean Smith and continued the search for the Ambassador:

And we took turns trading off going in and out and allowing one to rest while the other went in. Eventually, we came up with the idea to kind of tie each other off, like tether each other so that we would reduce the risk of one of us becoming a casualty and being lost. But we were unable to find Ambassador Stevens. I was very—at that point, I think I had decided that this was probably a recovery mission. We were looking to recover his body. Some time had passed. I'm not sure exactly how much. But it became apparent—and some of the 17 February Brigade members started to become very agitated, and one of them came to me and kind of indicated to me that we needed to leave. And I told him to get away. I was determined that we were going to find Ambassador Stevens' body. But, shortly after that, one of the Annex guys explained to me that they had information that the attackers were massing for a

counter assault, and it was at that point we made the decision to call off the search and evacuate the compound.<sup>21</sup>

Agent 2 explained to the Select Committee that, upon arrival to the Annex, “at that point, we—the DS agents, we integrated ourselves into the Annex’s security plan and took up positions on the roofs to prepare for a possible attack.”<sup>22</sup>

Agent 2 took a fighting position on one of the roofs and suffered serious injuries as part of the mortar attack.

### **AGENT 3’S ACCOUNT**

Agent 3, an Army veteran who previously served in two combat deployments to Iraq, traveled to Benghazi as the head of the Ambassador’s security detail. He was outdoors talking to other agents when the attack began:

At a certain point we started to hear some noise, which at that time didn’t really stand out, but it started to get louder. It seemed like it was getting closer. And then at one point I remember hearing like what I would describe as kind of an explosion or loud crash or something. And at that point everybody went to react. Specifically I went from [Villa] C down to the TOC to try to secure the Ambassador because that’s the last place I had remembered seeing him. When I realized that he wasn’t there, I moved across the cantina to secure my body armor and my M-4. While I was in there, another agent, [Agent 4], came in. We decided that we would move back together once he secured his equipment to Villa C to secure the Ambassador. By the time he secured his equipment and we went to move out, we left the cantina.

We turned the corner essentially, and there was a large number of armed Libyans. And we made the decision to go back into the cantina, lock the door, and barricade ourselves in a room. At that time there was a local guard member who was in there with us. Once we were in the room, [Agent 4] started making phone calls to the command center to apprise them of the situation, and I started calling the TOC in Tripoli to inform them of what was going on.

Generally, not too long after that, we heard the people make entry into the cantina where we were at. And throughout that period of time, we were trying to radio coms with the TOC, communicating to the TOC where we were, so we could have a rough estimate of where the Americans were on the compound and relay that information off to both Washington, to Tripoli, and allowing [Agent 5] to relay that information off to either 17th Brigade and the Annex for support.

At, I can’t remember exactly when it was, but at a certain point I heard on the radio, we heard that they had started setting fires, and at one point we heard [Agent 1] say that the building was on fire and that he was being shot at.

Shortly thereafter, once it looked like things were clear, [Agent 2] said that he was coming over. We came together, and we talked about, we very quickly talked out a plan on how we could get from where we were over to Villa C to secure [Agent 1], the Ambassador and Sean. We decided that we would take one of the up-armored vehicles and essentially drive it up to the door, and then we would make entry into the house and try to secure everybody.

By the time we got there, the building was on fire. There was lots of smoke. We were able to find [Agent 1] relatively quickly. We put him back in, and then through the field there were a large number of armed Libyans coming in, but one of the [Annex Security Members] stood out. Once we identified that was a friendly force, then we reported the location of the Americans that we had accountability of to the TOC, and then we started trying to make entry into the building to secure both the Ambassador and Sean.

Several attempts were made to go in, but the smoke was really bad, so not a lot, we couldn't make it very far into the building. At one point we drove back to the TOC to try to get some gas masks to go in. By the time we got back, [Agent 2] had gone through with [Agent 4], and they were in the building, and they found Sean Smith's body, which they passed out of a window to me and one of the [Annex Security] members. I took Sean's pulse. He wasn't breathing. There was no obvious signs of life, so we continued to go and try to secure the Ambassador.<sup>23</sup>

In an exchange with Rep. Westmoreland, Agent 3 explained his tactical decision not to fire at the attackers in the SMC:

Q: Had you all been told prior to that, you know, don't play offense, just play defense?

A: No, sir. I feel now, and I felt then at the time that I had the support. At that time there was not an opportunity to shoot. There was a situation, it was a moment where it was myself and [Agent 4], and we were very close quarters with an overwhelming force of armed combatants, and at that situation it would not have been the smart thing, it would not have been the tactical thing to fire your weapon at that time.

Q: If you had had different equipment, different weapons, would that have made a difference?

A: Not in that specific situation. Now, would it have been nice in an environment like that to have some sort of light to medium machine gun, yes, it would, but in that particular situation, being attacked as quickly as we were, that type of stuff would not have been useful at the time.<sup>24</sup>

After travelling to the Annex, Agent 3 joined the defense of the Annex by taking up a position on one of the roofs:

Once we arrived at the Annex, [Agent 4] initially went to an overwatch position with the remainder of the [Annex Security] members on one building. [Agent 2] went to another building. And I went inside with [Agent 5] and [Agent 1]. ... Maybe 5, maybe 10 minutes later, we got radio confirmation that the Annex team who was following us were coming back in, so I went out to the street to provide security so that they could come in. And after that, I replaced [Agent 2] on the roof of one of the buildings for the overwatch position, because he had cut himself when he was trying to crawl on the floor to get into the Villa C for the Ambassador.

I stayed on the roof of that building for the majority of the night. I made several phone calls back and forth to the DS Command Center in D.C. relaying information. I also made phone calls to one of the Ambassador's contacts to try to get some atmospheric information about what was going on in the rest of the city, should we need to do a ground evac. Sometime during the night we got information from a team that Tripoli was flying down. We got wheels-down confirmation. But it took them several hours to make it from the airport to our location because of the—because of what was going on in the city at the time. And then shortly after morning prayer is when the mortar attacks started.<sup>25</sup>

Agent 3 explained that he was coming down from one of the roofs when the mortar attack occurred:

Q: Where were you physically located when that occurred?

A: Before the mortar attacks happened, it was just before they happened, we, the team from Tripoli had arrived at the Annex. They were replacing us on our overwatch positions, and I was coming down the ladder off of the roof when the first mortar round landed.

Q: So you had spent most of the evening on the roof?

A: Yes.

Q: And when the team from Tripoli came, you were leaving to go down off the roof?

A: Yes.

Q: So when the first attack came, were you still outside?

A: Yes.

Q: Were you on [the] ladder or were you on firm ground?

A: Yes, I was on a ladder about halfway up when the first mortar round came, like I fell from about halfway up the ladder to the ground.<sup>26</sup>

Agent 3 explained the medical care for the wounded:

We can—there was—I mean, there were a couple of injured from the mortar attacks. [Agent 2] was one of them. The other was one of the [Annex Security Team] members. And very quickly upon bringing them in, people started rendering aid. I will say, one of the things that diplomatic security does well is their medical training, and as part of high threat was a tactical care course, which, at least from my perspective, was a very good comprehensive course and was also a very good refresher for me of combat care that I received in the Army. So I found those things to be extremely helpful. Tremendous efforts were made to control bleeding, splint injuries, give morphine, and then both the Embassy support staff in Tripoli who met the airplane and then the doctors in Tripoli, in my opinion, were, you know, they saved [Agent 2's] leg.<sup>27</sup>

## AGENT 4'S ACCOUNT

Agent 4, a U.S. Army veteran and former Department of Defense (DOD) explosives contractor who had traveled with the Ambassador from Tripoli, explained that they were monitoring the protests in Cairo and were cognizant of the anniversary of the 9/11 attacks, but that they were not aware of any specific threats:

We had talked about it [the protests in Cairo]. One of the concerns—pretty much it was general consensus I think was, you know, just to monitor the situation. You know, I wasn't going to go to sleep that night. I was probably going to stay up throughout the night just because, one, it's September 11, you know, and what was happening in Egypt. So if anything was to happen, it would happen late at night, early morning. ...

I would say the ARSOs [Assisted Regional Security Officers] spoke to the [Redacted]. ... [T]here were no specific threats, same general threats. Benghazi is a dangerous place.<sup>28</sup>

He described the attack from his perspective:

Q: And how did you find out about the attack?

A: I heard a loud explosion and chanting outside.

Q: When you say chanting, what would be—

A: Yelling, screaming.

Q: Okay.

A: I couldn't make out exactly what was said. You know, I don't know what's memory and what's me just filling in the blanks.

Q: Could you tell whether or not the chanting or the yelling came from inside the SMC [Special Mission Compound] walls or outside of the SMC walls?

A: Inside, very close. You could tell. It was almost as if someone was outside that door yelling.

Q: Could you understand anything that they were yelling or chanting?

A: I don't speak Arabic.

Q: What was your first action or reaction when you heard the chanting and yelling?

A: To move. So we all—I stood up, heard the explosion, everyone kind of looked at each other real quick, and then everyone started moving. There was no real discussion about what people were going to do. I think everyone knew what they needed to do. So I did hear [Agent 1] say, I have the Ambassador. And then he moved in that direction. Myself, [Agent 3], and [Agent 2] all left the back of the villa to head to Villa B and office and the TOC to retrieve weapons—I went to retrieve my weapon.<sup>29</sup>

He described how an unarmed Libyan Blue Mountain guard approached him and another agent, he secured the guard in the closest building, the cantina, and then he and the other agent attempted to go the Ambassador's villa, but met resistance and ultimately barricaded themselves in a bedroom in the cantina:

I came back, secured the guard, and me and [Agent 3] started to—we were about to make our way back to the Ambassador's villa. At this point you didn't hear a lot of noise. I didn't hear any yelling or screaming or chanting. It seemed like everyone was just trying to get their bearings. And then I saw someone in the alleyway. So there was an alleyway that separated—this was essentially like this big compound. It used to be two compounds, so the alleyway separated the two, and the only way to get to the Ambassador's side, the Charlie side, was through the alleyway, which is big enough for a vehicle.

So while I was going to make my way back, before I could make it off the landing, we saw an individual inside the alleyway. It was pretty dark. I could not see a weapon. So I really quick, half-second, probably a glance at [Agent 3], I said, quick nod, I said, is that our guy, while I was trying to keep visual contact of this gentleman in the alleyway. And he says, I don't know. So at that point, right after that, I saw about, I would say, between to me it was 7 and 10, and those were behind him, coming kind of behind him in sort of a wave, where I saw weapons, and I could make out AKs and RPGs. ...

I yelled to [Agent 3] to get in the building, because I knew what I could see, but I didn't know what else was around me. So it is a pretty large compound,

and we are in the middle, essentially, of the compound. Everything behind us was an ocean, pretty dark. I didn't know where they were coming from. So it is essentially kind of in the open. Best place to defend from is inside the building.<sup>30</sup>

He explained his decision not to shoot at the attackers at that point:

So for me from that point being in that compound, such a large compound, at this point with just two of us, myself and [Agent 3] in the open, for us to engage, that really put everyone at risk. Because if, say, I couldn't finish the fight if there were more than seven, then I become a liability. And then it kind of escalates after that. So, again, even though hope is [not a] course of action, the hope would be that if I don't engage and we can bunker, that gives us time to wait for maybe the response if it is within 15 minutes, or it gives them some opportunity, maybe they wanted to destroy the place and leave. But I knew at that moment and had I engaged and killed one of them, they more than likely would not leave until everyone was dead.<sup>31</sup>

Ultimately, he and the other agent were joined by a third agent, and they all proceeded to the Ambassador's Villa C, which was under fire and filled with smoke:

Q: How many times would you say you personally went in the window to search for them and back out?

A: I would say a dozen, you know. Well, we had searched, and then at some point I decided to try to get a gas mask and not to—you know, carbon monoxide will still kill you with a gas mask, a military-style gas mask, but it was mainly just to filter out the smoke, the soot, because it would shut your throat, and you couldn't see, couldn't even really open your eyes. So that was primarily the reason we went to go get a gas mask. And we may have gone in a few times prior to that, and then when we came back, at least a dozen times. ...

Q: And were you able, when you were in trying to locate the Ambassador, were you able to breathe or were you holding your breath the entire time that you went in?

A: You couldn't breathe, so you'd hold your breath and go in, and with the gas mask you'd take real shallow breaths, you know, kind of keep it away from your face, take shallow breaths as best as you could.

Q: How would you describe the visibility inside the building?

A: Almost as if you had your eyes closed. You really couldn't see in front of your face. If you had your hand inside the room—so there were two rooms, you walked into the main bedroom and you'd try to go into the adjacent rooms, one where the window we were accessing, you could see somewhat. It was really obscure, but you could see. But then once you

went into the main hallway to where the Ambassador should have been, you couldn't see anything. You couldn't see your hand in front of your face.<sup>32</sup>

The agent explained the impact of continued scrutiny of the attacks over the years on himself and his family in the following exchange with Ranking Member Cummings:

Q: Can you share with us how continued attention to the attack affected you, your family, and the DS—your DS colleagues?

A: As far as my colleagues, I don't know exactly how they feel about it. But for myself, looking at it after talking to the ARB, I felt that most of the detail—everyone went in there and spoke the truth, gave all the relevant facts, everything that they needed to say. So it's sometimes disheartening that the continued scrutiny and sometimes the criticisms of our actions, when our actions were in the best intentions, and everything we did was in protection of the ambassador can sometimes be a little bit disheartening. But it's good to see that there are people who are supportive and working to get to the truth and make sure that the narrative is written the right way.<sup>33</sup>

## **2. RESPONSE OF ANNEX PERSONNEL**

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The Select Committee conducted transcribed interviews with 10 CIA personnel who were on the ground in Benghazi throughout the night of the attacks. They showed courage and heroism in their resolve to rescue their fellow Americans in the Special Mission Compound (SMC), their defense of the Annex compound, and their successful evacuation of Americans from Benghazi to Tripoli.

Six of these individuals shared their accounts previously with the ARB, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence. For example, in November 2014, the House Permanent Select Committee on Intelligence issued its report, finding:

[T]he Annex security team joined State Department officers and helpful members of the February 17th Brigade in fighting the attackers at the TMF [State Department's Temporary Mission Facility]. The team repelled sporadic gunfire and RPG fire while assembling all remaining U.S. personnel at the TMF. The security officers were able to retrieve the body of Sean Smith, but they were unable to locate Ambassador Stevens. After 90 minutes of repeated attempts to enter the burning Villa C to search for the Ambassador, officers assessed that the security situation had deteriorated, and they were forced to abandon their search for the Ambassador in order to save the remaining U.S. personnel.<sup>34</sup>

Similarly, in January 2015, the Senate Select Committee on Intelligence issued its report, finding:

Although there was no formal written agreement about how security should be handled between the two facilities in Benghazi, there was a common understanding that each group would come to the other's aid if attacked, which is what happened the night of September 11, 2012. IC personnel immediately came to the aid of their colleagues at the Temporary Mission Facility, and fought bravely to secure TMF personnel and their own Annex facility. The Committee interviewed U.S. personnel in Benghazi that night, and they credited their lives being saved to the personnel who responded to the attacks.<sup>35</sup>

In his interview with the Select Committee, CIA Deputy Director Michael Morell stated:

There is another piece of the CIA that I think—that I want to say, right, and that is that in this whole Benghazi story that my guys on the ground that night, in my view, were absolute heroes, that my guys who went from Benghazi base to the TMF and my guys who went from Tripoli to Benghazi saved lives. And a lot more people would have died without my guys acting with the bravery that they did. And I don't want that lost ever, ever, ever.<sup>36</sup>

## **CHIEF OF BASE AND DEPUTY CHIEF OF BASE**

On September 19, 2012, a cable was sent containing a joint report from the Chief of Base in Benghazi and the Chief of Station in Tripoli that was “based on the first-hand accounts” of personnel directly involved in the events that night. The Chief of Base concluded: “Extraordinary heroism, skill, and judgment on the part of [CIA Security Teams] and [DOD] operators saved the lives of CIA and State officers in Benghazi.”<sup>37</sup>

On the same date, the Deputy Chief of Base drafted a Memorandum for the Record, concluding:

The actions of the six Base [Security Team] personnel, who entered this situation without hesitation and with the full knowledge they were outnumbered and out-gunned, was a heroic action. This team's professionalism in recovering successfully the ARSO personnel, conducting repeated searches for the Ambassador in extremely hazardous conditions, entering a building fully involved in smoke and fire while taking fire, was an incredible act of bravery. This same group then established effective, sustained defense against superior forces attempting to attack our Base, and deterred these attacks successfully. [The Team Leader]'s conduct throughout the 11-12 SEP recovery operation and subsequent attacks was exemplary.<sup>38</sup>

The memorandum strongly praised the Annex personnel:

[A]ll members of the Base staff performed to the highest possible level, continuing to collect intelligence, provide reporting, attend to the wounded,

account for sensitive equipment and funds, support base defense, and successfully execute destruction procedures. There were no/no examples of officers panicking or losing composure, even following the mortar attack. It was a privilege to serve with this team of officers.<sup>39</sup>

The Select Committee interviewed the Benghazi Chief of Base, who stated:

I mean, to me, it was one of the bravest and more courageous things I have ever seen or heard of them going over there. And I mean, to go without any plan, basically, to go into harm's way without a lot of information to me was going to be a very dangerous and risky operation on their part.<sup>40</sup>

He added: "I think that, in many ways, we owe our lives to them, and the fact that—in many ways, as with the—even with the tragic loss of life that night, it could have been far worse."<sup>41</sup>

The Select Committee also interviewed the Benghazi Deputy Chief of Base, who stated: "I have the utmost respect for their capabilities, their heroism, what they did that night. I'm alive today because of their efforts, and I never forget that for a minute."<sup>42</sup>

The Deputy Chief of Base described the actions of Annex personnel:

Everybody kept their stuff together, everybody stayed focused on the mission, at the job at hand, either contacting their agents or preparing for the destruction of the classified equipment and holdings that we had there, trying to locate the Ambassador, providing first-aid and medical assistance to people when the only two trained medical people that we had were both killed.<sup>43</sup>

He also stated:

But despite the severity of the injuries in the wounded people there, people who had never imagined that they would have to deal with something like this just jumped right into it and did what they could to help. Even after the mortar attack, there was no hysterics. Nobody lost control. Nobody was laying on the floor cowering, saying, you know, we are all going to die. I mean, it was very professional, very tight, very held together. Everybody was working towards a common goal there. And really everybody involved, given the circumstances, handled themselves with remarkable calm and distinction.<sup>44</sup>

## **TEAM MEMBER 1'S ACCOUNT**

The Select Committee conducted an interview of Annex Security Team Member 1 who described what he found when he arrived at the Special Mission Compound:

We ran to the main building of Villa C, I believe is what it is, and you can see hot embers, coals, smoke, feel the heat.

Standing outside the landing to one of the bedrooms was [DS Agent 2] and [DS Agent 1]. They were very haggard looking, and I describe [DS Agent 1] as looking like a chimney sweep because he had soot all over his face and he was barefoot. You could tell they had been in that burning building for a little while or at least, you know, searching or, you know, whatever.

So Ty and I immediately started going in ourselves. They told us there are still guys inside. We started going into the bedroom. We started going into that bedroom that they were standing next to first. The heat was extremely—it was the most extreme heat I've ever felt. You could barely take a breath or two in there before you had to come back out.

And we just tried hitting different corners of the room at first, going in, coming out, coughing, getting some fresh air, going back in, trying to hit a different spot. Then we started going into different entrances of the building, went through the front entrance, tried to make our way down into the living room. So that happened for a while, while the other guys were coming into the compound.<sup>45</sup>

He explained how they retrieved Sean Smith's body and continued the search for Ambassador Stevens:

And then at some point, two guys appeared out of a back room, the second room back from one of the first rooms that you see, dragging a body out that was—they were both wearing gas masks. And they dragged the body over to me. I took him out of the room, laid him down, checked his vitals. That was Sean Smith. He was dead at the time that I found him.

And then we went back into the buildings trying to hit—at this point, there's Libyans and, you know, more of our guys are there and everybody is going in. There's people everywhere looking for the Ambassador.<sup>46</sup>

Annex Security Team Member 1 described how the team departed the Special Mission Compound:

State Department were all at their vehicle. They all got in their vehicle. And our guys were still kind of scattered about the building. That's when the attack from the south gate happened. They fired an RPG and AK-47 rounds. At that point, that's when State Department vehicle left. They went out the north gate, turned right, and were ambushed on the way back to the Annex.

We stayed at the State Department compound a little bit longer to fight off the attack, and then finally, we rounded up all our guys and we left. We turned left out of the north gate, drove to our compound without incident. And once we arrived, we all went to our predesignated fighting positions and maintained a defensive posture until we were attacked again.<sup>47</sup>

## TEAM MEMBER 2'S ACCOUNT

Annex Security Team Member 2 described the intensity of the fire and the team's repeated rescue attempts:

It was completely on fire. I mean, the moment we—because they have like a foyer, I guess. They had double doors. By the time we made it to the second door, you were just completely sweating. I mean, it was instant. It was so hot. You couldn't see the end of your gun, even with the flashlight on; the smoke was so thick. I kind of knew the layout because I'd been in there, I think, twice. But we went in and out a couple of times.

Last time we went in, I went over right in front of the safe haven door and yelled for Chris twice, and somebody from outside actually responded. And I knew it was behind me because I could tell because I'm looking right at the gate. And that's when I—you know, to me, either he's dead or he's not in there.<sup>48</sup>

He described how he and his team repelled a secondary attack on the Special Mission Compound:

There was really no communication on the radio. People were just, you know, doing their thing, doing their, you know, returning fire pretty much, you know, trying to establish a base of fire. When I came out, there was a ladder. I went up on the roof. And, you know, it took me a second. I wanted to clear the roof make sure there's nobody up there besides me.

I got on the radio. I told [Security Team Leader], "Hey, I'm up on the roof," just in case I got shot. I moved up, and just as the guy was coming back to shoot his RPG again, I popped up over the wall, shot about 10, 15 rounds. He fell back, and that was it. Everything stopped.<sup>49</sup>

## TEAM MEMBER 3'S ACCOUNT

Annex Security Team Member 3 described the mortar attacks:

It was about 5:30 in the morning—the sun was just coming up—because me and Tyrone [Woods] had been talking about, you know, if they're going to attack us, it's going to happen here shortly because usually the time to attack is right before the sun comes up. About that time, [Tripoli Security Team member Glen Doherty] came up on the roof after the guys from Tripoli had came in. I never met [Glen Doherty]. He walks over to Tyrone and says hi to Tyrone. They had worked together on the teams. Tyrone introduced him to me, said that he was a sniper.

I told him: Well, that's good. I hope we don't need you, but it will be great having another rifle up here.

He had turned to walk away, and it was about that time that there was an explosion against the back wall, and there was a mortar that hit the top of the back wall, which from our building was maybe 8 or 10 yards from the building.

[DS Agent 2] was in the corner where the ladder was at. Me and Tyrone were in the opposite corner facing out towards what we call Zombieland, and when that hit, small arms fire started coming from that direction, and Tyrone opened up with a machine gun. I started shooting with my assault rifle. I heard [DS Agent 2] yell out that he was hit.

I kind of glanced over. I saw his shadow sitting because the wall at the top of our building was about 3 feet tall, so there was a box that you had to step on to get up on to the ladder. So he was—I saw his image or the silhouette of him sitting on that box, and he was holding his head. What went through my mind is that he's breathing, so his heart is beating, and he is going to have to take care of himself because we're getting attacked.

We're shooting. I kneel down to change magazines. As I come back up after changing magazines, the first mortar hits the top of the roof, hits almost directly into the wall, where the roof and the arc of the parapet or wall comes up, right into the corner of that. When that hit, it blew me back a little bit, knocked me back. I kind of caught myself. I saw Tyrone go down. He was in a fetal position at my left. The mortar hit on my right.

As I come up, I bring my arm up to grab my gun, and from about here down, it was kind of hanging off at a 90 degree angle. I continued to try to grab my gun. Another mortar hit, and I kind of glanced over my right shoulder, and I saw [Glen Doherty] go straight down face first on to the roof. As I tried to keep firing, my weapon is pretty much inoperable. I can't grab it with my hand. The third mortar hits and peppers me again with shrapnel. The best way I can describe it is it felt like I got stung by a thousand bees. At that point, I figured I might better get to cover because if another one comes, I'll be lucky if I survive that.

I kind of dove down to the wall, the foot of where Tyrone was, and everything had went quiet. I kind of sat up and thought I was bleeding out because everything was wet around me. I realized that it was water because it was cold, and there was a water tank right there beside us that had gotten perforated. I don't know what the timeframe was.

I pulled out a tourniquet, and I was trying to get the tourniquet on. Then I reached over and grabbed Tyrone's foot. I was trying to see if I could pull myself over to him to check to see if he had any pulse. At that point, I saw [Annex Security Team Member 2] come up over top of the roof, which I didn't know it then—I saw a shadow come up, and at that point, he had at first put two tourniquets on [DS Agent 2]; one on his leg, one on his arm. Then he

come over to me, and he was sitting there. He told me to quit messing with my arm because I was trying to put it back in place. He grabbed my tourniquet, put it on, stood me up, and asked if I could walk myself over to the ladder so he could tend to Tyrone and [Glen Doherty], and I said, yeah.<sup>50</sup>

## ANNEX EMPLOYEE’S ACCOUNT

One of the CIA employees at the Annex that night had the following exchange with the Select Committee:

Q: It sounds like it was a really chaotic night also. Is that accurate?

A: Oh, yeah. Yeah. It was—but you know what, what amazed me the most was how calm everybody was. And I was—it really impressed me. To me, I thought everybody did an outstanding job, you know. I was, you know, with the [Annex Security Team] guys. I mean, I owe my life to them, you know, and everybody else.<sup>51</sup>

### 3. RESPONSE OF TRIPOLI SECURITY TEAM

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After being notified of the attacks in Benghazi, a security team in Tripoli composed of four CIA security officers, two Department of Defense servicemembers, and a linguist swiftly responded by chartering a private plane to transport the team to Benghazi in order to bolster security, try to locate and rescue Ambassador Stevens, and evacuate American personnel.

The Select Committee interviewed two individuals who were part of that Tripoli security team, one who had been previously interviewed by the House Permanent Select Committee on Intelligence. They both confirmed the 2014 finding of the House Permanent Select Committee on Intelligence:

The decision to send CIA officers from Tripoli to Benghazi to rescue the Ambassador and bolster security of U.S. personnel in Benghazi was a tactical decision appropriately made by the senior officers on the ground.<sup>52</sup>

The Chief of Station in Tripoli described his role in deploying the security team from Tripoli to Benghazi:

At that time, the [security] team lead Tripoli asked for my approval to QRF, to provide quick reaction force, and my answer, response was: Absolutely, get your team together. [Defense Department Servicemember] then came up to me and said: We want to go. I asked them did they have authorities. They said: Yes, they do, it’s an ambassador in extremis. I said: Absolutely go.<sup>53</sup>

As one member of the Tripoli security team explained to the House Intelligence Committee in 2013: “[T]he [C]hief looked at me and said [Tripoli Team Member], what do you

need? I said we need a ride. [Redacted]. I mean within minutes.”<sup>54</sup> This member of the Tripoli security team elaborated:

A: Long story short, we—within 45 minutes we were moving to the airfield.

Q: Within 45 minutes of what? When you first learned of the attack?

A: Yes. From when I first received the phone call.<sup>55</sup>

He complimented the Defense Department members of the Tripoli team:

I like to think that my tactical math is pretty good. Those guys are—because I’ve been doing [security team work] for 10 years, and I’ve worked pretty much every AO [area of operations], and I’ve been involved in some bad incidents, but those guys are outstanding.<sup>56</sup>

Similarly, in an after-action report, the Defense Department member of the Tripoli security team who was interviewed by the Select Committee praised the actions of the CIA security team members:

Under fire they performed courageously. Their determination and focus was on par with that of [Redacted] and I. I couldn’t be happier they were there and prouder of the way they fought and conducted themselves.<sup>57</sup>

The Deputy Chief of Base in Benghazi also credited the Tripoli security team with assisting the evacuation:

The actions of the [Tripoli Security Team] were also exemplary, and enabled us to successfully and in a controlled manner evacuate from our compound ensuring we had completed a thorough destruction procedure of our classified holdings and sensitive equipment.<sup>58</sup>

## **DOD SERVICEMEMBER’S ACCOUNT**

The Select Committee interviewed a Department of Defense (DOD) servicemember who was part of the Tripoli security team, who explained his team’s response on the night of the attacks:

Q: At some point on 9/11 did you learn of an attack at the—what you are calling the consulate there in Benghazi, the special mission compound, did you learn of that attack at some point?

A: The one in Benghazi, sir? Yes, sir.

Q: Okay. And how did you learn of that?

A: It was through my team leader there in Tripoli. He had texted me on my cell phone, said come down to the TOC [Tactical Operations Center], and then told me that the consulate had been attacked, or was being

attacked, and then didn't know the, you know, exact specifications of the attack, but knew it was ongoing. ...

Q: Okay. And what did he tell you when you arrived back at the TOC?

A: That the consulate was being attacked, the situation was, you know, was not known at the time of the attack or who was attacking or what was going on, but they were preparing to possibly go out to Benghazi.

...

Q: [Redacted]

A: I was fairly certain we were going if we were packing bags when I went back, sir, and when I came back, it was confirmed when he asked me to start looking for guys that would go that were qualified to go. And then we got a confirmation from the Chief of Station that he would like us to take that team up to Benghazi.<sup>59</sup>

He explained that his team landed at the Benina airport near Benghazi at around 2 a.m. local time, contacted the Annex, and learned there was a lull in fire at the Annex:

Q: And what did [Benghazi Annex Security Team Leader] relay at this point? This is at some time at 02 [2:00 am] or shortly thereafter.

A: A lull in fire.

Q: A lull in fire.

A: Yes, sir.

Q: Did he indicate how many harassing attacks they had sustained over the period of time?

A: Not specifically that I can remember, sir.

Q: Okay.

A: Just the last time of it.

Q: And there was a lull at some point starting at 02 or after 02. At least there was a lull when you talked to him?

A: Yes, sir. When I had talked to him, there had been a lull, and no one had been attacking the annex in quite some time. ...

Q: Okay. Did you have any sense during the 2 and-a-half hours that you spent at Benina airport that you were being prevented from departing the airport? Could you have left at any time from 02 to 0430?

A: We didn't have a mode of transportation that was ours, so we were depending on those local militias. So it took us that long to find one that was capable of taking us out into town. Again, initially we were trying to go to the hospital, which we were all being told, "No, we can't take you to the hospital. We can take you to the annex." So that fight went on for a little while, with us thinking that he could possibly be at the hospital needing medical care. So we were pushing hard enough to go there that it prolonged our time at the airport. Then once we found out he was deceased, we had obviously gave that up, and they had no problem taking us to the annex.<sup>60</sup>

The DOD servicemember described what happened after his team arrived at the Annex shortly before 5 a.m. local time:

Once we had gotten to the annex, we called probably 3 minutes out, and the [Annex Security] Team Lead [Redacted] was actually out there to meet us with the gate open. We didn't take any of the vehicles inside. We exited the vehicles and walked inside.

We took the Libyan Shield [militia] commander inside with us so his guys would stay there, ultimately. Went directly to the main house where the TOC was. I think it was Building Three. Team leader started talking to chief of base, and I was talking to [Benghazi Annex Security Team Leader] on the security situation, wounded personnel, what did he need from us that he didn't have already, and how we could help the security posture.

Shortly after us being there, we were all sitting outside while we were talking about this on the front patio of Building Three. We had some sporadic gunfire over the top of Building Three, and immediately following, the first mortar round hit. I believe it went long, hit out in the road where our convoy had been. The gate is obviously closed to the compound now. Next one hit short just behind Building Three on the wall towards the warehouse. The other three or four mortars hit directly on top of Building Three.<sup>61</sup>

The DOD servicemember described the decision to evacuate the Annex:

Q: At that point, what was the direction from the Chief of Base? Was that when the decision was made to evacuate the annex entirely?

A: We did. Once we got back, we decided that the situation we had was untenable to stay at the compound. We didn't have enough shooters and there were too many wounded, and we were definitely going to lose our State Department wounded if we had stayed there much longer. So we were pushing to get out as fast as we could.

Q: And who made the decision to evacuate the annex entirely? Whose decision was that?

A: That was us as a whole. We had all gotten together in a group and talked about the situation, and we all agreed, the chief of base, both team lead for Tripoli and Benghazi, and myself and my team leader.<sup>62</sup>

## TRIPOLI SECURITY TEAM MEMBER'S ACCOUNT

The Select Committee also interviewed another individual who was part of the CIA security team that traveled from Tripoli to Benghazi that night. That CIA security team member described how he learned about the attack:

Well, the team leader advised us that the Ambassador's convoy was hit. The information was very convoluted at the time. It was unclear. The word we got, he was injured, accounted for, injured and missing, and then just missing. And we may have had to go to Benghazi to assist. So we prepared to—we put a team together, and I was assigned as the communications officer, the commo element.<sup>63</sup>

He further explained to the Select Committee the mission of the Tripoli security team:

Q: And so the initial mission, is it fair to say your understanding was to locate the Ambassador?

A: Correct.

Q: And was the mission also to provide assistance to the other Americans in Benghazi?

A: At the Annex, correct.

Q: Okay. Were there any other elements to that mission, other than those two?

A: It was to locate and recover the Ambassador, and to assist the Annex with their security needs that night.

Q: And to your knowledge, who initiated the discussion of sending personnel from Tripoli to respond to the attack in Benghazi?

A: It was from my team leader through our Chief of Station.

Q: And the ultimate decision to send the team, was that the Chief of Station decision, to your knowledge?

A: To my knowledge, yes.<sup>64</sup>

He had previously explained to the House Intelligence Committee in 2013 that he considered the security team's response to be "efficient," stating:

[I]f you look at our response time in Tripoli, getting to the plane was actually very efficient. If you look the way Libyans operate, nothing moves fast. I don't care if the President comes there, nothing is going to move fast. It is just the way it is. So us, time we got the call to launch, time we went wheels up, I think it was very efficient. ... But the way Tripoli and Libyans operate and the way, how congested Tripoli was, we launched pretty rapidly.<sup>65</sup>

The Tripoli security team member explained to the Select Committee that after landing in Benghazi, the security team learned that the Ambassador had died. After receiving confirmation of the death, the security team traveled to the Benghazi Annex:

Q: And at what point did you learn the Ambassador was likely killed in action versus still alive somewhere?

A: I believe just before our transportation arrived, our TL [Team Lead] advised us that someone made it to the hospital, and that he was confirmed KIA.<sup>66</sup>

He described what he observed when he arrived at the Annex:

Q: So you arrived at the base, the Annex. What did you observe when you first arrived there?

A: That there were no guards at the front gate. It was dark. We were still on night vision. I noticed the [Annex Security] personnel on top of the wall near the gate, and we were met at the gate by the Benghazi team leader, [Redacted], who was on a cell phone with [Redacted]. And we walked into the compound. It was quiet, and it was dark at this point in time. And at that time, that's when I walked into the main building. Basically we were going to get briefed and come up with a plan on who needed to go and what our next steps were. And shortly after that is when we came under the initial, one of the attacks.<sup>67</sup>

He explained that he was inside the building when the mortar attacks happened, and he left the building to make his way to the roof to assist. He described:

Well, they actually put bathroom tile outside there, and so it was real slick. He [the wounded Annex security team member] ended up falling on top of me, and I ended up hyperextending my leg to the rear. So now I'm injured, so I drug him out because we started getting hit by small arms fire. So I dragged him around the corner. I started putting a tourniquet on his arm. He was bleeding from his left arm. He had a hole in his neck, and he had a hole in his chest.

So I put tourniquets on his arm and started patching up with the help of others from the shrapnel wounds. And it seemed like seconds later when I heard somebody say, [Redacted], I have another one for you. That's when the second State Department guy, [Agent 2], I believe his name is, he came down.

And I pushed [Annex Security Team Member 3] up on to the couch, and that's when [Agent 2] was there. And [Agent 2's] right foot was hanging off. He had a hole in his left arm. He had several shrapnel holes in his head.

So I readjusted the tourniquet on his right leg, put another one on his right leg, and ended up putting a tourniquet on his left arm and packing his neck with combat gauze to help stop the bleeding. I ended up starting an IV on him. And then I went back to [Annex Security Team Member 3], put an IV in him. That's one of the State Department personnel—I don't know who it was—had morphine, and I made the call to give [Agent 2] morphine because he was in so much pain he started pawing at the tourniquets and the gauze, some of the dressings I put on. And that seemed like seconds.

During this process is when the [Redacted] asked me to—the cell phones got jammed, not jammed, but they were busy tones. He asked me to get on SAT radio and contact Tripoli and give them a SITREP [situation report].<sup>68</sup>

#### 4. LIFESAVING MEDICAL CARE

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On the night of the attacks, U.S. personnel in Benghazi and Tripoli provided lifesaving medical care to the wounded immediately following the attacks, during the evacuation from Benghazi, and upon arrival in Tripoli.

The Tripoli security team member who had provided medical care on the ground in Benghazi also provided lifesaving first-aid during the evacuation flight from Benghazi to Tripoli to a DS agent who was gravely wounded in the mortar attack. The Tripoli security team member explained that he was not a medical professional, and credited his actions on a mandatory, specialized, in-depth combat trauma course he had taken as part of his duties.

He described how two individuals—a Special Forces-trained medic and a State Department nurse—took over medical care when they landed in Tripoli:

Q: I'm going to step back real quick to the medical assistance you provided and just ask couple questions about that, the medical assistance to [Annex Security Team Member 3] and to [Agent 2]. Were you able to stabilize, in your view, those two individuals or any of those individuals prior to the evacuation of the Annex?

A: Yes.

Q: And did you have to restabilize them on the plane, either of them?

A: I gave [Agent 2] another morphine on the plane. I adjusted [Annex Security Team Member 3's] bandage. And then when I was moving [Agent 2] off the plane—we were bringing him off without the stretcher because the stretcher was so big and the plane was so small—he stopped

breathing, so I had to give him CPR. Got him back breathing, and that's when the State Department nurse met me on the plane with one of the Army—there was an Army SF [Special Forces] medic assigned to the State Department. He met me on the plane as well and asked if I was okay and could continue on. I just said they need to go to the hospital now. And then we loaded them on to an ambulance, and at that point, the ambulance took them to Afia Hospital in Tripoli. And I went back in a Suburban with all the other State Department personnel and gear. And that was it. I received a call from the flight medic from Ramstein, the military airlift, and I went over the view of what I did and what I gave them as far as tourniquets, morphine, and IV bags, how much, and the times and stuff. And that was it in reference to my medical service.

Q: And you mentioned that a couple of medical personnel, an Embassy nurse and an SF medic, met you at the ramp in Tripoli?

A: Correct.

Q: You said they asked if the patients were capable of going directly to Germany. Was that the request?

A: I believe, yeah. And I said, no, they need to go to the hospital now. This is when I just got [Agent 2] breathing again. But I made the suggestion, you know, I remember they said can they wait for the Ramstein bird. And I was like no, because I really think [Agent 2] was going to die any minute.

Q: And they accepted your recommendation?

A: Yes.

Q: And took them to the hospital?

A: They did. ...

Q: And did the SF medic or the nurse provide any medical assistance there at the plane, or did they just get in the ambulance?

A: As soon as I put them on stretchers, we carried them off the plane, they started on them; they started helping the ambulance drivers. These aren't ambulances like we're used to in America. They're little, tiny, natural gas type of minivans; and they slid them in there, and they jumped into the minivans with them on the way to Afia Hospital. What they did after that, I don't know. The only thing I remember getting back from a hospital was a bag when they cut off all the gauze and bandages, they sent, they gave [Redacted] the bag of material to give back to us for some reason because there they reutilize a lot of things. So I remember

getting a bloody bag of bandages back. That's the last I saw of [Agent 2] and [Annex Security Team Member 3] until later on.

Q: We're coming close to the end of our hour. This is the last question. Setting modesty aside, okay, do you believe that [Agent 2] or [Annex Security Team Member 3] would have survived to make it to Tripoli which without your intervention?

A: No.<sup>69</sup>

Of special note is that the Special Forces-trained medic who took over medical care when this flight landed in Tripoli was part of a four-man military team assigned to Special Operations Command Africa that had offered to travel to Benghazi after the first Tripoli security team had already departed. Previous investigations determined that keeping this team in Tripoli to provide security at the U.S. Embassy ensured that this medic was able to provide crucial lifesaving care on the airfield in Tripoli.

Admiral Mullen explained to the House Committee on Oversight and Government Reform in 2013 that this medic provided "heroic" medical assistance that prevented additional fatalities:

Q: Did the ARB, as part of your inquiry, determine that there was a need to keep the four-man team in Tripoli instead of sending them to Benghazi? Were you able to evaluate their need for being there at all?

A: Well, I think—you know, what General Dempsey said was true in terms of this was about 6:30 in the morning. Had ... [the Lieutenant Colonel] and the other three gotten on an airplane, they would have flown past the plane bringing those who—out of Benghazi, some of whom were wounded. And an untold story here is the heroic efforts of the medic actually on that airport coming from Benghazi to Tripoli, which there are those that believe kept a couple of those wounded alive to get them to Tripoli, which would then allow continued triage to put them on a C-17 pretty rapidly and get them up to Landstuhl. So I say that because the focus of the medical aspect on this and the medic who remained in Tripoli was absolutely critical. That's where the focus was at that time. I would also add that for Lieutenant Colonel [Redacted] and for others who either are currently wearing or have worn the uniform, the desire to get out there to help is who we are. So I certainly wasn't surprised that that's what he wanted to do.<sup>70</sup>

A lieutenant colonel in the Office of Security Cooperation at Embassy Tripoli discussed this in his testimony before the Committee on Oversight and Government Reform in 2014:

Q: So I would like to ask you about when you went to receive the aircraft from Benghazi with the wounded on it, okay? ... [Y]ou said you took a 19 Delta with you?

A: Correct.

Q: What is a 19 Delta?

A: A 19 Delta is a Special Forces E-medic. Special capabilities to do more enhanced trauma, first aid. So he was able to accompany them and also assist with the Libyan doctors in helping both the wounded men. ... The 19 Delta kind of took over. He worked with the Libyan medical officials. That's when I got notice that, again, one of the wounded had a rare blood type, so we started scrambling to find out who had a similar blood type, and we did find somebody at the embassy.

Q: So would you characterize the 19 Delta's role as integral to the care?

A: Oh, absolutely.<sup>71</sup>

## ENDNOTES

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- <sup>1</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent 3 (Mar. 19, 2015).
- <sup>2</sup> *Id.*
- <sup>3</sup> Select Committee on Benghazi, Interview of Annex Security Team Member 2 (May 22, 2015).
- <sup>4</sup> Select Committee on Benghazi, Interview of Annex Security Team Member 4 (Mar. 1, 2016).
- <sup>5</sup> *Id.*
- <sup>6</sup> Department of State, *Benghazi Accountability Review Board Report* (Dec. 2012) (online at [www.state.gov/documents/organization/202446.pdf](http://www.state.gov/documents/organization/202446.pdf)).
- <sup>7</sup> Senate Select Committee on Intelligence, *Review of the Terrorist Attacks on the U.S. Facilities in Benghazi, Libya, September 11-12, 2012*, 113th Cong. (Jan. 15, 2014) (online at [www.intelligence.senate.gov/sites/default/files/publications/113134.pdf](http://www.intelligence.senate.gov/sites/default/files/publications/113134.pdf)).
- <sup>8</sup> House Permanent Select Committee on Intelligence, *Hearing on Benghazi and the Obama Administration*, 113th Cong. (Apr. 2, 2014).
- <sup>9</sup> House Permanent Select Committee on Intelligence, *Investigative Report on the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012*, 113th Cong. (Nov. 21, 2014) (online at <https://intelligence.house.gov/sites/intelligence.house.gov/files/documents/Benghazi%20Report.pdf>).
- <sup>10</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent 1 (Apr. 1, 2015).
- <sup>11</sup> *Id.*
- <sup>12</sup> *Id.*
- <sup>13</sup> *Id.*
- <sup>14</sup> *Id.*
- <sup>15</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent 2 (Mar. 16, 2015).
- <sup>16</sup> *Id.*
- <sup>17</sup> *Id.*
- <sup>18</sup> *Id.*
- <sup>19</sup> *Id.*
- <sup>20</sup> *Id.*
- <sup>21</sup> *Id.*
- <sup>22</sup> *Id.*
- <sup>23</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent 3 (Mar. 19, 2015).
- <sup>24</sup> *Id.*
- <sup>25</sup> *Id.*
- <sup>26</sup> *Id.*
- <sup>27</sup> *Id.*
- <sup>28</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent 4 (Mar. 6, 2015).
- <sup>29</sup> *Id.*
- <sup>30</sup> *Id.*
- <sup>31</sup> *Id.*
- <sup>32</sup> *Id.*
- <sup>33</sup> *Id.*
- <sup>34</sup> House Permanent Select Committee on Intelligence, *Investigative Report on the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012*, 113th Cong. (Nov. 21, 2014) (online at <https://intelligence.house.gov/sites/intelligence.house.gov/files/documents/Benghazi%20Report.pdf>).
- <sup>35</sup> Senate Select Committee on Intelligence, *Review of the Terrorist Attacks on the U.S. Facilities in Benghazi, Libya, September 11-12, 2012*, 113th Cong. (Jan. 15, 2014) (online at [www.intelligence.senate.gov/sites/default/files/publications/113134.pdf](http://www.intelligence.senate.gov/sites/default/files/publications/113134.pdf)).
- <sup>36</sup> Select Committee on Benghazi, Interview of CIA Deputy Director Michael Morell (Sept. 28, 2015).
- <sup>37</sup> “EYES ONLY—TRIPOLI STATION AND BENGHAZI BASE REPORT ON EVENTS OF 11-12 SEPTEMBER,” Tripoli 27900 (Sept. 19, 2012) (IntBook5-067 - Intbook5-075).
- <sup>38</sup> Deputy Chief of Base, Memorandum for the Record, “Events of 11-12 SEP 2012 at Benghazi Base, Libya” (Sept. 19, 2012) (IntBook1-127 – IntBook1-131).
- <sup>39</sup> *Id.*
- <sup>40</sup> Select Committee on Benghazi, Interview of CIA Chief of Base (Nov. 19, 2015).

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- <sup>41</sup> *Id.*
- <sup>42</sup> Select Committee on Benghazi, Interview of CIA Deputy Chief of Base (June 4, 2015).
- <sup>43</sup> *Id.*
- <sup>44</sup> *Id.*
- <sup>45</sup> Select Committee on Benghazi, Interview of Annex Security Team Member 1 (May 29, 2015).
- <sup>46</sup> *Id.*
- <sup>47</sup> *Id.*
- <sup>48</sup> Select Committee on Benghazi, Interview of Annex Security Team Member 2 (May 22, 2015).
- <sup>49</sup> *Id.*
- <sup>50</sup> Select Committee on Benghazi, Interview of Annex Security Team Member 3 (May 27, 2015).
- <sup>51</sup> Select Committee on Benghazi, Interview of CIA Employee (June 19, 2015).
- <sup>52</sup> House Permanent Select Committee on Intelligence, *Investigative Report on the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012*, 113th Cong. (Nov. 21, 2014) (online at <https://intelligence.house.gov/sites/intelligence.house.gov/files/documents/Benghazi%20Report.pdf>).
- <sup>53</sup> Select Committee on Benghazi, Interview of CIA Chief of Station (July 16, 2015).
- <sup>54</sup> House Permanent Select Committee on Intelligence, Subcommittee on Oversight and Investigations, *Benghazi Briefing No. 4* (Dec. 13, 2013).
- <sup>55</sup> *Id.*
- <sup>56</sup> *Id.*
- <sup>57</sup> Department of Defense, *Requested Operational Narrative, US AMB Recovery, 11SEP12* (140-143).
- <sup>58</sup> Deputy Chief of Base, Memorandum for the Record, “Events of 11-12 SEP 2012 at Benghazi Base, Libya” (Sept. 19, 2012) (IntBook1-127 – IntBook1-131).
- <sup>59</sup> Select Committee on Benghazi, Interview of DOD Servicemember (Sept. 22, 2015).
- <sup>60</sup> *Id.*
- <sup>61</sup> *Id.*
- <sup>62</sup> *Id.*
- <sup>63</sup> Select Committee on Benghazi, Interview of Tripoli Security Team Member (June 23, 2015).
- <sup>64</sup> *Id.*
- <sup>65</sup> House Permanent Select Committee on Intelligence, Subcommittee on Oversight and Investigations, *Benghazi-Related Meeting No. 3* (Dec. 3, 2013).
- <sup>66</sup> Select Committee on Benghazi, Interview of Tripoli Security Team Member (June 23, 2015).
- <sup>67</sup> *Id.*
- <sup>68</sup> *Id.*
- <sup>69</sup> *Id.*
- <sup>70</sup> House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).
- <sup>71</sup> House Committee on Armed Services and House Committee on Oversight and Government Reform, Interview of Lieutenant Colonel at U.S. Embassy Tripoli (Feb. 28, 2014).

# B. THE DEPARTMENT OF DEFENSE



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# The Department of Defense

Based on the evidence obtained by the Select Committee, including documents, briefings, and transcribed interviews, the Democratic Members make the following findings relating to the response of the Department of Defense (DOD) to the attacks in Benghazi:

- The United States military could not have done anything differently on the night of the attacks that would have saved the lives of the four brave Americans killed in Benghazi.
- The military’s global posture prior to the attacks prevented it from responding more quickly, and significant changes were made several years ago to substantially improve the military’s ability to respond to crises at diplomatic facilities worldwide.
- Repeated Republican claims that Secretary Clinton or anyone else intentionally delayed the military response or ordered a “stand down” are unsubstantiated, meritless, and offensive to our men and women in uniform.

These findings are consistent with investigations conducted several years ago regarding the military’s response, including reviews by the independent Accountability Review Board (ARB) and the Republican-led House Armed Services Committee.

## **1. MILITARY RESPONSE COULD NOT HAVE PREVENTED DEATHS IN BENGHAZI**

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Defense Secretary Leon Panetta, General Carter Ham, the Commander of U.S. Africa Command (AFRICOM), and other military leaders explained to the Select Committee that Defense Department officials carried out the orders of the President to use all resources at their disposal to try to save American lives on the night of the attacks.

Secretary Panetta recounted that he and General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, met with President Obama at the White House after being notified of the attacks in Benghazi. During that meeting, the President ordered the deployment of all available resources to save American lives:

The President made clear—you know, again, these were all very preliminary reports about what was happening there. But the President made clear that we ought to use all of the resources at our disposal to try to make sure we did everything possible to try to save lives there.<sup>1</sup>

Secretary Panetta continued:

Q: And did you or General Dempsey discuss with the President what resources might be available during the course of that meeting?

A: We did not go into particulars about what resources would or would not be deployed because, frankly, at that point, we had to get back to the Pentagon in order to determine what steps ought to be taken to try to respond to the situation.

Q: Yes, sir. So, to the best of your recollection, the specific direction that you took away from that meeting with the President was what?

A: To do everything possible to try to make sure that we tried to save the lives of those that were involved in the attack.<sup>2</sup>

Secretary Panetta explained that when he returned to the Pentagon at about 6 p.m., he convened a meeting with his chief military advisors, which included General Dempsey; General Ham; General John Kelly, Secretary Panetta's Senior Military Assistant; and others. During the meeting, Secretary Panetta ordered the deployment of two Marine Fleet Antiterrorism Security Team (FAST) platoons stationed in Spain, the Combatant Commander's In-Extremis Force (CIF) based in Germany and on assignment in Croatia, and a special operations force based in the United States:

[M]y general approach to these things is to immediately have a meeting with the key principals that I could talk with to ask them, you know, get the best information. What is the situation? How do we respond? What steps can we take to make sure we are doing everything possible to respond to the situation?

And, I mean, as a result of that meeting, you know, I ordered that, based on their recommendations, that we have our FAST teams, Marine FAST teams, respond, be prepared to—you know, not only prepare to deploy but deploy into—and be available to be able to go in. These are an elite force, as you probably know, of Marines who can quickly respond to those situations.

So I directed that we get those FAST teams in place. [Redacted]

We also had an in-extremis team. This is a team whose principal responsibility is to respond to crises. And that team was in Europe. I think they were in exercises in the Balkans. And we told them to, again, move to an intermediate base—and Sigonella would have been the base that they would have gone to—in order to deploy, as well.

And then the third team, because we were concerned about the state of the Ambassador at that point—I mean, initially, the concern was that the Ambassador might well have been taken hostage at that point. I can't tell you we had information to that effect, but we just didn't know what was happening with the Ambassador. And so, because of that, we thought it might be very important to have a hostage rescue operation. [Redacted]

So those were the orders that I gave. And I had the authority to give those orders. And those orders were carried out.<sup>3</sup>

Secretary Panetta said that he ordered the deployment of the most capable military resources recommended by his military advisors:

Well, my direction at the time meeting with my military command and the chairman, and General Ham, and the others that were there, was what are the immediate resources we can deploy in order to try to save these lives and do what we can? And they are the ones that made the recommendation of the teams that I then ordered to be in place. And there was no—there was no other, you know, question about, oh, there's some other group or there's something else we could do, or there's something closer, or something like that. These were the ones that we had the ability to deploy quickly whose job it would be to be able to go in and try to help save lives. And there was no other units, or equipment, or you know, operations that were even discussed as an alternative. We focused on the task forces. We focused on these units and those were the ones that were ordered to go into place.<sup>4</sup>

Secretary Panetta explained why close air support or fighter aircraft were not appropriate to send into Benghazi:

Well, obviously you look at, you know, the potential for deploying AC-130s, F-16s, F-18s, obviously you couldn't send B-2 and B-1 bombers there as well, but at the same time, you've got to consider in deploying them what is required in terms of air refueling to make sure that because you don't want to send planes in the air that can't return, so you've got to have air refueling capabilities.

Secondly, you've got to be able to determine, as best you can, what is the intelligence on the ground, because you don't want them to go in and either buzz or drop bombs without knowing what the situation is on the ground, where is the Ambassador? Where are people located?

And, lastly, you've got to provide armaments on those planes, and that takes time in order to be able to fully arm those planes to be able to deal with those contingencies. So all of those questions have to be asked before you suddenly send these planes into battle.<sup>5</sup>

Secretary Panetta also stated:

I've heard people say, well, you should have sent F-16s in there. Okay, yeah, so F-16s go in there and they drop a lot of bombs, but where is the Ambassador? Where are our people? What's happening. You don't just do that. You've got to have information.<sup>6</sup>

During his interview with the Select Committee, General Ham described the meeting with Secretary Panetta, corroborating the Secretary's account:

When Secretary Panetta and General Dempsey returned from their meeting at the White House, we convened once again in the Secretary's office. There were a few others in the room, I believe, Vice Admiral Tidd, the Director for Operations; I think Lieutenant General Kelly, who was then senior military assistant; perhaps a few others.

Secretary Panetta, General Dempsey gave a quick synopsis of their conversation with the President, and it was of that nature: What do we need to do to respond to this situation? And Secretary Panetta's question to me throughout our conversations, both earlier and in this meeting, were, what do you need? And it was in that second meeting when I asked him for authority to employ the Commander's In-extremis Force, the Fleet Antiterrorism Support Teams, and the [U.S.-based special operations force].<sup>7</sup>

General Ham explained that Secretary Panetta issued orders based on his recommendations, which is how the warfighting chain of command should work:

Q: [W]ere the manner in which these orders were communicated—from that first meeting with the President to the Secretary's decisions based on your recommendations and then your communication with Admiral Leidig—reflect the appropriate function of the chain of command?

A: In my assessment, yes. The Secretary of Defense is my next senior in the chain of command, and with the authority to make the kinds of decisions that he did, received my recommendations with the advice of the Chairman of the Joint Chiefs of Staff, as is the appropriate role for the Chairman of the Joint Chiefs. The Secretary then made a decision, and I believe that that is how the system is supposed to work. And in my experience as a combatant commander, as a service component command commander for combatant command and as the Director for Operations on the Joint Staff, I believe, in my view, that is the appropriate functioning of the chain of command.<sup>8</sup>

General Ham confirmed that he had all of the authority he needed to respond to the developing crisis in Benghazi:

Q: Do you have—all of the authority that you needed to move the appropriate forces that night, did you have it?

A: Sir, when the Secretary of Defense transferred operational control of certain military forces to my control, I believe I then had full authority to employ those forces as I deemed appropriate.<sup>9</sup>

General Ham explained to the Select Committee the urgency that night, and what it meant to be the "supported command":

There was, across Africa Command, certainly my sense in the Joint Staff and in the Office of the Secretary of Defense, a profound sense of urgency. When

the Secretary of Defense made the decisions upon advice and recommendations of myself and of the Chairman of the Joint Chiefs of Staff to transfer operational control of certain entities, he also established for the purposes of this event that Africa Command was, in military terminology, the supported command. That conveys across the Department of Defense to all other combatant commands, geographic and the specialized commands, to the military departments, the defense agencies, and all others that for this event, AFRICOM is the supported command, and all others are to do what they must do to support, in this case, AFRICOM's requirements.

So, again, I think there was a very, very noticeable and profound sense of urgency, and I certainly detected no hesitation from any other combatant command, defense agency, or any other to be responsive to the command's needs.<sup>10</sup>

General Ham's statements to the Select Committee were consistent with the nine previous times that he had provided information to Congress about the attacks. For example, he had the following exchange with Congress in 2014:

A: The Secretary of Defense ultimately issued very specific orders, in terms of an execution order with regard to deployment of the Commander's In-Extremis Force, the Fleet Antiterrorism Support Team, [redacted].

Q: Did he [Secretary Panetta] direct you to prepare them, or did he direct you to have them engage in the fight in Benghazi?

A: My request of the Secretary was, these are the capabilities that I think will be the most useful as we learn more about this situation. And he made those forces available to me to employ at my direction as the combatant commander. In my experience—and admittedly, you know, I've been a combatant commander at this point for about a year and a half and had been director for operations on the Joint Chiefs of Staff for awhile before that. But, in my experience, it's not particularly normal for the Secretary of Defense to issue tactical direction to a combatant commander. Rather, the Secretary of Defense makes forces available based upon assessment of the situation for employment by a combatant commander.

Q: Were you ever commanded to engage in the fight in Benghazi?

A: I didn't need to be, Congressman. I mean, I didn't need anybody to tell me, you need to take action here. There are Americans in harm's way.

Q: So the Secretary of Defense is making forces available. And are you saying that you, and you alone, made the decision to not engage in the fight there in Benghazi?

A: I would strongly disagree with your characterization. As the situation unfolded and the conditions changed significantly over time, in some cases over a very short period of time, in my view, again, as the events were unfolding in realtime, that the military forces that were deployed were appropriate for the conditions as they existed in realtime.<sup>11</sup>

Upon receipt of the Secretary's orders, General Ham relayed the orders to his Deputy Commander for Military Operations, Vice Admiral Charles Leidig. Vice Admiral Leidig described to the Select Committee:

I think the—my recollection is that the second time I talked to General Ham, he then said that he had met with the Secretary and the Chairman, and then he said—he gave me very—three very specific things: that we have permission to move the EUCOM CIF forward; we were told to get the FAST team ready to prepare to deploy to Libya; and that the Secretary had also authorized the [U.S.-based special operations force] to move into the AOR [area of responsibility]. And so he told me he'd had the meeting and that the Secretary had authorized those and that I would see, you know, written orders that—prepare-to-deploy orders for those three units.

I told him that I had already made contact with EUCOM and they were already having the CIF try to get co-located with our aircraft and be ready to move; we had already alerted the FAST; and I thanked him for the information of the [U.S.-based special operations force].<sup>12</sup>

Vice Admiral Leidig explained that General Ham's order was to "prepare to deploy," which meant "to begin planning for the mission, assemble the forces, and be ready to receive an execute order to move on to your mission, and so it means to be fully prepared." Vice Admiral Leidig explained that having a "prepare to deploy" order in no way delayed the response that night:

Q: There was some discussion about the term "prepare to deploy" and an "execute order," and I just wanted to ask you a couple questions about that. Would a lack of an execute order, or did a lack of an execute order on the night of the attacks ever slow down your forces?

A: No.<sup>13</sup>

Vice Admiral Leidig explained:

[T]he absence of an execute order doesn't hold anything up. I mean, you're still moving to get to the point where you're ready to execute the mission. If I got to the point where there were C-130s on the deck at Rota and the Marines were loaded into the back of the plane, which is something we would be doing as part of prepare to deploy, I would know.

Once the C-130's launch from Germany and they're inbound, I can very accurately predict when they'll be on the ground and how long it will take to

load the Marines, and I can call the Joint Staff and say, “Issue the execute order because they’re going to be on the ground.”<sup>14</sup>

General John Kelly, Secretary Panetta’s Senior Military Assistant on the night of the attacks, also described the meeting with the Secretary after he returned to the Pentagon:

Q: So you’re in this meeting. The secretary has gotten back. He’s gotten guidance from the President. And I want to say he said something to the effect of everything’s on the table. Does that sound familiar?

A: At a meeting like that, he would have said whatever they need is available. So everything is on the table.

Q: And he would have said that to who?

A: To the group.

Q: Specifically, was he talking to General Ham, the COCOM commander?

A: Carter would have been there, as I’ve already said. Carter would have been there. Chairman was there. Jeremy [Bash] for sure. I was there. And he says: Okay, let’s just make it happen. That’s the kind of guidance you get from a guy like Mr. Panetta.

Q: Would that constitute the vocal order to General Ham, do whatever you need to do, you’ve got carte blanche? Is that fair?

A: It is fair.

Q: Is that what happened?

A: Carter Ham, I’m sure, then called his organization back in Stuttgart, who, frankly, would have already been planning, and said: Okay, we got the VOCO [verbal order], get back to me in an hour, what do you need?<sup>15</sup>

General Kelly also explained the authorities provided to General Ham:

Q: So basically, in that meeting following the White House, at that point General Ham had been given the authority to do whatever he needed to do to execute a response to the events in Libya. Is that accurate?

A: I believe that’s accurate.

Q: So he, in terms of the DOD response, he’s in charge?

A: Yes, unless the Secretary of Defense changes it. ...

Q: So General Ham is in charge now of AFRICOM and the response to the AOR. What does he need to do in order to draw upon assets that he doesn't own, FAST, CIF, [U.S.-based special operations force]? What does he got to do in order to take operational control, whatever, tactical control of those units, what does he have to do to make that happen? Or is it implicit in the fact that Panetta says: Do what you have got to do.

A: Yeah, I mean, it's implicit. But to get at assets that he doesn't own, at that point Joint Staff would be working all of the deployment orders because they were in the room. And, you know, under those circumstances, you get what you ask for.<sup>16</sup>

Dr. James Miller, Secretary Panetta's Under Secretary of Defense for Policy, confirmed that once Secretary Panetta gave the orders, General Ham had all of the authority he needed to deploy forces:

Q: And, again, once the Secretary gave that order, did any of the COCOMs need any additional authority to execute their mission, per se? Is that a "yes" or a "no"?

A: They did not need any additional authority to execute the order.

...

Q: My point, though, is SOCOM [U.S. Special Operations Command], EUCOM [U.S. European Command], AFRICOM, none of them needed any other guidance or approval from the Secretary to execute their missions. Is that fair? Is that accurate?

A: None of them needed any further authority to execute the Secretary's order to deploy.<sup>17</sup>

On the overall military response on the night of the attacks, Secretary Panetta stated:

There was no question in my mind that, at least from my perspective, everything possible had been done to try to do what we could to save those lives. I've never had a question—I never had a question then and I don't even have a question now that we did everything possible to try to see if we could save lives, in line with the President's order.<sup>18</sup>

He explained further:

You know, there's a—there's a fundamental principle that people at DOD, particularly in the military, act by, which is you leave no one behind. And my experience is that, you know, when there are people whose lives are in jeopardy, military moves as quickly as they can to try to help people, and that was—those were my orders, and I was very confident that the military would

fulfill those orders because that's what they do. And that's what they care about are the lives of these people.<sup>19</sup>

In his interview with the Select Committee, Jeremy Bash, Secretary Panetta's Chief of Staff, corroborated this account:

[E]verything that I saw on that day, and I was there, everything I saw led me to conclude that everybody at the Department of Defense, the senior officials, the Secretary of Defense, the Chairman and all of the uniformed military, did everything they could to respond to the crisis and to get a rescue mission staged to help save our people.<sup>20</sup>

General Ham described the situation as "all hands on deck":

I was struck that night and the next morning and remain impressed today by the extraordinary professionalism and sense of urgency from all the DOD personnel, those who were on the ground in Tripoli, those who went to Benghazi, those who responded in the Commander's In-extremis Force, and my own staff under Vice Admiral Leidig's direction. Again, the best phrase I can use is it was "all hands on deck" to find, continually pursue options to address this evolving situation.<sup>21</sup>

Under Secretary Miller stated that "there was incredible urgency to get things done and to do everything possible to save American lives." He had the following exchange:

Q: Recognizing this was an in-extremis situation, what were the policy issues being contemplated that night?

A: Relative to the high-level strategy that we've talked about, there were none. The policy issue was how do we get forces in place to protect U.S. personnel and interests. So those are fundamentally questions of force availability and military deployment timelines.

And, ultimately, there is absolute clarity in my mind and, I believe, in others' minds that there were not broad policy strategy on other issues. We had Americans at risk, and we wanted to get forces there to support those Americans and American interests rapidly. That was—

Q: We had no SOFA [Status of Forces Agreement] in place. Was that an issue?

A: It was not to me.<sup>22</sup>

Admiral Kurt Tidd, the Director for Operations for the Joint Staff at the Pentagon on the night of the attacks, corroborated the testimony of Secretary Panetta, General Ham, Chief of Staff Bash, and Under Secretary Miller that the entire U.S. Government did everything it could to save lives on the night of the attacks:

Q: Sir, on the night of the attacks, was it your sense that everyone was doing everything they could to respond to keep Americans safe?

A: I believe that, yes.

Q: Everyone at the Pentagon?

A: I believe that.

Q: Everyone at the White House?

A: I believe that.

Q: And folks at the State Department?

A: That is my belief.

Q: And was it your sense from the SVTC and other interactions that folks were doing everything they could to—

A: There was an enormous sense of urgency to try to sort through all of the conflicting information that we were getting and had been getting. And—and, yes, I think everyone was doing everything they could to try to sort through that—the conflicting information and to make the best possible decisions that they could.<sup>23</sup>

Military commanders unanimously agreed with the order to deploy the FAST, CIF, and U.S.-based special operations force, and not to deploy strike aircraft. Admiral Tidd explained:

Q: Does it seem that the forces that were deployed that night, the [U.S.-based special operations force] and the CIF and the two FAST platoons, that seems to show the gravity with which the U.S. Government was responding.

A: Given the information that we had at the time, those were, without a doubt, the premiere, most capable forces that we had to deal with a highly chaotic and uncertain situation. And we needed to send the best possible eyes and ears forward, not knowing what we were going to be dealing with to people that sort of—the people who would be on the ground would be the most capable of making the right decisions in a very critical time-compressed environment. They were the best trained that we had for that kind of a situation.<sup>24</sup>

General Ham explained his decision not to deploy strike aircraft on the night of the attacks:

In the instance, as things evolved, during the attack and the subsequent events of that night, as I look back on that knowing what I know now, I just do not, in my military experience, see an opportunity where the application of strike

aircraft would've been appropriate. It could've made things worse, either by causing friendly casualties, American or Libyan; causing casualties amongst noncombatants, which would further incite things; or mechanical failure, many other things that can happen with a downed aircraft. So, all of those things considered, I still come to the conclusion that strike aircraft were not the appropriate response that evening.<sup>25</sup>

General Philip Breedlove, the Commander of U.S. Air Forces in Europe, told the Select Committee that he agreed with General Ham's decision not to deploy strike aircraft because they did not have a defined target, and the likelihood for collateral damage was very high. He stated, "I completely agree with the judgment not to use kinetic weapons via fighter aircraft in that environment."<sup>26</sup> He added that they could not be deployed in time:

Q: Even if you had received such a tasking, with specific respect to the assets located on Aviano Air Base, is it your sense that had you received such a tasking, that any assets would have been available to effect a difference in Benghazi that night?

A: Well, I think I just answered that. The physics of the timeline of tasking plus generation of aircraft plus physically flying, et cetera, et cetera, they would not have changed anything to do, unfortunately, with the ambassador or others.<sup>27</sup>

Major General Michael Repass, the Commander of U.S. Special Operations Command-Europe, was also asked whether he agreed with General Ham's judgment, and he stated, "I've known General Ham. I've worked with him, I've worked for him, and I trust his judgment." He went on to explain to the Select Committee: "If you are blindly throwing ordnance at somebody out there, you are going to inadvertently kill people who ought not be killed."<sup>28</sup>

General Kelly also told the committee: "[T]o drop bombs without knowing what you're dropping the bombs on might make people feel good, but it may be counterproductive, particularly when it's killing or hurting the wrong people."<sup>29</sup>

The closest available U.S. security assets, which were located in Tripoli, immediately took the initiative and responded that night with the authority of their immediate supervisors. A seven-person security team from Tripoli that included two military personnel and CIA security team member Glen Doherty chartered a private plane to bring additional fighters and medical care to Benghazi and to assist with the possible hostage rescue. That team left Tripoli for Benghazi at approximately 12:30 a.m. local time, which was 6:30 p.m. in Washington, D.C., as Secretary Panetta was meeting with his military advisors. That team arrived between 1 a.m. and 2 a.m. Benghazi time, or 7 p.m. and 8 p.m. Washington, D.C. time.

Although Secretary Panetta told the Select Committee that he was not personally aware of the team's activities that night, General Ham monitored their movements during the evening as the team attempted to locate Ambassador Stevens. The team spent hours at the airport trying to obtain additional information about the Ambassador's whereabouts and to secure ground transportation to the hospital where he was reportedly located, but local Libyan security forces refused to transport them to the hospital because of security concerns. Once they learned that

Ambassador Stevens was deceased, the team obtained ground transportation from Libyan security forces to the Annex, arriving at around 5 a.m., shortly before the mortar attack.<sup>30</sup>

Vice Admiral Leidig explained to the Select Committee how, throughout the evening, military commanders were constantly reevaluating their courses of action based on the available information:

Conditions on the ground caused us to continually evaluate it. And what we're trying to decide at AFRICOM, along with EUCOM and the Joint Staff, is, you know, where are we actually going to insert that force. And as the conditions on the ground change, we continue to change our assessment of where they could best be utilized. Once a decision is made to insert them, then the execute order would be given.<sup>31</sup>

As has been previously reported, on the night of the attacks, the CIF was in Croatia on a training exercise and did not have available aircraft at their location to transport them. The two FAST teams were in Rota, Spain, and also did not have available aircraft at their location to transport them.<sup>32</sup>

Admiral Tidd explained the impact of the lack of dedicated aircraft:

Q: Admiral, one of the lingering questions that we have been trying to get a handle on is why it seemed to take so long to get the response forces off the ground. The FAST team was in Rota [redacted]. They were ready to move prior to that. They sat on the tarmac for about 6 hours before the planes got there.

A: That is because we had no alert aircraft in Ramstein. So, literally, it was the middle of the night there. And I don't know all of the exact actions that they had to go to, but at Ramstein they had to go and generate the airplanes, get the air crews, wake them up, brief them, tell them what we knew, and have the planes ready to go. We did not have an alert posture set for the aircraft.

Q: Were you tracking that that night; the FAST team?

A: Yes.

Q: And the time it took?

A: Yes.

Q: Did you have any concerns about how long it was taking?

A: Everybody wanted them there instantaneously. And we were getting a lot of questions, obviously, from both the State Department and the White House: Are they moving yet, are they moving yet? It was just taking a long time.<sup>33</sup>

General Ham described the decision to deploy the FAST teams to Tripoli, instead of Benghazi, since the Americans would be evacuated from Benghazi before the FAST teams would be able to arrive there:

There was a wide-ranging conversation between myself, Vice Admiral Leidig, and the operations staff, the Special Operations Command Africa Commander, again, of what forces should go where.

I do recall that there was initial conversations about doing just what the 8:39 [p.m. EDT] email says, which is one FAST to Benghazi, one to Tripoli. But then I think, as we gained clarity of the situation in Benghazi, that the FAST was more appropriate for Tripoli, given that we expected the evacuation of the Americans from Benghazi in short order.<sup>34</sup>

Admiral Tidd also explained:

We were looking at two FAST teams, but it very, very soon became evident that everybody was leaving Benghazi. And so I don't remember if it was just before that Deputies Committee or during the deputies or just right after. By the time we came out of the deputies, it was pretty clear that nobody was going to be left in Benghazi. And so the decision—I think, at the deputies, there was some discussion—but as I recall, we weren't going to send them to Benghazi, because everybody was going to be back in Tripoli by the time we could actually get them there.<sup>35</sup>

Admiral Tidd explained that early in the evening it quickly became clear that the timeline was such that the CIF would also not get to Benghazi before the wounded in Benghazi were expected to evacuate to Tripoli. He had the following exchange:

Q: And can you just elaborate a little more on that discussion about whether or not to send the CIF directly to Benghazi versus sending it to an ISB [intermediate staging base]?

A: Again, as the timelines that we were looking at, it seemed abundantly clear that everybody was going to have departed Benghazi by the time anybody could arrive—by the time the lift could arrive, they could load up, and they could fly—just the time distance—that they would not have been able to be there. Because everybody was moving out of Benghazi as quickly as they could.<sup>36</sup>

Admiral Tidd also described the incomplete reports from the ground:

We knew that the intent was that they be evacuated. My recollection—and, again, here is where the subsequent knowledge that we all gained in the days and weeks following, exactly what transpired on the ground. . . . My recollection was we were waiting for them [the evacuees] to move, waiting for them to move, waiting for them to move. Then we got this sporadic report that the compound had come under fire. At the time, it was a very, I guess, an

incomplete report. We didn't have a real clear understanding of what had come under fire. And then it was: They are moving now, they are going to the airport, they are at the airport. And so, you know, it is not like you're watching a continuously evolving piece. ... So you have get very small packets of information spread out by a significant period of time where you're not hearing anything.<sup>37</sup>

General Ham explained to the Select Committee how the rapidly developing events on the ground resulted in the mission becoming one to locate the Ambassador and possibly perform a hostage-rescue. This was one of the reasons to direct the CIF to an intermediate staging base:

There are a number of reasons to use an intermediate staging base. In this circumstance, in my assessment, based upon the reporting from Libya that after the initial terrorist attack on the temporary mission facility, in which Mr. Smith was killed, his body recovered, all other Americans recovered to the Central Intelligence Agency Annex, less Ambassador Stevens. And the reporting that I had was that the fighting had largely subsided, that the mission was then changing from an immediate response to potential hostage rescue of a U.S. Ambassador.

That's the type of mission that requires very detailed intelligence and specialized force, having the Commander's In-extremis Force posture at Sigonella, put them in the best place to start to gather that intelligence that might be needed for, as their name implies, an in-extremis operation. ... So, for a host of reasons, arrival at the intermediate staging base, to me, made all the sense in the world.<sup>38</sup>

While there was a lack of real-time information about what was happening on the ground in the chaotic and rapidly developing situation, General Ham's understanding that the fighting at the Annex in Benghazi had "largely subsided" is consistent with reports from individuals on the ground that night who were passing reports up to their superiors. The DOD Servicemember who traveled to Benghazi from the Embassy in Tripoli as part of the security response team described that at approximately 2 a.m. local Benghazi time, or 8 p.m. in Washington, D.C., he received reports from the Annex that there was a "lull in fire" and that "no one had been attacking the annex in quite some time."<sup>39</sup>

The individual at the Annex who reported that "lull in fire" to the DOD Servicemember described to the Select Committee:

And then it was relayed to me, hey, look—and, at that time, we didn't really have anything major going on. The two attempts on our base were put down with relative ease, and it was kind of all quiet.

And I can't remember how it came, but it was relayed to me, "Hey, look, you guys appear to be good. We'd like to shift the ISR to the airport because we're not sure of the situation over there." And I was like, "Yeah, absolutely," and it shifted off of us.<sup>40</sup>

As has been previously reported, firefighting continued sporadically at the Annex through the night, and some of the security team members explained to the Select Committee that they always believed that a larger attack was coming.

Major General Repass, who had command of the CIF, explained the importance of sending the CIF to an intermediate staging base instead of directly to Benghazi, because once the CIF is deployed on a mission, it would be unavailable to respond to other contingencies for more than 12 hours:

This is a big deal. So, I mean, we're focused on the ISB [intermediate staging base] and, apparently, Benghazi, but that's not the only thing that was going on at that time. There was a lot of violence going on across the Levant and other places. So if you look at Sana'a, Yemen was—the embassy there was threatened or attacked. Cairo had already been overrun. That was well known. So we didn't know what was going on with Cairo in the previous 24 hours, bleeding into 11, September. You had the incident at Benghazi. You also had Tripoli that was under threat of attack. And then you had Tunis, Tunisia, that was under threat or attack.

So you had multiple locations. So the question is, where are you going to go, and how are you going to get there? You got one chance to get this right. So if you guess wrong, it's going to take you 18 hours to reconstitute and get to where it's supposed to be right. So you better guess right the first time.

The other part of this is, is when the [special operations force] launched out [redacted] of the United States, there was no other crisis reaction force other than myself and then later on the FAST. So if something happened while those guys were airborne, what are you going to do now? Where are you going to go?

So we knew that the incident in Benghazi, the first thing that we knew was what had happened at the—at the consulate. We didn't know what else was going to happen. So we were looking with a very wide aperture where we may be needed. And it was my judgment that we—if we were going to be needed, it was going to be somewhere across the northern tier of Africa, which could range from Cairo to Tunis, Tunisia. So you can't guess wrong here.<sup>41</sup>

As has been previously reported, firefighting continued sporadically at the Annex through the night, and some of the security team members explained to the Select Committee that they suspected that a larger attack was coming. As Republican Members of the House Armed Services Committee stated in 2014, “Majority Members remain concerned about these response times.”<sup>42</sup> Some forces did not meet their internal deadlines due to the lack of dedicated aircraft, the location of the aircraft, and issues with coordination and communication, a fact that the Defense Department reported to Congress years ago.<sup>43</sup>

Based on the timeline of how events unfolded, these forces could not have changed the outcome of events that night. General Ham explained:

Though I know now in hindsight that had the CIF made its timelines, they would not have been in position to affect the outcome as things eventually played out on the ground, the reality is, they should have made their timelines. And that's—there's no excuse for that. They should have made their timelines. They should have been postured for subsequent use. As it turns out, they would not have been needed, but we didn't know that at the time. So that, as I look back on this, the disappointment of the Commander's In-extremis Force not meeting its timeline is, to me, significant, and I believe the steps taken by the command and by the Department of Defense after that have addressed that situation.<sup>44</sup>

Even if General Ham had ordered the military assets to move directly to Benghazi at the first possible moment after receiving authority from Secretary Panetta, and even if the forces had met all of their timelines, those forces could not have gotten to Benghazi on the night of the attacks before the mortar attack. General Ham explained in the following exchange:

Q: So what we had just discussed was that both the CIF and the FAST team, best, best-case scenario, meaning that the vocal order and the [N-hour] order were established at the exact same time, would mean that they would be wheels up at 6 a.m., and this indicates that that would be 45 minutes after the mortar attack. Is that accurate?

A: Had [N-hour] coincided with the earliest verbal direction, that is correct.

Q: So just seeing that and doing the math, I don't understand how they possibly could have been there before that second attack at the Annex, regardless of what information you had contemporaneously about the sporadic fire that might have occurred between the evacuation of the State facility and the Annex facility. Just by the math and what has been phrased in other reports as the tyranny of distance, it seems like it was impossible. Am I misunderstanding that? Could they have been there before that mortar attack?

A: As the events unfolded, no, they could not have been, given the timelines that were in play that night.<sup>45</sup>

During several of the Select Committee's closed-door interviews, the former Republican Chief Counsel of the Select Committee, a retired three-star general with more than 33 years of service in the United States Army, agreed with the military's actions on the night of the attacks. For example, during the interview with Secretary Panetta, he stated:

I think you ordered exactly the right forces to move out and to head toward a position where they could reinforce what was occurring in Benghazi or in Tripoli or elsewhere in the region. And, sir, I don't disagree with the actions you took, the recommendations you made, and the decisions you directed.<sup>46</sup>

The Republican Chief Counsel also acknowledged that it was clear from the time and distances involved that none of those military forces could have gotten to Benghazi in time to save lives. He stated:

And, again, sir, I don't mean to suggest that anything could have been done differently to affect the outcome in Benghazi, and I think you would agree with that.<sup>47</sup>

The Republican Chief Counsel made similar statements in a transcribed interview with Mr. Bash:

I would posit that from my perspective, having looked at all the materials over the last 18 months, we could not have affected the response to what occurred by 5:15 in the morning on the 12th of September in Benghazi, Libya.<sup>48</sup>

He also stated:

I don't see any way to influence what occurred there. But what I am worried about is we're caught by surprise on 9/11, we've got nothing postured to respond in a timely manner—and you can debate what's timely, what's untimely, but nothing could have affected what occurred in Benghazi.<sup>49</sup>

The evidence obtained by the Select Committee confirms the findings of the ARB in 2012:

The interagency response was timely and appropriate, but there simply was not enough time given the speed of the attacks for armed U.S. military assets to have made a difference. Senior-level interagency discussions were underway soon after Washington received initial word of the attacks and continued through the night. The Board found no evidence of any undue delays in decision making or denial of support from Washington or from the military combatant commanders. Quite the contrary: the safe evacuation of all U.S. government personnel from Benghazi twelve hours after the initial attack and subsequently to Ramstein Air Force Base was the result of exceptional U.S. government coordination and military response and helped save the lives of two severely wounded Americans.<sup>50</sup>

During a transcribed interview with the Oversight Committee in 2013, Admiral Michael Mullen, the Vice Chairman of the ARB and the former Chairman of the Joint Chiefs of Staff, stated:

There's no one I've ever met in the military that wouldn't want to get help there instantly. The physics of it, the reality of it, it just wasn't going to happen for 12 to 20 hours. And I validated that in my review when I went to the Pentagon to look at every single asset that was postured in theater, including those jets in Aviano.<sup>51</sup>

He also had this exchange:

Q: And you were able to essentially take the night of the attacks and almost work backwards and say, show me where all the assets were in theater or in that region or around the world, and you were able to look at the time components and sort of the logistics of what it would take to move from point A to B, and this includes naval, aviation, ground forces, all components of the military?

A: I did that twice.

Q: And you were satisfied?

A: I am.<sup>52</sup>

These conclusions also match those of the former Republican Chairman of the House Armed Services Committee, Buck McKeon, who proclaimed after his investigation:

I think I've pretty well been satisfied that given where the troops were, how quickly the thing all happened and how quickly it dissipated, we probably couldn't have done more than we did.<sup>53</sup>

These findings also match the report issued in 2014 by Republicans on the House Armed Services Committee, which concluded:

Given the military's preparations on September 11, 2012, majority members have not yet discerned any response alternatives that could have likely changed the outcome of the Benghazi attack.<sup>54</sup>

The report also stated:

When the Department of State learned the SMC was being assaulted on September 11, officials notified DOD's National Military Command Center at the Pentagon. Thus began a chain of events that involved DOD allocating various forces to the crisis. The response decisions were based upon what forces were available and could readily be brought to bear on the situation as it was understood by senior leaders.<sup>55</sup>

The report further concluded:

Majority members believe the regional and global force posture assumed by the military on September 11, 2012 limited the response. Majority members recognize, of course, that it is impossible for the Department of Defense to have adequate forces prepared to respond immediately to every conceivable global contingency. Ensuring that preparations exist for some likely possibilities is not to be confused with the ability to anticipate all prospective circumstances, especially in highly volatile regions.<sup>56</sup>

When Select Committee Member Adam Schiff asked about the previous investigation by Chairman McKeon, Secretary Panetta responded:

[T]he committees that did look at this on a bipartisan basis, and looked at, you know, the actions of the Department of Defense, all came to the same conclusion that Buck McKeon came to as chairman, that we had done everything possible to try to respond to the situation, and they found that just because of the time and distance and the speed of the attack that we simply could not have gotten there on time.<sup>57</sup>

## 2. MILITARY POSTURE PREVENTED MORE RAPID RESPONSE, AND SIGNIFICANT IMPROVEMENTS MADE YEARS AGO

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Evidence obtained by the Select Committee confirms that the military's global posture prior to the attacks prevented it from responding more quickly, and significant changes were made several years ago to substantially improve potential military response times in the future.

On May 17, 2016, Chairman Gowdy conceded during an interview on *Fox News* that the military could not have gotten to Benghazi in time to save the lives of the four Americans killed that night. However, he claimed that he did not know the reasons behind the military's global positioning decisions prior to the attacks. He stated:

Whether or not they could have gotten there in time, I don't think there is any issue with respect to that—they couldn't. The next question is, why could you not? Why were you not positioned to do it?<sup>58</sup>

In fact, this specific question was investigated extensively in 2013 and 2014 by the House and Senate Armed Services Committees. For example:

- On February 7, 2013, the Senate Armed Services Committee held a hearing entitled: "Attack on U.S. Facilities in Benghazi, Libya."
- On March 15, 2013, the House Armed Services Committee held a hearing entitled: "The Posture of the U.S. European Command and U.S. Africa Command."
- On Sept. 19, 2013, the House Armed Services Committee received a transcribed briefing entitled: "DOD's Posture for September 11, 2013" (Part IV, Force Posture).
- On Oct. 10, 2013, the House Armed Services Committee received a transcribed briefing entitled: "DOD's Force Posture in Anticipation of September 11, 2012" (Part V, General Dempsey).

These hearings and briefings highlighted the challenges facing the Department of Defense in responding to crises and operating in Africa given the geography, size, and political environment on the continent. As a result, the report issued by Republicans on the House Armed Services Committee concluded:

The U.S. military's response to the Benghazi attack was severely degraded because of the location and readiness posture of U.S. forces, and because of the lack of clarity about how the terrorist action was unfolding.<sup>59</sup>

For example, during a transcribed briefing on October 10, 2013, before the House Armed Services Committee, General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, responded to a question about the military's positioning from Select Committee Member Tammy Duckworth by stating:

[T]he tyranny of distance on the African continent is rather remarkable. Most Americans have no idea, you could stick the continental of the United States on the top third of Africa with room to spare. The time and distance is overwhelming.<sup>60</sup>

General Dempsey also explained that “response forces, at some level, will eventually rely upon basing,” and “we don’t have any basing rights in Africa.”<sup>61</sup>

In February 2013, General Dempsey’s written statement to the Senate Armed Services Committee explained that the military positioned its forces prior to the attacks in Benghazi based on the intelligence it had at the time. He stated: “We positioned our forces in a way that was informed by and consistent with available threat estimates.”<sup>62</sup>

In remarks before the House Armed Services Committee in October 2013, General Dempsey elaborated:

Leading up to and throughout the day of the attack in 2012, I had received reports of possible threats to U.S. interests, including in Sana’a, Khartoum, Islamabad, Peshawar, Kabul, Cairo and Baghdad. I didn’t receive any specific reports of imminent threats to U.S. personnel or facilities in Benghazi.<sup>63</sup>

General Carter Ham, the Commander of U.S. Africa Command, explained during a transcribed briefing on June 26, 2013, that military response capabilities have “tremendous resource implications, especially in an area as vast as United States Africa Command’s area of responsibility.”<sup>64</sup>

General Ham previously described the threat streams that he was focused on in the run-up to September 11, 2012, during a transcribed interview before two congressional committees on April 9, 2014:

So there were a couple of areas that we were particularly focused on. There was a threat stream in Khartoum that the Embassy was concerned about, and so we had a response force in [redacted] that was watching that very carefully. There was a threat stream in Tunis, which was also of concern. And in Niger and northern Mali, the threat of Al Qaeda in the Lands of the Islamic Maghreb, who had conducted attacks previously; there was concern there. And then lastly, Boko Haram in Northern Nigeria.<sup>65</sup>

During the Select Committee’s interview with General Ham, he re-affirmed his numerous previous statements to Congress about Africa Command’s force posture leading up to the September 11 anniversary in 2012:

For the personnel under the command’s control, both at the headquarters in Germany but, more importantly, for those across the area of responsibility, it

was heightened awareness. It was limit travel and exposure; rehearsal, in some cases, of servicemembers and families moving to safe spots in the various communities in which they operated across the African continent; reaffirming contact lists and means for individuals to make situations aware to their security personnel wherever they may be located around the continent.

We, in the days, weeks leading up to September 11th, had, to my recollection, conference calls or secure video teleconferences with each of the commands, service component commands—Air Force, Navy, Marine Corps, Army, and Special Operations—again, to make sure that they were taking adequate precautions as well.<sup>66</sup>

General Ham explained to the Select Committee why he chose not to place strike aircraft on alert status in the days leading up to September 11:

It was, again, in consultation with that commander, with my own operations staff, and ultimately my own decision that, given the nature of incidents which we envisioned might unfold on September 11th—unrest, improvised explosive devices, sniper, something like that—that strike aircraft would not be the correct response force.

A number of reasons for that. One is, typically, strike aircraft are most effective when they can apply their precision weapons. That requires detailed information about the situation on the ground, a specific means of targeting and target designation. Again, that generally is driven by intelligence. And the other factor is, in some places, the unknown presence of air and missile defense systems and then the ability to posture forces for recovery of a downed pilot should you lose an aircraft for maintenance, for hostile action, for any reason.

So a number of complicating factors. But the core of it to me was it was, in my judgment, the wrong tool, if you will, the wrong asset for the situations which we envisioned.<sup>67</sup>

The Commander of the EUCOM CIF explained the challenge of positioning forces and anticipating future threats:

[T]here seems to be unrest everywhere all the time, so—but prepositioning for an emergency, in my honest opinion, is almost like guesswork. If you always try to preposition for an emergency, what you're positioning might not be capable of doing what you want it to do because they don't have time to train and be prepared.<sup>68</sup>

In response to the attacks in Benghazi, the Defense Department made significant improvements in pre-positioning military forces to help prepare for potential future responses in the region.

Following the attacks in Benghazi, the Chairman of the Joint Chiefs directed the Joint Staff to collect observations from the events and determine “lessons learned.” The report outlining the lessons learned was provided to the House Armed Services Committee on November 26, 2013, and subsequently to the Select Committee. Although the report is classified, many of its observations and recommendations now make up what has been termed “The New Normal” in Africa and the Middle East.<sup>69</sup>

The Department of Defense informed the Select Committee that its New Normal response plan was implemented in 2013.<sup>70</sup> The plan was developed in conjunction with the State Department and addressed issues ranging from the speed with which forces are able to respond to the availability of airlift to support forces.<sup>71</sup>

Underlying this new plan was a shift in the Department of Defense focus from reactive capabilities to proactive options emphasizing early reinforcements of U.S. facilities and early drawdown of personnel.<sup>72</sup>

As part of these changes, the following forces have been added to the military posture in the Middle East and Africa:

- U.S. Africa Command: A crisis response Special Purpose Marine Air-Ground Task Force, two Marine Fleet Anti-Terrorism Security Teams, and the Army’s East Africa Response Force.
- U.S. Central Command: A Special Purpose Marine Air-Ground Task Force, two Marine Fleet Anti-Terrorism Security Teams, an Amphibious Ready Group/Marine Expeditionary Unit, and other capabilities.

In addition, 21 Marine Security Guard detachments have been added to diplomatic posts since 2013. The Marine Corps and State Department have expanded the primary mission of Marine Security Guards to include the protection of personnel and facilities in addition to its former primary mission of preventing the compromise of classified information. The Marine Corps has also established a Marine Security Augmentation Unit to supplement Marine Security Guard personnel at overseas facilities.<sup>73</sup>

Another change was the establishment of a dedicated Commander’s In-Extremis Force (CIF), now called the Commander’s Response Force (CRF), for AFRICOM. Although preparations had begun to establish a dedicated CIF before the Benghazi attacks, the unit was formally established on October 1, 2012. On the night of the attacks, AFRICOM relied on the CIF from the European Command, which lengthened the response time.

Defense Secretary Leon Panetta testified about these changes before the Senate Armed Services Committee in February 2013:

We are focused on enhancing intelligence collection and ensuring that our forces throughout the region are prepared to respond to crisis if necessary. The U.S. military, as I’ve said, is not and, frankly, should not be a 9–11 service, capable of arriving on the scene within minutes to every possible contingency around the world. The U.S. military has neither the resources nor the responsibility to have a firehouse next to every U.S. facility in the world. We

have some key bases, particularly in this region. We have some key platforms from which we can deploy. And we have forces on alert and we're prepared to move. But our ability to identify threats, to adjust posture, to prevent plots and respond to attacks to our personnel at home and overseas depends on actionable intelligence and it always will.

Therefore, we're working with the State Department and the intelligence community to ensure that our collection and analysis is linked with military posture and planning. We're working to enhance our intelligence collection, to improve the responsiveness of contingency assets, and to adjust the location of in extremis reaction forces. At the same time, we're working closely with State to ensure they have our best estimate of response times for each at risk diplomatic facility, so that they can make the best informed decisions about adjustments to their staff presence in areas of increased security threat. We've deployed key response forces abroad. We have reduced their response time. But let me again say to you that even those forces that are on a tight alert time of N plus 2, notice plus 2 hours to be able to get on a plane, once those forces are put on airlift it still requires many hours in that part of the world to fly distances, long distances, in order to be able to respond.<sup>74</sup>

Secretary Panetta explained that the Defense Department also began co-locating airlift capabilities with FAST teams abroad:

[I]n response to this, what we have done is to make sure that we deploy those FAST teams that are out there. We've located them in key areas. We've reduced their response time. We now have airlift associated with them. The fact is some of these FAST teams did not have airlift. Airlift we would have had to deliver from other areas. We now have airlift that is associated with those teams. So we have taken a number of steps to try to improve our ability to respond.<sup>75</sup>

General Ham explained to the Select Committee that the Department of Defense is now better positioned for crisis response due to the changes it has implemented following the Benghazi attacks:

In general, I think the Department of Defense is better postured for crisis response now than they have been for a long while.

But we should also never forget that primary responsibility for the security of U.S. diplomatic facilities abroad rests with the Department of State and with the host nation, just as, obviously, security for diplomatic facilities here in this city resides with our country. So that's the primary responsibility.

But I think, given the vastness of the AFRICOM area of responsibility and given the unfortunate rise of Islamic and other terrorist threats across the area of responsibility, to me, it is prudent and responsible to have increased AFRICOM's crisis-response capabilities.

So, again, in my view, it begins with the dedication of the Commander's In-extremis Force under Commander, U.S. Africa Command's authority. He can posture that force wherever the intelligence leads him to posture it. That's a tremendous improvement over the situation of just a few years ago. It provides him extraordinary capability.

Similarly, the establishment of the Marine Corps Special Purpose Marine Air-Ground Task Force, I think, is a huge benefit and improvement in crisis response. More broadly, the closer tethering and dedication of aircraft for Fleet Antiterrorism Security Teams and the Commander's In-extremis Force enhances their responsiveness as well.<sup>76</sup>

### **3. UNSUBSTANTIATED CLAIM OF INTENTIONAL DELAY OR “STAND DOWN”**

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Republicans have continued to accuse Secretary Clinton and other Administration officials of intentionally interfering with or delaying the military response on the night of the attacks and preventing it from saving lives. These claims were not substantiated during the Select Committee's investigation.

In February 2014, at a Republican Party event in New Hampshire, Rep. Darrell Issa, then the Chairman of the House Committee on Oversight and Government Reform, stated:

We need to have an answer of when the Secretary of Defense had assets that he could have begun spinning up. Why there was not one order given to turn on one Department of Defense asset? I have my suspicions, which is Secretary Clinton told Leon [Panetta] to stand down, and we all heard about the stand down order for two military personnel. That order is undeniable.<sup>77</sup>

On February 21, 2014, the *Washington Post* Fact Checker awarded Rep. Issa “Four Pinocchios” for his claim:

It is correct that Issa poses a series of questions, but his repeated use of the phrase “stand down” and his personalizing of the alleged actions (“Secretary Clinton,” “Leon”) leave a distinct impression that either Clinton or Obama delivered some sort of instruction to Panetta to not act as forcefully as possible. He even incorrectly asserts that not a single order was given to use any DOD asset. One could argue the response was slow, bungled or poorly handled. But Issa is crossing a line when he suggests there was no response—or a deliberate effort to hinder it. Four Pinocchios.<sup>78</sup>

Nevertheless, Republicans continued to perpetuate these claims against the Administration and the military. As *The Hill* reported:

“The president of the United States said they did everything they could possibly do to save the people in Benghazi. I still highly doubt that statement,”

said Rep. Jason Chaffetz (R-Utah), a vocal critic of the administration’s handling of the attacks. “You cannot name a single military asset that was ordered to go into Benghazi during those hours.”

“Somebody in that food chain said ‘stand down,’” he said. Chaffetz is not on the Benghazi panel. “It’s one of the myriad questions that continues to perpetuate the problem. If we can’t figure out that, then how will we make sure it never happens again?”<sup>79</sup>

Similarly, Rep. Louie Gohmert told *Fox News* in September 2014:

They let those people die at Benghazi, they could have gotten planes there sooner, they could have gotten people there sooner, and anybody that knows anything will disregard what some of these high intelligence people have said and will get straight to the truth.<sup>80</sup>

In his interview with the Select Committee, Defense Secretary Leon Panetta emphatically rejected these Republican accusations that Secretary Clinton or anyone else ordered him to stand down on the night of the attacks:

Q: Did the Secretary of State ever tell you to stand down or slow the Department of Defense response?

A: Not at all. You know, that’s a—that’s a big word, “stand down.” And let me tell you, not only did I never hear that word mentioned, but if somebody had said that, I think, you know, it would not have interfered with my orders to proceed.<sup>81</sup>

Secretary Panetta explained that no one ever ordered military forces to stand down that night:

Q: And I just want to be clear. To your knowledge, there was no stand-down—I mean, to your knowledge, any stand-down orders given with regard to this operation on that night?

A: No. Never, never. It would have been against everything that the military stands for. You know, the military, their whole focus is on being able to protect particularly their own. That’s what they do. To even imply that somehow the military, or someone would have said, maybe we shouldn’t go, it’s too risky, it’s crazy. It’s just not the way our military operates.<sup>82</sup>

Secretary Panetta also rejected repeated Republican allegations that he or anyone else in the military intentionally slowed the response on the night of the attacks:

My directions were very clear; those forces were to be deployed, period. And, you know, just because of the timeline involved, you know, my whole approach was we need to move them and move them as fast as we can in order

to try to respond. And as I am sure you're all aware, we're dealing with a lot of time and distance in order to make it happen. So I wanted no interference with those orders to get them deployed.<sup>83</sup>

He continued in this exchange:

Q: Was protecting American lives the top priority for you and everyone you worked at that night?

A: Absolutely, absolutely, absolutely. And you know, as I said, there's a fundamental principle that those in the military really treat as one of their most important callings, which is, you leave nobody behind. And when it comes to lives, American lives, they will do whatever is necessary to try to protect those lives.

Q: Did you have any sense that the people in the military that you worked with would have slowed down or taken their time at any point in that evening?

A: Absolutely not.<sup>84</sup>

This account was corroborated by previous testimony by General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, before the Senate Armed Services Committee on February 7, 2013. General Dempsey testified:

I want to make just one comment related to your chronology because I think it's important. Once we started moving forces, nothing stopped us, nothing slowed us. The only adaptation we thought about making was for a period of time we thought we were going to be entering a hostage rescue because we didn't know where the Ambassador was. **But once we started forces moving, they didn't slow, they didn't stop.**<sup>85</sup>

General Carter Ham, the Commander of U.S. Africa Command, addressed these allegations in an exchange with Ranking Member Cummings:

Q: Was protecting American lives the top priority for you and everyone you worked with and spoke to that night?

A: Yes, sir.

Q: And does that include everyone at the Department of Defense?

A: Yes, sir.

Q: Did the President ever tell you to stand down or slow the military response?

A: Mr. Cummings, I had no direct communication with the Commander in Chief, but no one ever passed any order like that to me.

Q: Did Secretary Panetta ever tell you to stand down or slow down the military response? And I understand your previous answer, but I want to make it clear. We're establishing a record for the tenth time, but go ahead.

A: He did not.

Q: Did the Secretary of State or anyone else ever tell you to stand down or slow down DOD's response?

A: No, sir, and I had no communication with the Secretary of State during this incident.<sup>86</sup>

Admiral Kurt Tidd, the Director for Operations for the Joint Staff at the Pentagon, corroborated the testimony of Secretary Panetta and General Dempsey:

Q: Sir, since the Benghazi attacks, there's been sort of multiple allegations that somehow the Defense Department was told to stand down, whether it was, you know, Secretary Clinton telling Secretary Panetta. On your SVTC [secure video teleconference] or throughout the night, did anyone ever indicate that you should stand down?

A: I don't—I don't recall hearing anybody saying stand down. I've read the same allegations, the same stories, and I—I don't know where that came from.

...

Q: And just to be very clear, did the Secretary of State ever tell you or anyone at DOD to stand down?

A: I never heard that from her.

Q: Did the President ever tell you or anyone at the Department to stand down or slow the response?

A: I never communicated with the President.<sup>87</sup>

General Philip Breedlove, the Commander of U.S. Air Forces in Europe, had the following exchange with the Select Committee:

Q: Sir, you mentioned that your staff began—that you directed your staff to proactively spin up once you heard about what was going on and—

A: Actually, it was the chief of the AOC [air operations center], the JOC [joint operations center]—the AOC directed that started the spinning up the 24/7 crew that was there, and then they started running the recall that eventually got me headed to the AOC.

Q: And during the course of those events, as they are preparing, did anyone ever tell them to slow down or stand down in their efforts to sort of spin up?

A: No.

Q: Did anyone ever slow down their efforts for any reason?

A: That's not in our DNA.<sup>88</sup>

Vice Admiral Charles Leidig, the Deputy to the Commander for Military Operations at Africa Command, also had the following exchange with a previous congressional committee in 2014:

Q: And just to follow up on that point, there have been some statements to this effect, and I would just like to ask you for your comment on them, but on the night of the attacks, did you or to your knowledge anyone in your command receive any order from then Secretary of State Hillary Clinton to stand down?

A: I never received any orders from the Secretary of State or heard of any orders from the Secretary of State.<sup>89</sup>

Secretary Panetta's Chief of Staff, Jeremy Bash, also rejected Republican accusations that the military response was intentionally slowed or delayed:

Q: There have been a lot of sort of questions and theories over the years that speculate that there were more resources that weren't sent to Benghazi on the night of the attack. And they imply that you or other officials within the military or the interagencies had resources at your disposal that you chose not to send. Can you respond to that?

A: That's false. And as Secretary Panetta and as Chairman Dempsey and as other senior officials have spoken about multiple times to Congress and to the public, and Secretary Panetta wrote about in his memoir, any available unit, asset, with the ability that could respond to the situation in Libya that night was deployed.<sup>90</sup>

Mr. Bash also told the Select Committee:

[I]t's important for the clarity of the record and the completeness of the Committee's review that people reviewing this matter understand that nothing slowed down the United States military response with regards to what happened in the Pentagon that evening.<sup>91</sup>

## CHIEF OF STAFF’S EMAIL

In December 2015, conservative commentators called one of Mr. Bash’s emails a “smoking gun” and claimed that it showed that military assets “were awaiting sign off from the State Department and they never acted,” and that the email “seems to contradict testimony from former Defense Secretary Leon Panetta who in 2013 told lawmakers there was no time for an immediate response.”<sup>92</sup>

Although a redacted version of this email had been produced to a conservative group pursuant to a Freedom of Information Act request, the Select Committee obtained the unredacted email, which debunks these allegations. The email, written by Mr. Bash on September 11, 2012, at 7:19 p.m., was sent to State Department Deputy Chief of Staff Jacob Sullivan, Under Secretary of State for Political Affairs Wendy Sherman, and Deputy Secretary of State for Management and Resources Thomas Nides, and a copy was sent to Under Secretary of Defense for Policy James Miller, Admiral James Winnefeld, General John Kelly, and Chairman of the Joint Chiefs General Martin Dempsey. It stated:

I just tried you on the phone but you were all in with S.

After consulting with General Dempsey, General Ham and the Joint Staff, we have identified the forces that could move to Benghazi. They are spinning up as we speak. They include a SOF [Special Operations Forces] element that was in Croatia (which can fly to Suda Bay [sic], Crete), and a Marine FAST team out of Roda [sic], Spain.

Assuming Principals agree to deploy these elements, we will ask State to secure the approval from host nation. Please advise how you wish to convey that approval to us. Burns/Nides/Sherman to Miller/Winnefeld would be my recommended course.<sup>93</sup>

The forces described in the email are consistent with the forces described by Secretary Panetta and General Dempsey in their previous public testimony to Congress and described in previous congressional reports by the House Armed Services Committee and the Senate Select Committee on Intelligence.<sup>94</sup>

Secretary Panetta had the following exchange with the Select Committee about this email:

Q: And then the email continues with the following sentence: “Assuming principals agree to deploy these elements”—who are the principals that would’ve had to agree to deploy the elements that you had identified?

A: No one. I had the authority to deploy those forces. And I ordered those forces to be deployed. And I didn’t have to ask anybody’s permission to get those forces in place.

Q: Sir, that is my understanding, as well, that the national command authority consists of two people, the President and the Secretary of Defense.

A: That's right.

Q: And if you, as the Secretary of Defense, ordered the deployment of military assets, that is all it takes.

A: That's correct.<sup>95</sup>

Secretary Panetta also had this exchange:

Q: There has been a persistent myth as you probably are aware that someone ordered the military assets to stand down and not go to rescue the people in Benghazi. Are you aware of any evidence that anyone ordered these military assets to stand down that you had ordered to deploy?

A: Not at all. I was—first of all, I would never have allowed that to happen. But secondly, I was not aware of anyone contradicting the orders to get these units deployed as quickly as possible.

Q: So when my colleagues were asking you about the Jeremy Bash email, I think the implication is that some other principal ordered a stand down, notwithstanding your order to deploy. Are you aware of anyone doing that?

A: I am not.

Q: Did anyone in the Defense Department, Mr. Bash, or anyone else, ever come to you and say, Mr. Secretary, they are ignoring your order to deploy?

A: No. Not at all. On the contrary. They were assuring me that the forces were moving into place.<sup>96</sup>

Secretary Panetta explained that because he issued his orders directly to military commanders, his Chief of Staff's email had no impact on the movement of forces that night:

A: I just say, do it. Take the hill. They take the hill.

Q: And their process for taking the hill wouldn't have been to use your staff or Jeremy Bash. Is that right?

A: That's correct.

Q: So their process for taking the hill would have been to leave that room and start those forces moving. Right?

A: That's right. That's right.

Q: So Jeremy Bash, who was your chief of staff, would have been, is it fair to say, merely informing other people about what was already being ordered to move forward by those generals?

A: That's correct. He—I mean, he was not in the chain of command in terms of, you know, moving those units. And you know, what happens having been Chief of Staff to the President, is that, you know, once a decision is made, then there is usually a lot of staff communication that goes on between, you know, staff at DOD, the White House, State Department, others that may or may not be involved. But there's usually staff communication that goes on, so you know this is what's going on. This is what's happening. What do you know; what don't you know. And they try to keep their principals informed as a result of those communications, and I think Jeremy, as my chief of staff, would have been the person to basically do liaison with these other groups.<sup>97</sup>

Secretary Panetta dismissed the claim that the need for diplomatic clearances may have slowed the response:

Q: And, from your perspective, sir, the action to secure diplomatic approval or country clearance could have been accomplished in parallel—

A: Yes.

Q: —with the action to deploy—

A: That's exactly right. As far as I was concerned, those teams could be in the air and they could try to get whatever permission they needed.<sup>98</sup>

General Dempsey, addressed this point during his testimony before the Senate Armed Services Committee on February 7, 2013:

I want to assure you, had we been able to—there's been a whole bunch of speculation about we were risk-averse, we needed the country's permission to come in. If we had been able to get there with anything, we'd have gone in there under the command of the Commander of U.S. Africa Command.<sup>99</sup>

Dr. James Miller, the Under Secretary of Defense for Policy and senior civilian advisor to Secretary Panetta, also told the Select Committee that the issue of country clearance was irrelevant to the Department of Defense's efforts to save American lives:

Q: We had a brief discussion about country clearance, diplomatic permissions to enter the foreign country. Did you view the issue of diplomatic clearances to be a significant limitation on the night of the attacks?

A: No. I recall in reading the email summary of the SVTC [secure video teleconference], that had arose in that conversation. And my view was that it was irrelevant, that if we needed to deploy forces to protect American lives, that we have the legal authority, and we have the, indeed, the obligation to do so. And I don't have any indication that those concerns slowed down any element of—of the Department of Defense preparations or implementation of its deployments.

Q: Okay. So you don't believe that a discussion about seeking country clearances, that that, in any way, delayed the response in a way that would have cost lives on the night of the attack?

A: I'm confident that it did not.<sup>100</sup>

Vice Admiral Leidig also explained that obtaining country clearance did not delay or in any way slow the military's response on the night of the attacks: "I was never waiting for anything." He also stated: "But I'm telling you, in this deployment, there was never an issue with country clearance. There just wasn't. It never became an issue. You have to ask, it's routine to ask, but it was never a problem. It never held up anything."<sup>101</sup>

The Select Committee questioned Mr. Bash extensively about this email, and he rebutted the claim that Secretary Panetta was waiting for the State Department's approval:

Q: And Judicial Watch, which released the email, stated that it, quote, "leaves no doubt military assets were offered and ready to go and awaiting State Department signoff, which did not come," end quote. When you wrote the email, did you intend to state or imply within it that the State Department needed to approve or sign off on the deployment of military assets?

A: Of course not. I think the Secretary has written about this and has testified about this, and the Chairman's testified about this. The assets were identified, they were deployed, and they went. They—we now know, in hindsight, how far they got.

Q: And sometimes Principals, in a capital, refers to the Principals Committee, which is obviously an interagency group, when you wrote the email, did you intend to state or imply within it that members of the President's Principals Committee needed to approve or sign off on the deployment of military assets?

A: That's not the way—no. The answer to your question is no.<sup>102</sup>

Mr. Bash explained in an exchange with Chairman Gowdy that Secretary Panetta was meeting with his military commanders at the time Mr. Bash wrote the email:

Q: All right, next paragraph. "Assuming Principals agree to deploy these

elements”—what principals were you referring to?

A: Secretary Panetta, Chairman Dempsey, Vice Chairman Winnefeld, and the relevant combatant commanders. General Ham was there that evening. Other combatant commanders would be affected, obviously the commanding general of U.S. Special Operations Command, the commanding general of U.S. European Command, and Lieutenant General John Kelly, was, as I noted, probably in those discussions as well.

...

Q: Well, let's try it this way, then. Did you have to go back to Secretary Panetta and get further permission before any of these things went into motion?

A: Did I?

Q: Did anyone?

A: Well, it wouldn't be me that would have to go back to him. But once the deployment orders were given, no.

Q: So there was nothing to assume at the time you wrote this email because you didn't have to go back to him and get him to agree to deploy because you didn't go back and get him to agree to deploy.

A: Well, as I stated previously, this email was sent while the meeting was going on, and the meetings were still happening in the Secretary's office. So the meeting hadn't—the meetings hadn't concluded in the Secretary's office about the deployment decisions.

Q: So your testimony is at 7:19 p.m. the Secretary of Defense had not instructed you to deploy at that point?

A: He wouldn't instruct me. I'm a staff element supporting the Secretary. I'm not in the chain of command. And I think if you're saying did he instruct any—that he did not instruct anybody, that's not my testimony. I didn't say he didn't. I'm saying I was in and out of the meeting, and at the time I wrote this email the meetings in the Secretary's office about deployment decisions were still going on. And the way I characterized it was to state—and, again, operating in a hurry, banging out a quick email, although I don't recall exactly why I capitalized a word or not—my sense was that decisions were still—issues were still being discussed in the Secretary's office. And I think exercising appropriately the proper humility of not announcing decisions of the chain of command, which was not my job to do, it was appropriate to characterize it as the

Secretary and his principal military advisers are making these decisions.<sup>103</sup>

Mr. Bash addressed other questions raised by the email in the following exchange with Chairman Gowdy:

- Q: Next paragraph: “After consulting with General Dempsey, General Ham, and the Joint Staff, we have identified the forces”—“we” being whom?
- A: The senior leadership of the United States Department of Defense.
- Q: Would it include any names that you did not list in that series, Dempsey, Ham, and Joint Staff?
- A: Admiral Winnefeld, and General Kelly, as I said, probably was there as well.
- Q: “—forces that could move to Benghazi. They are spinning up as we speak.” What does the phrase “spinning up” mean?
- A: Preparing.
- Q: Why not use the word “preparing”?
- A: I don’t know, sir. It was a crisis situation. I was banging out an email pretty fast. I don’t know that I spent too much time choosing every word carefully. But “spinning up” is a phrase that I tended to use a lot when I referred to people preparing to do something. I want to make clear, I don’t think I was referring to—because it wouldn’t have made sense—you know, a rotor of a helicopter spinning, like, I think, physically spinning through space. I think it was more of a colloquialism of “spinning up” meaning preparing, getting ready.
- Q: Do you understand how somebody might take it that that’s how you meant it?
- A: Yes, except, obviously, as the committee knows, though, you can’t fly a helicopter unrefueled from Rota, Spain, to Benghazi. It’s 1,500 miles. So that wouldn’t make any logical sense.<sup>104</sup>

The exchange continued:

- Q: “They include an SOF element that was”—
- A: Yeah.
- Q: —“in Croatia.” Did you mean to say “is in Croatia”?

A: “Is” would’ve been correct. My understanding from everything I recall about the event and everything that’s been discussed is that at the moment the email was written they were physically in Croatia. So I think your—the premise of your question, is “is” more accurate than “was” is true.<sup>105</sup>

Mr. Bash explained:

You know, when you’re operating in a crisis and American lives are on the line, I don’t think people stop and make their emails as polished as can be, nor would we want them to. And I actually didn’t even remember this email until it was surfaced in the public domain and started trending on Facebook. And I got calls from my siblings and nieces and nephews saying, Hey, what is this? And I didn’t even remember having this. I mean, the events of that night were kind of a blur in many respects. I remember some fundamental elements of it, which I’ve talked to the chairman about, and certainly remember that—the key points that Secretary Panetta has written about and talked about publicly. So it shocks me no[t at] all that—that email I wrote contained errors, misspellings, incorrect capitalizations, and words that may not have—be totally precise.<sup>106</sup>

## **FLEET ANTI-TERRORISM SECURITY TEAM (FAST) DEPLOYMENT IN CIVILIAN ATTIRE**

Numerous congressional committees have scrutinized the response time of the Marine FAST platoons, including Republicans on the House Armed Services Committee in their February 2014 report. The FAST platoon was slowed in its response because it had to wait until noon local time on September 12, 2012, for air assets to arrive in Spain to pick them up, and then they had to load the plane. There was also confusion about whether the platoon should wear camouflage uniforms or civilian clothes to prevent them from becoming targets, and they changed multiple times before they departed at approximately 4 p.m. local time.

When the FAST team arrived in Tripoli, the wounded Americans who had evacuated from Benghazi to Tripoli had already departed from Tripoli en route to Germany. The FAST team’s role at that point was to reinforce the Embassy Tripoli and support the Americans in Tripoli, a traditional role of a FAST team.

The FAST Commander explained to the Select Committee that the time spent changing clothes—which he said occurred four times because of conflicting requests—had no impact on the teams’ mission:

Q: And you mentioned that, even had you had aircraft collocated and loaded up within an hour, you could not have made it to Benghazi prior to the second attack. Is that right?

A: That is correct, ma’am. And as per FAST mission, we are not designed as a hostage rescue force. We are not—what was happening on the deck

on the evening of the 11th to the morning of the 12th is not within the parameters of FAST mission.

Q: Right.

A: A Marine can do it, and a Marine FAST platoon can absolutely do it, and we are capable of doing many things. However, we are designed to do limited duration perimeter security. So, in order for a FAST platoon to be effective in a place like Benghazi, we would have had to have gone in off the indications and warnings of things that happened in June and put up that layer of steel, that physical indicator to our enemies that American marines are here and don't mess with us.

Q: And you mentioned in the last hour even the confusion you had over the uniforms did not make a difference in your ability to complete your mission. Is that right?

A: Absolutely not. It did end up being a force multiplier, though, because what we were gathering off the social media after we had got there and then for our duration, that whenever we moved from compound to compound we remained in civilian attire. But when we were in the compound and on post, we were in uniform. What that did is that told the Libyan people that they don't [know] who's a Marine and who's not a Marine, and they didn't want to mess with the Marines.<sup>107</sup>

The request for the Marines to wear civilian clothes when they entered Tripoli came from Embassy Tripoli, with the intent of preventing them from becoming a target of a potential enemy force in Libya. Admiral Kurt Tidd, the Director for Operations for the Joint Staff at the Pentagon, described his conversations with State Department officials that night, in which they all agreed that the priority was for the FAST team to get to Tripoli as quickly as possible:

A: And that was—my recollection was that was the phone call we [Admiral Tidd and a senior State Department official] were having over whether or not uniforms, no uniforms, how—what's the fastest you can move. And we just all agreed that the key thing is to get them there as quickly as possible, the Marines, the FAST Marines.

Q: Thank you. So it was your sense, then, in that discussion and other discussions you may have been briefed or informed about with the State Department that the State Department wanted forces there instantaneously? That was—that continued throughout the evening?

A: Yes. That was correct.

Q: And in your discussions with the State Department about changing into civilian clothes and other things, was—was the request from the State Department—were those all subordinate to the interests from the State Department that the forces get there as quickly as possible?

A: That was my sense. It was from a security perspective that, I think, they were thinking of not moving uniformed marines at night in buses through the—you know—or, actually, in the early hours of the morning through downtown Tripoli to the embassy. And so I think that the only question I had was, okay, if it comes down to a question of with uniforms or without uniforms, is it more important to move them quickly? The answer was, yes, get them there quickly.

Q: And that's the answer from the State Department?

A: Correct.<sup>108</sup>

## ALLEGATIONS OF ADDITIONAL AIR ASSETS

For years, allegations have been publicly raised that there were additional air assets that could have arrived in Benghazi in time to prevent the mortar attacks, but the Select Committee did not identify any credible evidence that any additional asset could have made it to Benghazi in time to change the outcome.

Republicans on the Select Committee renewed questions about whether specific air assets were at Naval Support Activity in Souda Bay, Crete that could have responded on the night of the attacks. The Defense Department identified a small propeller plane in Souda Bay, but military officials explained that that plane would not have been an appropriate asset to deploy.

Vice Admiral Charles Leidig, the Deputy to the Commander for Military Operations at AFRICOM, explained that he did not recall any conversation about deploying any air assets from Souda Bay, Crete, to respond to the attacks:

I'm not sure what forces he's referring to in Souda Bay. I don't have any recollection of what forces were in Souda Bay that night. I don't recall ever having a conversation about moving forces from Souda Bay.<sup>109</sup>

Vice Admiral Leidig also explained:

But a small air force aircraft [redacted], that would not have been an option in the middle of the night, without knowing specifically—in an urban area, without knowing the specific location of the Annex where all of the forces were, without knowing a specific target, without knowing the threat environment of the aircraft. It can't protect itself. There would have been a variety of reasons why a single aircraft, prop-driven, flying across the Mediterranean to conduct a mission in the middle of the night in Benghazi would make no sense.<sup>110</sup>

Rear Admiral Richard Landolt, the Director for Operations at AFRICOM, explained that even had the aircraft been available and able to be armed, he likely would not have used it:

A: But getting back to the MANPADS threat, it's [the proposed aircraft] not something that I would have wanted to put in harm's way that night. We

had the pred feeds. I don't know what else I'd need. But if you're looking at that as a weapon, I wouldn't have put it in.

Q: If you knew there was one in Souda Bay [redacted], would you have used that asset?

A: I doubt it.<sup>111</sup>

Similar questions were raised years ago in a 2013 hearing before the Senate Armed Services Committee, when General Dempsey, Chairman of the Joint Chiefs of Staff, was asked about the possibility of sending air assets from Crete:

Q: The Crete base. I don't know the capacity, but given that that was pretty close in terms of transportation time, why was that not an option to get people there faster? Was it a question of who and what is at the Crete base? General Dempsey?

A: The bases that we have in southern Europe in the Mediterranean area generally speaking have aircraft. The first point I made is that it wasn't the right tool for the particular threat we faced. Second, the aircraft we have in Europe generally are there in support of NATO and on a different alert posture. That was not among the forces—the aircraft were not among the forces that we had at heightened alert.<sup>112</sup>

## RESPONSE OF THE MILITARY C-17 TRANSPORT PLANE

The Select Committee also re-examined allegations raised publicly in 2014 regarding the response time of the C-17 aircraft that brought the aeromedical evacuation assistance to Tripoli on September 12, 2012.

On June 11, 2014, Eric Stahl, a now-retired Air Force Reserve Major, appeared on *Fox News* and alleged that he could have piloted the C-17 plane from Germany to Benghazi in 4.5 hours. He stated:

A hurried-up timeline probably would take us [an] hour-and-a-half to get off the ground and three hours and fifteen minutes to get down there. So we could've gone down there and gotten them [the survivors] easily."<sup>113</sup>

During his interview with the Select Committee, Major Stahl explained that if he had not needed to wait for the medical teams and equipment to load onto his plane, and if the plane had been standing by ready for launch, he could have flown it to Benghazi in approximately four hours:

Q: How quickly do you believe you could have gotten out of your bed and landed in Benghazi with all your people and everything you had with you?

A: Honestly, if they would have called me and said, this is an absolute emergency, get off the ground as soon as you can, we didn't have to deal with their medical folks, and we had everything ready to go, they just said go, conservatively, 4 hours on the ground.<sup>114</sup>

Vice Admiral Charles Leidig, the Deputy to the Commander for Military Operations at AFRICOM, rejected the C-17 pilot's allegation:

I'm going to try to answer this as clearly as I can. I don't know where the major was or what he was doing that night, all right? But to get a C-17 ready, with the medical capability and the configuration required to medevac the type of injuries that we had, we had the most senior people in the military around the globe working on it.

For the major to suggest that he could somehow do it better than three significant staffs is incredulous to me. You often find that officers operating at the tactical level have little understanding of the larger requirements to deploy an aircraft. So again, I find his claims to be largely without credibility.<sup>115</sup>

The Select Committee interviewed Brigadier General Patrick Mordente, who served as the Deputy Director of Operations for U.S. Transportation Command (TRANSCOM) on the night of the attacks, which had operational control of the C-17 flown by Major Stahl. Brigadier General Mordente explained:

Again, when you're in the situation and you're trying to figure out how best to do what you're trying to do, you know, I spoke earlier about we put people in harm's way all the time. We do this, but we don't do it foolishly. We do it methodically.

I think I mentioned earlier when we met the last time, I think a lot of people think that we are going to take a big airplane and we are going to land it at an airfield like Atlanta Hartsfield and we are going to walk up, taxi it up to the gate. We are going to get off the airplane. We are going to go to the gate agent and we are going to say, hey, I'm looking for some passengers. That's not the type of environment we fly into.

And so to fly an asset, and I have heard people say Benghazi, we should have flown to Benghazi. To do what? By the time we knew what had happened, we had a dead ambassador. Now we are going to take an entire asset and crew members and put them in a situation we are not really sure, at least from a TRANSCOM perspective, not sure what the ground situation is like? And oh, by the way we found out that they are being evacuated out and heading to Tripoli which is probably a better scenario for us anyway because we can get the plane on the ground in Tripoli. We have assets, the embassy is there. We can take a look, they can land there.

Like I mentioned, they got medical treatment and they were stabilized. And then when you take a look at by the time I got the permissions and had the

authority to execute, we had done our homework. We knew where the asset was, the crew, the CCATT [Critical Care Air Transport Team]. We had done the TWG [Threat Working Group]. We had launched, I mean, dad gummit, 9 hours and 15 minutes from the time you pick up a plane and you tell somebody, go into a situation like that, until you have the four wounded back at Ramstein getting medical attention. There is nobody that can do that. No one.<sup>116</sup>

Brigadier General Mordente elaborated on the risks he had to weigh at the command level in deciding whether to send a C-17 transport plane directly into an unknown situation in Benghazi:

Q: What kind of risk would this pilot be undertaking if he were to do that?

A: Based on the videos that I saw, probably a very unruly crowd. I'm not quite sure what the situation was on the ground in Benghazi. And who were you going to meet up with? And who was your point of contact? What kind of MANPAD threat? What kind of small-arms threat? What were all of those? So to say that you could have flown to Benghazi, very, very, you know, that's looking through a soda straw and not looking at what all goes into a mission setup. And like I said earlier, had we done that, in my opinion, this would have been a different interview. You would have been asking me why I lost a C-17 aircraft and the crew, potentially.<sup>117</sup>

Brigadier General Mordente concluded:

Q: Looking back on the events of that night, is there anything that you believe TRANSCOM could have done differently or should have done differently?

A: Absolutely not. Absolutely not.<sup>118</sup>

## **DRONE PILOTS AND SENSOR OPERATORS**

Republicans waited until February 2016—more than 21 months after the Select Committee was established—to request that the Defense Department locate and make available pilots and sensor operators of unarmed and unmanned aerial vehicles (UAVs, or drones) that were operating on the night of the attacks. They made this request despite the fact that they had already reviewed video footage from the drones at length.

The Defense Department directed a drone to a position over the Benghazi facility, and it arrived there at approximately 11:10 p.m. Libyan time—nearly an hour-and-a-half after the attack began.<sup>119</sup> Drones provided ongoing real-time surveillance that was simultaneously video recorded. Prior congressional committees had already reviewed the footage and incorporated observations into their reports. The Defense Department made the footage available to the Select

Committee on at least two occasions and allowed staff to stop the footage frequently to re-view key moments.

In February, long after reviewing the footage, Chairman Gowdy's staff met with Defense Department officials and requested transcribed interviews with all of the drone personnel—which turned out to encompass three dozen individuals. Republicans also specifically requested an interview with an individual who called into Sean Hannity's radio show in 2013 and identified himself as a drone sensor operator named "John from Iowa."

On April 28, 2016, the Assistant Secretary of Defense for Legislative Affairs responded to Chairman Gowdy by expressing frustration with the "recent crescendo" of new requests from the Select Committee. He explained that although Republicans previously provided the Department with "what was represented to be a final list of requests," that list "continued to expand" and "additional requests have continued to follow."<sup>120</sup>

With respect to the Chairman's request for transcribed interviews with drone operators, the Assistant Secretary explained that interviewing those individuals was unnecessary since the Department had already provided access to the video from the drones more than a year earlier. He stated that "it remains unclear what additional information could be gained from these interviews."<sup>121</sup>

He explained that the Department tried to accommodate the Chairman's request, but it "resulted in a time-intensive search that required DoD to locate another half-dozen current and former service members."<sup>122</sup> Despite these challenges, the Department identified the requested individuals within three months, and the Select Committee interviewed "John from Iowa" on June 9, 2016.

After the interview, Chairman Gowdy issued a press release complaining about the "curious DOD delays" in identifying "John from Iowa" and questioning the veracity of the Department's claims that they could not locate him more quickly.<sup>123</sup>

The next day, Chairman Gowdy issued a unilateral subpoena to compel the Assistant Secretary to testify at a deposition before the Select Committee about "serious questions that have arisen with respect to this matter, including whether they are related to incompetence or deliberate concealment of a witness from a congressional inquiry."<sup>124</sup>

The Select Committee's Republican Communications Director tried to argue that "John from Iowa" provided the Committee with critical new information. He stated:

In fact, the operators were able to tell the committee what they were directed to look for, what information they were focused on gathering, what information was relayed up the chain of command and what capabilities the drones possessed. Video footage the administration refuses to let the American people see and briefers instructed what to say cannot do that.<sup>125</sup>

In fact, "John from Iowa" provided virtually no new substantive information about the attacks and instead explained that he had called into Sean Hannity's radio show only to make

sure that Congress had access to the drone video, which he stated was the best evidence of what occurred on the night of the attacks.

Although Republicans have prevented Democrats from publicly releasing the full transcript of this interview by refusing to allow Democrats to have their own copy, Democratic staffers were able to transcribe some quotes from his interview, which are set forth below.

“John from Iowa” explained that he was a drone camera operator for less than three hours on the night of the attacks, starting at approximately 10:30 or 11:00 p.m. Benghazi time. He began after the attack at the Special Mission Compound and concluded before the mortar attack on the CIA Annex. He explained that he spent approximately 5 to 10 minutes over the Special Mission Compound before he was told to redirect his camera to the Annex.

He had the following exchange:

Q: So on that night—and I just want it focus on what you saw and you could tell from that evening?

A: Yes, ma’am.

Q: So on that night you are observing individuals, it is not daylight and nobody has told you who those people are. Is that accurate?

A: That is accurate, ma’am.

Q: Okay. And so what you are viewing is infrared people. Does that make sense?

A: Yes, yes, ma’am, black and white. White is hot, black is not.

Q: Okay. And you don’t right now recall if the individuals you were seeing were on the inside of the walls of the compound or on the outside of the walls of the compound?

A: I do not recall.<sup>126</sup>

He explained that his role was limited to directing the camera where he was instructed, and he did not recall relaying any information about what he was observing up his chain of command:

Q: And what were you told about what you were looking for in terms of what the facility was, what was happening there, friendlies, bad guys, et cetera?

A: The only information that I had right that evening was just to ensure that the individuals that were in that compound, who I didn’t—right, I didn’t know who they were, who they worked for at the time—was just make

sure that, you know, there's nothing suspicious or nothing that is happening right with that specific target of interest.<sup>127</sup>

He said he did not observe the individuals traveling from the Special Mission Compound to the Annex, and he did not see anyone approach the Annex:

But for the 2 hours, right, that I was in the seat watching the Annex, you know, that compound, which I found out was the Annex later, I did not note any movement towards that compound at that time.<sup>128</sup>

He explained that the video footage already reviewed by the Select Committee provides the best evidence of what was observed:

Q: And is there anything that you would have been able to see that one can't observe from watching the video?

A: No.

...

Q: [I]f there is a discrepancy between what you are recalling from that evening in terms of what individuals were where, or whether you saw bad guys, or whether you saw fire between your recollections 3 plus years later and the video, should we rely on your recollection or the video?

A: The video.

...

Q: And so, just to sort of sum up, your personal knowledge of the night is captured by the drone video. Is that accurate?

A: Yes, ma'am.<sup>129</sup>

He explained that he called into Sean Hannity's radio show in 2013 not because of what he had seen himself, but because he believed that the video footage from the drone before his shift—that he had never seen—might show the beginning of the attack:

Q: I just want to be super-clear that I totally understand what personal knowledge that you have brought to us today. Your purpose for calling the Hannity radio show was to encourage people to look at the drone video. Is that right?

A: Yes, Members of Congress. You know, I mean, the committee, yeah, not just random.<sup>130</sup>

During the time period he was operating the camera, he could see general activity on the ground, but could not identify attackers or potential attackers and never saw gunfire exchanged:

Q: And could you tell from the infrared sort of view that evening whether the individuals you were looking at were good guys or bad guys?

A: No, ma'am. <sup>131</sup>

One of the drone pilots interviewed by the Select Committee explained that, even if the drones were armed, they could not have been used for air strikes because of the inability to distinguish friend from foe:

But even that said, in this situation, there would be no way to call in air strikes because it wasn't a traditional close air support situation where the friendlies were separate from the hostile forces. Everything was mixed up by the time we already showed up. So even if we did have Hellfires on board and even if there was a joint terminal attack controller that could give us clearance to shoot, there's still no way that we could have shot, because the collateral damage would be enormous and there was no way to confirm what the target was. <sup>132</sup>

These statements are consistent with those of previous witnesses who appeared before the Select Committee. Major General Michael Repass, the Commander of Special Operations for U.S. European Command on the night of the attacks, told the Select Committee, watched the drone video in real time on the night of the attacks:

I was unable to tell friend from foe. I had no idea who these people were. And I don't know that there was any communications with whoever was left at the Benghazi compound. <sup>133</sup>

General Carter Ham, the Commander of U.S. Africa Command, described the view provided by drone footage:

I have learned over time of having watched live feed from intelligence, surveillance, and reconnaissance assets that an untrained observer—and I was an untrained observer—did not know what you're looking at unless it was very specifically honed in on a target. <sup>134</sup>

Admiral Kurt Tidd, the Director for Operations for the Joint Staff at the Pentagon, explained:

But it was—we were able to call up the feed and see what AFRICOM was looking at, but AFRICOM was kind of controlling where it was flying and what it was looking at. I have subsequently seen that video. But if I had not had somebody sit with me and explain to me exactly what was going on, it was very difficult to try and pick out what was happening. It was as we were preparing for the ARB that I finally got a sense of what was going on. If you looked at it, after watching it live, and particularly—it is not like you have got this commentary that is running in the background, you're just looking at black and white images and trying to sort out where it is, what you're looking at, who's who. It was a very confusing scene. <sup>135</sup>

General John Kelly, the Senior Military Assistant to Secretary Panetta, explained that even if it had been possible to arm a drone with a Hellfire missile and reposition it over Benghazi, it would not have been appropriate to use such a weapon:

I mean, in a case like this, again, to have the aircraft, drone or otherwise, over the target, potential target, is one thing, but to know who the people are that you're about to kill is an entirely different thing.<sup>136</sup>

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- <sup>4</sup> *Id.*
- <sup>5</sup> *Id.*
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- <sup>8</sup> *Id.*
- <sup>9</sup> *Id.*
- <sup>10</sup> *Id.*
- <sup>11</sup> House Committee on Armed Services and the House Committee on Oversight and Government Reform, Interview of General Carter Ham (Apr. 9, 2014).
- <sup>12</sup> Select Committee on Benghazi, Interview of Vice Admiral Charles Leidig (Apr. 22, 2016).
- <sup>13</sup> *Id.*
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- <sup>16</sup> *Id.*
- <sup>17</sup> Select Committee on Benghazi, Interview of Under Secretary of Defense for Policy Dr. James Miller (May 10, 2016).
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- <sup>30</sup> Department of Defense, *Timeline of Department of Defense Actions on September 11-12, 2012*.
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- <sup>32</sup> House Committee on Armed Services, *Majority Interim Report: Benghazi Investigation Update* (Feb. 2014) (online at [http://armedservices.house.gov/index.cfm/files/serve?File\\_id=C4E16543-8F99-430C-BEBA-0045A6433426#page=17](http://armedservices.house.gov/index.cfm/files/serve?File_id=C4E16543-8F99-430C-BEBA-0045A6433426#page=17)); Select Committee on Benghazi, Interview of Admiral Kurt Tidd (Apr. 4, 2016).
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- <sup>34</sup> Select Committee on Benghazi, Interview of General Carter Ham (June 8, 2016).
- <sup>35</sup> Select Committee on Benghazi, Interview of Admiral Kurt Tidd (Apr. 4, 2016).
- <sup>36</sup> *Id.*
- <sup>37</sup> *Id.*
- <sup>38</sup> Select Committee on Benghazi, Interview of General Carter Ham (June 8, 2016).
- <sup>39</sup> Select Committee on Benghazi, Interview of DOD Servicemember (Sept. 22, 2015).
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<sup>48</sup> Select Committee on Benghazi, Interview of Chief of Staff Jeremy Bash (Jan. 13, 2016) (quoting Majority Chief Counsel).

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<sup>55</sup> *Id.*

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<sup>60</sup> House Committee on Armed Services, Subcommittee on Oversight and Investigations, *Hearing on the Defense Department's Force Posture in Anticipation of September 12, 2012*, 113th Cong. (Oct. 10, 2013).

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<sup>62</sup> Senate Committee on Armed Services, *Hearing to Receive Testimony on Department of Defense's Response to the Attack on U.S. Facilities in Benghazi, Libya, and the Findings of its Internal Review Following the Attack* (Feb. 7, 2013) (online at [www.armed-services.senate.gov/imo/media/doc/DODresponsetoBenghaziattack\\_hearing\\_020713.pdf](http://www.armed-services.senate.gov/imo/media/doc/DODresponsetoBenghaziattack_hearing_020713.pdf)).

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<sup>69</sup> Department of Defense, *Benghazi, A Summary of Lessons Learned* (Nov. 26, 2013).

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# C. THE DEPARTMENT OF STATE



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# The Department of State

Based on the evidence obtained by the Select Committee, including documents, briefings, and transcribed interviews, the Democratic Members make the following findings relating to the Department of State:

- Security measures in Benghazi were woefully inadequate as a result of decisions made by officials in the Bureau of Diplomatic Security (DS).
- Contrary to repeated claims by Republican leaders, Secretary Clinton never personally denied any requests for additional security in Benghazi.
- Secretary Clinton was active and engaged in responding to the attacks in Benghazi.
- The attacks in Benghazi were caused by terrorists rather than by U.S. foreign policy.
- The claim that documents were “scrubbed” by State Department officials is unsubstantiated.
- The review conducted by the Accountability Review Board (ARB) was independent, thorough, and efficient.

These findings are consistent with the multiple previous investigations conducted since September 2012 examining the State Department’s actions related to the Benghazi attacks.

## **1. SECURITY IN BENGHAZI WAS WOEFULLY INADEQUATE**

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The evidence obtained by the Select Committee confirms the findings of the ARB that security measures in Benghazi were woefully inadequate as a result of decisions made by officials in the Bureau of Diplomatic Security.

In its December 2012 report, the ARB severely criticized the State Department, finding that:

Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department (the “Department”) resulted in a Special Mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place.<sup>1</sup>

The ARB determined that requests for more security personnel were rejected by officials in the Bureau of Diplomatic Security (DS):

The Board determined that DS staffing levels in Benghazi after Embassy Tripoli re-opened were inadequate, decreasing significantly after then-Special Envoy Stevens’ departure in November 2011. Although a full complement of

five DS agents for Benghazi was initially projected, and later requested multiple times, Special Mission Benghazi achieved a level of five DS agents (not counting DoD-provided TDY [temporary duty assignment] Site Security Team personnel sent by Embassy Tripoli) for only 23 days between January 1-September 9, 2012.<sup>2</sup>

## **DEPUTY ASSISTANT SECRETARY CHARLENE LAMB**

The 2012 ARB found “unsatisfactory performance” by Diplomatic Security’s Deputy Assistant Secretary (DAS) for International Programs (DS/IP), Charlene Lamb. In a portion of the report that was not publicly released, the ARB explained:

The DS/IP DAS is the official with the operational responsibility for managing and directing the formulation, planning, coordination, policy development and implementation of security programs that protect U.S. diplomatic missions overseas. In this capacity, the DS/IP DAS serves as the focal point within the Bureau of Diplomatic Security for coordinating international security programs and provides management oversight to the DS regional desks that coordinate security support to posts. The DS/IP DAS is thus the primary senior official with the responsibility and the authority to grant or deny requests for DS resources overseas. In the view of the Board, no senior State Department official was better positioned to correct the deficiencies with respect to Benghazi’s security platform in 2012.<sup>3</sup>

The ARB report continued:

The DS/IP DAS has a difficult and challenging position; it requires her to make complex, zero-sum resource allocation decisions with respect to missions around the world, including many that are operating in high threat environments. The Board did not find that the DS/IP DAS engaged in any misconduct or willfully ignored her responsibilities. However, the actions and inactions of the DS/IP DAS regarding security programs and staffing in Benghazi during the period from November 2011 to September 2012 showed a lack of proactive leadership, management oversight and transparency in ensuring adequate security support for one of the U.S. government’s most vulnerable overseas posts—a vulnerability that was known to her. While it is uncertain that one or two additional DS agents in Benghazi would have changed the outcome on September 11, there appeared to be a lack of consideration of the deterrent effect that a more robust security platform could have provided if strengthened by steady, adequate staffing levels. On this account, the Board was troubled by the DS/IP DAS’s responses (and in some instances lack of formal responses) to the repeated requests for additional security staffing that were made from post, both through the DS/IP regional office responsible for Libya and by front channel cable from Embassy Tripoli. In particular, the Board was concerned that the DS/IP DAS did not give sufficient weight to the judgments put forward by most DS agents on the ground. In the end, the DS/IP DAS’ approach to management, her lack of

proactive attention, and her refusal to heed recommendations from her subordinates resulted in the DS front office becoming an obstacle to working-level efforts to ensure that Benghazi had as many DS officers—up to five—as it could.<sup>4</sup>

The Board also found “inadequate supervision” of Deputy Assistant Secretary Lamb by the Assistant Secretary of State for Diplomatic Security and the Principal Deputy Assistant Secretary and Director of Diplomatic Security Service.

The evidence obtained by Select Committee confirms these findings.

Following the reopening of the U.S. Embassy in Tripoli and the death of Libyan dictator Muammar Qadhafi, the State Department decided in December of 2011 to extend the presence in Benghazi for one year through the critical period leading up to Libya’s first post-Qadhafi elections. Christopher Stevens, who served as the Special Envoy in 2011 and later became the Ambassador, championed the State Department’s presence in Benghazi, which had been the birthplace of the Libyan revolution. In a September 6, 2011, email Ambassador Stevens stated: “I believe it would be prudent to maintain a small State-run presence here,” explaining: “the revolution began in eastern Libya and the views of these 2 million inhabitants will certainly influence events going forward.”<sup>5</sup>

Under Secretary for Management Patrick Kennedy formally approved the extension by signing a December 27, 2011, memo from Assistant Secretary for Near Eastern Affairs Jeffrey Feltman. The memo provided approvals for the staffing footprint and retention of office and residential space on Villas B and C through the end of calendar year 2012.<sup>6</sup> The memo noted:

With the full complement of five [Diplomatic Security] Special Agents, our permanent presence would include eight U.S. direct hire employees, two slots for TDY [temporary duty assignment] PM [Bureau of Political-Military Affairs] and USAID officers, and one LES [locally employed staff] program assistant.<sup>7</sup>

The ARB found that this memo “did not take security considerations adequately into account” and that the “result was the continuation of Special Mission Benghazi with an uncertain future and a one-year expiration date that made allocations of resources for security upgrades and personnel assignments difficult.”<sup>8</sup>

According to an internal Diplomatic Security information memo, earlier in December 2011, there was an initial proposal that the Benghazi operation continue in a different location, known in that memo as “Villa E.” That proposal was sent to two offices within the Bureau of Diplomatic Security for security consultation, and DS “determined that it would not support the recommendation” because that location “lacked sufficient setback,” a security safeguard against the impact of an explosion.<sup>9</sup> Instead, DS determined that “keeping Villas B and C represented the best option in terms of security compared to the other proposals for a mission location,” and that was the site ultimately approved as part of the December 27, 2011, memo.<sup>10</sup>

Documents provided to the Select Committee confirm the ARB’s finding that five DS agents were initially projected to be stationed in Benghazi, that there were multiple requests for

those five agents, and that Diplomatic Security management in Washington did not provide those five agents.

The request for five DS agents to serve in Benghazi was reiterated in a March 28, 2012, cable from Embassy Tripoli, which oversaw the Special Mission in Benghazi, to State Department headquarters:

Post requests continued support for 5 TDY DS agents in Benghazi on 45-60 day rotations. This number is required to ensure that we have an appropriate USDH [U.S. Direct Hire] presence to protect our COMSEC [communications security]; support the two long-term USDH TDY'ers; and support an increasing number of program/assistance TDY's from both Tripoli and Washington. The number of TDY'ers in Benghazi is expected to increase in the run-up to the June Elections.<sup>11</sup>

On April 19, 2012, Diplomatic Security headquarters responded, in a cable cleared by Deputy Assistant Secretary Lamb:

DS/IP acknowledges post's requests. ... DS will continue to provide DS agent support in Benghazi. ... DS/IP also recommends a joint re-assessment of the number of DS agents requested for Benghazi to include input from RSO Tripoli, TDY RSO Benghazi, and DS/IP in an effort to develop a way forward.<sup>12</sup>

When the Principal Officer in Benghazi received the response cable, she wrote to the post's head diplomatic security agent—known as the Regional Security Officer (RSO)—in Tripoli: “Looks like no new movement on the full complement of 5 TDY DS personnel for Benghazi, but rather a reassessment to bring numbers lower.”<sup>13</sup>

The Diplomatic Security Desk Officer for Libya explained to the House Oversight and Government Reform Committee in 2013 that as the primary point of contact for the RSO, he received constant requests for more security staffing:

A: Personnel, I would get—the RSO in Tripoli was constantly—we were constantly talking about staffing. The RSO in Benghazi—or as they changed, the different RSOs in Benghazi, this would be a constant theme. I also heard from the principal officers in Benghazi, at least two of them that I can recall particularly, and also from the DAS NEA [Deputy Assistant Secretary for Near Eastern Affairs]. So from various sources.

Q: And what were you hearing from them?

A: They requested—were requesting or talking about the—they wanted more resources so they could continue with their mission of political reporting. That was the nexus of it.<sup>14</sup>

The same DS Desk Officer explained to Congress in 2013 that Deputy Assistant Secretary Lamb made the decision in February of 2012 that she would not staff the Benghazi post with five DS agents:

The RSO in Tripoli, the primary RSO, he was—you know, he wanted his five agents which he thought was due to him from the memorandum that was signed on December 27th. Several different issues impacted on the—particularly in that timeframe. We already spoke about the trouble we were having getting TDY personnel. At that time I was still attempting to get five agents for most of that period? [sic] In mid-February, in conversations with DAS Lamb, it became quite—she made it quite apparent that she wanted three agents on the ground in Benghazi. From that time on, I was attempting to get three agents into Benghazi at all times.<sup>15</sup>

He recounted a discussion with Deputy Assistant Secretary Lamb in February 2012 as they were preparing for a meeting with the Deputy Chief of Mission in Tripoli:

While discussing RSO staffing in Libya, the topic came up in Benghazi, and DAS Lamb became aware of the fact that two of the agents were essentially—excuse me—their primary duty was driving the movement team vehicle. And traditionally overseas posts, the vast majority of them, their drivers are provided by the post. They're locally engaged staff drivers. So she wanted to alleviate that program or that duty, so to speak, in her mind. That was one of the factors. There could have been more. That was the factors that she made known to me and my superiors.<sup>16</sup>

Deputy Assistant Secretary Lamb confirmed these points to the Select Committee, as she had explained previously in congressional testimony.<sup>17</sup> She explained to the Select Committee that she considered the authorization in the December 2011 memorandum for five diplomatic security agents to be a “cap” on the total number that the facility could support, not a strict requirement for how many DS agents must be at the Special Mission Compound at all times.<sup>18</sup>

Deputy Assistant Secretary Lamb explained that at the time she was faced with a lack of qualified high-threat trained agents:

DS—I don't know if they do now, but at this time, they did not have pools of agents just sitting in a room waiting to go TDY. If we needed TDY assistance, we had to reach out to offices and programs where they had normal 8-to-5 jobs, duties, and assignments and borrow someone. So we—at that time, high-threat training was optional. And as a result of this, it was taken up to [Principal Deputy Assistant Secretary for Diplomatic Security] Scott Bultrowicz and [Assistant Secretary of Diplomatic Security] Eric Boswell and identified as a problem with our growing need for high-threat, trained individuals, we didn't have enough that were high-threat trained. High-threat training at that time, I believe, was almost a 3-month course. So that's a lot of time to ask a field office to be without an agent who's working a criminal caseload, because they get called to testify, they're making arrests, and it

would slow down their program. So it was becoming more and more difficult to get these folks through training.<sup>19</sup>

The limited number of high-threat trained agents available to fill posts in Benghazi as well as other high-threat posts like Iraq, Afghanistan, Pakistan, and Yemen was previously reported by the ARB and was corroborated by other DS agents to the Select Committee. For example, one agent who was in Benghazi from October through December of 2011 explained:

Remember that Benghazi was considered a high-threat post and everybody that was sent to Benghazi had to have high-threat training. So I—there was—there was a big problem with, you know, trying to locate suitable agents to replace the agents that were already in Benghazi and that had to leave, you know, because they had been there, you know, for what they were asked to—to be. So that created a problem and the desk officer was having problems finding replacements throughout my TDY.<sup>20</sup>

Because the Special Mission Compound had significantly fewer non-security staff in Benghazi than had been envisioned by the December 2011 memo (i.e., fewer than the projected five non-security staff), Deputy Assistant Secretary Lamb stated that she did not think the post required the full complement of five security staff, and she explained how she negotiated with the RSO in Tripoli to decrease the number of agents from five to three:

We're staffing it with five people—we are struggling to staff it with five people because of visa challenges and because we're staffing Iraq and Afghanistan and Sana'a with all these TDYers, and then the pool of high-threat people. We had a lot of challenges internally.

So, from a management perspective, I sit back and I look at it. And I talk to the RSO, how much is this post being used? How many people are living there? And it turns out I have one IMO [Information Management Officer] and all my security people, and then I have basically TDYers that come and go on an irregular basis but never more than two at a time. So then my next question is, well, what do five DS agents do all day long if there's no one else at post besides them and the IMO?<sup>21</sup>

She also stated:

And then, you know, I found out that one of them [the DS agents] was acting as a driver and one of them was guarding this piece of equipment 24/7. And so, you know, in an effort to save our manpower without reducing security, that DS agent that was watching that piece of equipment 24/7 was not providing other functions, security functions, at post. So if I could secure that piece of equipment adequately using [the DS Directorate of] countermeasures approval—and they brought in a vault to put this thing in, and alarms—then I could stop staffing a position that was watching a piece of equipment.

By hiring a driver, which—we needed permanent drivers there anyway, because that is the safest thing to have in any foreign country, is a devoted,

loyal driver. So Tripoli was already hiring drivers. I had an MSD [State Department Mobile Security Deployment] team training drivers in Tripoli. So my next question to [Tripoli RSO] Eric [Nordstrom] was, hey, do you think we could hire a couple of local drivers and get them trained by MSD while they're in country and use them for drivers instead of DS?

Eric Nordstrom is who we're talking about here on all of these things. And when I raised those two issues with Eric—now, Eric is removed physically from Benghazi. He's not seeing it day to day. And he is flooded with projects and things going on in Tripoli.

And when I mentioned these as alternatives to staffing, he looked at it, he discussed it at post, and he came back in writing and said, yes, if you can get us safes out here and alarms to secure the equipment and if we can get drivers trained and on the job that we trust, we can do that.

And then it took time, and they were able to meet both of those requirements. And those were functions being filled by DS agents that did not have to be filled by DS agents.<sup>22</sup>

During a transcribed interview with the Select Committee, the Deputy Chief of Mission assigned to Libya from July 2009 to June 2012 explained her struggle with Deputy Assistant Secretary Lamb in 2012:

Q: And how did you respond to him [the Tripoli RSO] when you received this [email describing his staffing frustrations]?

A: I don't recall what exactly I said, but certainly I had been engaged with senior level leaders in the Diplomatic Security Bureau for months trying to make sure that we had adequate resources. And as I indicated in my note to Chris Stevens and [incoming Deputy Chief of Mission] Greg Hicks, I did have the sense very strongly that people in Washington thought we could somehow just quickly transition from this very messy, unstable security environment where we had no staff to a system where all of a sudden miraculously we would have fully trained, armed, and professional same quality as MSD agents, focally engaged bodyguards. It takes time and effort to develop that, and I felt like it was a constant battle to get Diplomatic Security to understand there wasn't a magic switch that we could flip, and we needed time, and we needed continued support from Washington in order to get to the position where I agreed we needed to be, but it wasn't something that would happen quickly.

Q: And when you say Washington, are you referring specifically to the Bureau of Diplomatic Security?

A: Yes.

Q: Okay. And who specifically within DS?

A: **I felt that Charlene Lamb was the decisionmaker, who many times I found her to be a roadblock and very unhelpful.**

Q: Okay. And when you say she was a decisionmaker, what do you mean by that?

A: She was the person who controlled resources within Diplomatic Security.<sup>23</sup>

Deputy Assistant Secretary Lamb explained that she viewed these as successful negotiations that ensured that resources were properly allocated and that the posts had what they really needed. She also described her own actions: “We were very proactive and very forward leaning in providing support for any of the needs that they needed there at post.”<sup>24</sup>

While Deputy Assistant Secretary Lamb’s subordinates and others at post described various instances of her not fulfilling requests for additional DS agents, Deputy Assistant Secretary Lamb said that she did not believe she had denied any requests for additional security:

Q: And so, just in a generalized sense, just to understand the dynamic, with regard to requests would come up to you, there would be back-and-forth, certainly you don’t recall having a feeling that you had been presented with a request that you had concretely denied—

A: No.

Q: —that people were still upset about—

A: No. No.

Q: —where people brought to your attention that you had been denying requests and that you needed to change your mind or someone else above you needed to change your mind?

A: No.

Q: And so you were never in a position where you felt like you needed to, because someone had brought to your attention that you had made a specific denial that needed to be reversed, that you needed to then go to any of your superiors, up to and including the Under Secretary?

A: No.<sup>25</sup>

In July 2012, Deputy Assistant Secretary Lamb’s superior, Under Secretary for Management Patrick Kennedy, made the decision not to request the continued extension of the Department of Defense’s Site Security Team (SST) in Tripoli. The SST had been in Libya carrying out a variety of duties, including clearing unexploded ordnance and establishing secure communications, since the re-opening of Embassy Tripoli in September 2011. The SST personnel were based in and spent their time in Tripoli, but traveled to Benghazi on occasion to

augment security. Deputy Assistant Secretary Lamb explained that she viewed the SST as an “emergency asset” that was no longer necessary in Tripoli:

Q: Why not keep the SST and MSD in Tripoli? If this is happening in Benghazi, Libya, and there are certain incidents, I’m sure you are aware, that happened in Tripoli as well, why not keep them in Tripoli?

A: Because they were no longer doing the functions that they were sent there to do. And we needed to—the functions that they were doing were functions that were normally done with permanent staff positions, either local hires—mostly by local hires.<sup>26</sup>

During his transcribed interview with the Select Committee, Under Secretary Kennedy explained that he relied on Deputy Assistant Secretary Lamb’s recommendation as the diplomatic security expert and had not been made aware of any disagreement with her views:

Q: So would you refer to the information you received as, was it information that was being provided to you? Was it a recommendation not to extend the SST? How would you characterize?

A: I would characterize it as recommendation that the SST had worked itself out of a job, and there was no longer a need to ask DOD for the continued detail of those personnel.

Q: And that was a recommendation made by the security personnel, professionals within the Bureau of Diplomatic Security?

A: Yes, sir.

Q: And you had no reason to question that judgment?

A: I had no reason to question that judgment. . . .

Q: Of course, and just focusing on the one channel through the DS chain of command, would you have expected DS supervisors, if there was a dispute between post and DS headquarters, to have also relayed or communicated that dispute to you? Was that at their discretion?

A: It was at their discretion. They might have decided to inform me because, in effect, a heads up that I might be receiving something through one of the other two channels, and so they might have informed me.

Q: And with specific respect to the decision not to extend the SST for the third time, did that occur?

A: I received no such communication.<sup>27</sup>

Ambassador Thomas Pickering, the Chairman of the ARB, testified to Congress in 2013 that Deputy Assistant Secretary Lamb was not making her decisions based on a policy or direction from above, but instead “related to her feel for the situation.”<sup>28</sup>

Admiral Michael Mullen, the co-Chairman of the ARB, explained to Congress in 2013:

So, I mean, it [the December 2011 memo] gave, from one perspective it gave pretty clear direction, we’re committed out here, and you need to make sure we’re okay. That then all goes back, from my perspective, on to Mr. Boswell [Assistant Secretary for Diplomatic Security] and Ms. Lamb’s lap in terms of making sure security is all right, and yet it was, in fact, over the next many months that she fought it, didn’t resource it, bureaucratically didn’t answer, made it incredibly difficult on those who were trying to improve the security to achieve any kind of outcome they deemed favorable, and she just beat them down over time.”<sup>29</sup>

As a result, the ARB report concluded:

As it became clear that DS would not provide a steady complement of five TDY DS agents to Benghazi, expectations on the ground were lowered by the daunting task of gaining approvals and the reality of an ever-shifting DS personnel platform. From discussions with former Benghazi-based staff, Board members concluded that the persistence of DS leadership in Washington in refusing to provide a steady platform of four to five DS agents created a resignation on the part of post about asking for more. The TDY DS agents resorted to doing the best they could with the limited resources provided.<sup>30</sup>

## **DIPLOMATIC SECURITY AGENTS AND OFFICERS**

The Select Committee interviewed several Diplomatic Security agents and principal officers who served in Benghazi during the year before the attacks. Their interviews demonstrate the significant difficulties created by the rapid turnover, or “churn” in temporary staff, as these temporary agents were only in Benghazi for short periods of time and had varying opinions about their own security, physical security improvement priorities, and the reliability of local Libyan security forces. These agents and officers described working diligently to make improvements to the security posture of the Special Mission Compound, and some accomplished various physical security improvements; however, their short tenures made it difficult to ensure long-term progress before they returned to their permanent assignments. None of the agents interviewed said he or she recommended in 2012 that the State Department withdraw from Benghazi due to the security situation.

These interviews support the finding of the ARB that the constant turnover of temporary staff had a significant negative impact on security in Libya. The ARB concluded:

This staffing “churn” had significant detrimental effects on the post’s ability to assess adequately both the political and security environment, as well as to provide the necessary advocacy and follow-through on major, essential security upgrades.<sup>31</sup>

The ARB also explained:

The end result was a lack of institutional knowledge and mission capacity which could not be overcome by talent and hard work alone, although the Board found ample evidence of both in those who served there.<sup>32</sup>

The ARB found that physical security upgrades “were often field-expedient improvements to a profoundly weak platform.”<sup>33</sup> The ARB determined:

[T]he SMC’s [Special Mission Compound] dependence on the armed but poorly skilled Libyan February 17 Martyrs’ Brigade (February 17) militia members and unarmed, locally contracted Blue Mountain Libya (BML) guards for security support was misplaced.<sup>34</sup>

Below is a chronological presentation of some of the different perspectives, challenges, and successes of the different individuals who served in Benghazi.

### **AGENT A, IN BENGHAZI OCTOBER THROUGH DECEMBER 2011**

Agent A, a DS agent who served in Benghazi from October through December 2011 as the acting RSO, described the difficulty he encountered when he attempted to follow up on a previous agent’s requests for \$26,000 in security upgrades, including requests for drop-arm barriers, anti-ram barriers, and guard platforms. He described his interaction with the DS Desk Officer:

Q: Did you ping or ask anyone in Washington regarding those [prior security requests]?

A: Yes. I believe I pinged the—or asked the desk officer several times.

Q: And what response, if any, would you get?

A: Nothing, really. The big thing that they were mentioning is that the Special Mission was going to go away after a while so they weren’t going to spend the money on security upgrades.<sup>35</sup>

Agent A explained that he was part of the team that reviewed the various available properties in Benghazi and determined that the Villa B and C compound that was ultimately approved in the December 2011 memo “afforded the best security” and recommended that the Department choose that compound.<sup>36</sup>

### **AGENT B, IN BENGHAZI NOVEMBER AND DECEMBER 2011**

Agent B served in Benghazi from November to December 2011 and was the RSO for ten days in December 2011. He described a similar situation as Agent A, but with more detail:

When I took over as RSO, I called [DS Desk Officer], because I was getting the runaround on some physical security requests, complaining to him

vigorously, you know, what the problem was. I told him that, you know—to use frank language, I told him that this was a suicide mission; that there was a very good chance that everybody here was going to die; that there was absolutely no ability here to prevent an attack whatsoever; that we were in a completely vulnerable position, and we needed help fast, we needed it quickly, or we were going to have dire consequences.<sup>37</sup>

He described the response from the DS Desk Officer in the following exchange:

A: He told me that—[Redacted], he said—because I asked for—the security force I asked for in that conversation, I said, [Redacted], our perimeter security is non-existent, we have walls with lattices that somebody can shoot through; we have walls with footholds people can climb over; we have a 4-foot wall back here; we have no lighting. So all these physical security standards, especially around the perimeter of the building were completely insufficient, and we needed large amounts of money and this was going to take time, it was going to be expensive, but we needed this desperately to make this place safe.

Q: Right.

A: [Redacted] told me, he said, [Redacted], everybody back here in D.C. knows that people are going to die in Benghazi, and nobody cares and nobody is going to care until somebody does die. The only thing that you and I can do is save our emails for the ARB that we all know is coming. So this was December of 2011. He made it very clear to me that in DS/IP, in the State Department, and he was speaking very broadly, that everybody knew that deaths in Benghazi were very likely, and that they were already talking about an ARB. And so he told me that everybody is being very careful about what they're putting in emails, because people are worried about how these emails are going to look—

Q: When the ARB comes calling.

A: —when the ARB comes calling. So he told me, he said, you're not going to get answers to these questions by email. They're going to be by phone.

Q: And did that prove to be accurate?

A: Yes.

Q: Did he give any indication of who he was referring to, in terms of who knew that Benghazi was bad and knew that people were going to die and didn't want to deal with sensitive information via email? Did he—

A: Specifically, who would not deal with sensitive information was—specifically, he named Charlene Lamb—

Q: Okay.

A: —and so the DS/IP chain. In terms of how bad the situation was in Benghazi, he said everybody back in D.C. dealing with this. He was in meetings every day on this, and everybody knows. This is common knowledge. You're not telling us anything new. He said, you know, DS agents before you told me the same thing. Everyone knows. This is not news to us.<sup>38</sup>

He also explained:

And when I'm pressing on, you know, our physical security lack and the lack of agents, that's when he [the DS Desk Officer] would have told me, hey, Charlene Lamb said you're never going to have more than three agents. Stop asking. You're just never going to get it. This has been told to me in no uncertain terms.<sup>39</sup>

The Select Committee did not interview the DS Desk Officer referred to by Agent B, but that official was interviewed by another congressional committee in August 2013. Although he never described that specific conversation in his interview, the DS Desk Officer confirmed that Deputy Assistant Secretary Lamb was responsible for the decision to provide only three DS agents.<sup>40</sup>

Both Agent A and Agent B left Benghazi in 2011 before their security requests were fulfilled. Following the approval of the December 2011 memo extending the Department's presence in Benghazi, the Department funded and implemented a number of these physical security requests.

For example, a January 29, 2012, "Weekly update of topics in Benghazi" stated that "100% of jersey barriers have been delivered and installed" and that "multiple security upgrades have been approved and funded from the action memo that was submitted."<sup>41</sup> Those "approved security upgrades" included two vehicle drop arms, 500 sandbags to reinforce and provide defensive positions, 25 additional lights around the compound, and improving the door to the safe haven.

## **AGENT C, IN BENGHAZI FEBRUARY AND MARCH 2012**

Agent C, the RSO in Benghazi in February and March of 2012, also described significant challenges with obtaining security improvements in Benghazi, but unlike Agent B, he praised DS staff in Washington:

I think the people that I worked with, [DS Desk Officer], [DS Regional Director], [RSO in Tripoli], and it looks like, you know, [DS Physical Security Expert] he goes by, were receptive to the requests that I provided. And they had an understanding—they had a better understanding, a more informed understanding of what was done previous to me being there and during my time there. Of course, that's my assumption right now. We go into their thinking, you know, that there's a strategic level of thinking that—we're there

on the ground, we're going to handle these tactical decisions, but folks that are above us, you know, generally make decisions for us. They really have an informed opinion, and it carries a lot of water.

So I had faith and confidence in my—my leadership and the folks that I was dealing with here to help us find solutions and fund those solutions, because they knew that it was a tight spot we were in, you know. We wanted—everybody wanted to make the place better.<sup>42</sup>

The RSO explained that he was able to obtain the sandbags and drop arms, among various other security upgrades. He described how he faced challenges with obtaining funding to make permanent improvements to the exterior wall of the compound and how he worked with the physical security experts in Washington D.C. to develop an alternative plan:

And there were obstacles to improving the wall. The answer was—the short answer was OBO, Overseas Building Office, because it was a short-term lease, we couldn't improve the wall. We had to ask the landlord to improve the wall. And up until that point, my amount of confidence in getting the landlord to do anything was absent. There just wasn't any. We had other projects, the generator, you know, that the landlord just didn't pay attention to.

So we, myself and DS, the physical security experts back in Washington, came up with a plan to build a temporary chain-link fence that would bring a—you know, specifications were something that we all agreed upon, and it gave us some type of a level of comfort for an antipersonnel measure, so that if people were able to get over the wall, they would also have to defeat a chain-link fence with razor wire around it.<sup>43</sup>

When Agent C arrived in Benghazi, he explained that there were five DS agents there for a short period of time, and some military Special Forces came from Tripoli to augment the security in the run-up to the one-year anniversary of the February 17 Libyan revolution. Following the anniversary, the number of DS agents in Benghazi during his tenure never reached five and fell to two agents:

Q: Did you get any additional DS personnel?

A: I guess maybe you could define "additional" for me. I requested—there was a suggestion—not a suggestion—there was an expectation of having five agents on the ground. I requested, you know, the five agents.

Q: But aside from the turnover at the beginning, that was never—I don't want to say "granted," but that never happened again, right?

A: During my time there?

Q: Right.

A: No.<sup>44</sup>

Agent C also expressed confidence in his ability to get help from the February 17 Militia:

Q: Did you have confidence while you were there that they would respond as required when something would happen, that if you were to call them, they would be there?

A: They proved that they would show up when I needed them to, so I didn't have any reason to doubt that they would be helpful.<sup>45</sup>

## **AGENT D, IN BENGHAZI MARCH AND APRIL 2012**

Agent D served in Benghazi in March and April of 2012. He explained that when he arrived in Benghazi, he was one of four DS agents. However, he spent up to two weeks as the sole DS agent in Benghazi. He explained that he “planned to do the best with what I had available,” including working “20-hour days,” spending more time training the February 17 Militia on-compound quick reaction force and the Blue Mountain Libya unarmed local guard force, and acting in a manner that was “just much more careful in the way we did things.”<sup>46</sup>

He discussed his requests for more DS agents:

Well, you know, I could be—I could sound a little forceful and strong in my request, but you know, it's just my style, but they were—there was no animosity there. Maybe you could sense some frustration, but I understood what the situation was. And what I got was that they could not send anyone from the States at the time because of the visa issues. And Mr. [Tripoli RSO] was—had other requirements in Tripoli and could not let his agents leave from there, yeah.<sup>47</sup>

During Agent D's assignment in Benghazi, there were several security incidents, including an attack on a UK armored vehicle on April 2, 2012, and an attack on the Special Mission Compound on April 6, 2012, when a gelatin bomb (a homemade explosive device used for fishing) was thrown over the compound wall. According to the agent, he thought the April 6 attack had been carried out by one of the members of the local guard force (Blue Mountain Libya) who had been recently fired for poor performance.<sup>48</sup>

Agent D explained that he was able to implement a number of security upgrades, including “upgrading those walls, bringing them up at a higher level,” adding “fencing around the compound,” and incorporating “vehicle gates on all three gates.”<sup>49</sup> He stated:

Things don't always happen as fast as you want them to. The money is not always available as fast as you want it to be available. So it's a slow process. But there was work going on at the time.<sup>50</sup>

Agent D explained that he was told that Deputy Assistant Secretary Lamb made budget decisions that impacted both staffing levels and physical security improvements:

- Q: You had mentioned some of the budget issues. Had you ever communicated or had [the DS Desk Officer] ever communicated to you about the funding issues? How did budget come up?
- A: The first time that budget came up was when I was supposed to go to Benghazi. I was supposed to go there on a 60-day TDY. I was told that I was being held back 2 weeks because they did not want an overlap of too many agents out there due to budget cuts or to budget issues. I was also told that the money for upgrades at the compound was not always available or was not readily available due to budget issues. ...
- Q: Okay. And just to make sure I understand, were you also saying that the reason that you never got five agents in Benghazi was because of budget issues?
- A: That's what I was told by my desk officer.
- Q: Again, Mr. [DS Desk Officer]?
- A: Correct.
- Q: Okay. Did he indicate to you where he got that information?
- A: He specifically told me that he got it from [Deputy Assistant Secretary for International Programs] Charlene Lamb.
- Q: And did he indicate to you in any way that—at what level that decision had been made within the State Department?
- A: No. He—he did not mention anybody else. He—the highest level that made the decision at IP was Charlene Lamb. So, yeah, he mentioned that to me.<sup>51</sup>

### **AGENT E, IN BENGHAZI APRIL THROUGH MAY 2012**

Agent E served in Benghazi in April and May 2012. She explained that during her tenure, she was able to upgrade the Imminent Danger and Notification System, called the “duck and cover” alarm, adjust the lighting and cameras, and complete the fence project.<sup>52</sup>

### **AGENT F, IN BENGHAZI LATE MAY THROUGH JULY 2012**

Agent F described the successful and rapid response of the Libyan local guard force (Blue Mountain Libya) and the February 17 quick reaction force to the IED attack on the compound on June 6, 2012. He stated:

The local Guard Force was unarmed. They did what we asked them to do. They hit the alarm and notified us. And at the end of the day, that's all we can

ask them to do. The Quick Reaction Force, they were awake, clothed, weapons on them. And the February 17th militia responded in a prompt manner.<sup>53</sup>

He described the IED attack:

Around 3:00 in the morning, give or take 20, 30 minutes, the imminent danger and notification system alarm went off, affectionately called the duck-and-cover alarm. That woke all of us up. I got up. I put on my armor, grabbed my weapon, got dressed of course, and then went outside to find out what was going on. I go outside, and I see a bunch of our—I see our local Guard Force members around the front of the gate making, gesturing with their hands, you know, towards their nose. I did not speak Arabic. At the time they did not speak English, so, that's how we communicated. I believe at the time during that shift there was one person that didn't speak English. So, you know, I started smelling; then I had this distinct smell, not like something burning, but some kind of chemical burn, whatever. Come to find out, you know, 5 minutes later that it's a fuse. But at that point so I asked everyone to start backing away from the wall. Then as I back away, that's when the bomb detonates.

From there it knocked me down. Ears were ringing. I get up with the local guards. We run back. There are some sandbags right there at the corner. Get behind those sandbags, point my M-4 at the hole in the wall and wait for any follow-up attack that may occur. And that was the—

And no follow-up attack did occur, so after that the February 17th Martyrs Brigade showed up in a matter of minutes. Then from there we set up a perimeter outside on the street. As we had this large hole in our wall, we wanted to push our security perimeter back even further. We set up the large hole—I mean set up the perimeter, sorry; and then from there, once that perimeter was set up, I went with one of our QRF [quick reaction force] guys—I believe his name was [Redacted]. And we went there and secured the rest of the compound.<sup>54</sup>

Agent F explained that he and his fellow DS agents were able to repair the wall the same day. Agent F stated that there were “some suspicions or some thoughts on ... who might have been involved” in the attack, and that he was becoming increasingly more concerned about the rise of extremists in Benghazi.<sup>55</sup>

Following the incident, the agent explained that although he had conversations with the acting RSO in Benghazi about the security environment, he did not recall any specific recommendations to change the security posture in Benghazi at that time. Although there were no other direct attacks on the Special Mission Compound during Agent F's tenure, there were other attacks on westerners and western interests, including an RPG attack on the British Ambassador's motorcade on June 11, 2012, and an IED attack on the International Committee of the Red Cross on June 12, 2012.

Regarding the response to the June 6 IED attack, the DS Desk Officer explained the immediate reaction in Washington:

It was rapid, actually. The detonation blew a hole in the wall, a pretty significant hole. It was—could have been a couple of gelatina bombs, we never really found out, but it seemed to be that type of effect. It didn't appear to be any shrapnel. And the funds were quickly rallied back here in Washington, and they got a contractor and rebuilt a wall. The RSO on the ground, he was able—the response again that night was good from the QRF. No one was injured. Everyone was accounted for. QRF responded, QRF being February 17th Martyrs Brigade. They actually established four checkpoints, one on each corner around the mission. That lasted for probably 2 weeks or so, 10 to 14 days. I'm not quite sure of the exact date. The RSO in Benghazi also requested and received additional local guard support, which was the Blue Mountain Group. So they had additional guards on at night.<sup>56</sup>

Following the attacks in late May and June, the RSO in Benghazi sent the DS Desk Officer and DS Regional Director a request for five DS agents through the upcoming Libyan elections and four DS agents thereafter:

Due to the uncertainty of the security environment preceding the upcoming elections, RSO Benghazi recommends a minimum of 5 agents be deployed at Post, with an MSD team on standby. ... US Mission Benghazi convened an informal EAC [Emergency Action Committee] meeting ... [and] agreed that the RSO office should be staffed by a minimum of 4 agents to properly support the mission given the heightened threat level. Four agents can adequately support the mission and should be the core/minimum in order to maintain effective security in an unpredictable environment.<sup>57</sup>

The RSO in Tripoli concurred with the request and stated:

[W]e [RSO Tripoli and Deputy Chief of Mission] are both concerned about the ongoing incidents, particularly in the east. ... I fear that we have passed a threshold where we will see more targeting attacks, and incidents involving western targets.<sup>58</sup>

The DS Desk Officer drafted a formal request for Deputy Assistant Secretary Lamb based on the RSO's recommendation. The DS Desk Officer explained that Deputy Assistant Secretary Lamb denied the June 15 request for additional staffing:

A: The number he requested at the time was I think he said five agents, and he specified a timeframe through the election period, which was going to be probably in a month, so on or about—I think it was earlier scheduled—it was early July, so roughly about a month, and then he recommended having four agents remain at the compound.

Q: Based on your experience, just from a personal perspective, did you support that number or support that assessment?

A: Yes. Not only did I support it, I sent it to the RSO for clearance as well, which he supported fully, and I drafted an action memorandum stating the RSO's request.

Q: And what happened to that action memorandum?

A: It was approved by my direct supervisors, and then it was upstairs for a while. And we didn't hear anything. We felt it urgent enough, my supervisor scheduled a meeting with DAS Lamb, and in the meeting with DAS Lamb, essentially the long and short of it, the memo was denied for additional resources, personnel-wise.<sup>59</sup>

There is no record of a signed approval or denial of the June 15 memo. While the DS Desk Officer said that Deputy Assistant Secretary Lamb denied the request, Deputy Assistant Secretary Lamb told the Select Committee that she believed that she had approved the request:

Q: This version of the document doesn't have a signature. We haven't seen a signed copy of this. Do you know—first, do you recall receiving this memo?

A: Yes, I believe I did. And I believe this was cleared.

Q: You believe this was cleared.

A: Uh-huh.

Q: Okay. And if it was cleared, there should be a signed copy somewhere. Is that correct?

A: Should be, yes.

Q: Okay. And, further, if it was cleared, the drafter of this would be informed that it was cleared. Is that correct?

A: Yes.

Q: Okay.

So it's our understanding—and, again, this is based on previous testimony that the committees received from [the DS Desk Officer], some others—that this memo itself was never approved. So how would you respond to that allegation?

A: I don't know. They would have to go back through the staffing records and look at the support that was provided during the elections. But we have never—I have never denied support leading up to elections and especially in the event of additional incidents at post. So this would not have been denied. There would be no reason to deny this.

Q: Okay. Is there another status that the document could have taken? For instance, it could be approved, it could be denied. Is there any in between those two?

A: No. I mean, they either got what they asked for and there were people on the ground and it came out of the budget or nobody showed up.

Q: Okay. And if you disapproved this, you would have signed a disapproval copy and sent that back. Is that correct?

A: Correct.

Q: Okay. And if the desk officer or somebody who drafted the document were to tell us that this specific request was never granted, do you have any reason not to believe their statements?

A: We are, again, 3 years out, and I'm a year-and-a-half retired. I don't recall the details of this. But if I were an RSO at post or an ambassador at post and my post RSO sent in a request for TDY support prior to an election and it wasn't anywhere in the pipeline to come to post, I would have been on the phone asking for it, "Where is it?", especially in this environment.

So I honestly believe that they were provided the support that was requested in this memo. But I can't—

Q: But you just don't recall the specifics.

A: I do not recall the specifics, no.<sup>60</sup>

## **AGENT G, IN TRIPOLI IN JUNE 2012 AND IN BENGHAZI JULY 2012**

Agent G, a DS agent who was stationed in Tripoli, explained that in order to prevent a reduction of agents in June, Embassy Tripoli used Tripoli DS agents to help temporarily supplement Benghazi DS staffing:

Q: So, at a point when the numbers were supposed to drop in June after the attack, additional TDYs were diverted to—

A: Are we talking about Benghazi or Tripoli, ma'am?

Q: Benghazi.

A: In Benghazi, what we did was we supplemented with the agents coming in TDYer, and we sent two over there to cover.<sup>61</sup>

In July 2012, Agent G became the acting RSO in Benghazi. During the time he was there, he described that there were four or five DS agents in Benghazi. He explained that he was “frustrated” by the difficulties in getting a sustained level of DS agents in Benghazi:

A: There’s a lot of details going on. There’s a lot of work that has to be done. There’s a lot of embassies that have work to be done. We’re fighting a fight getting bodies, and we have to hire the best and brightest. Right? So I understand that. I didn’t feel that we were being denied. I just feel that we just didn’t have the personnel for it.

Q: Do you know why—let me ask you this. Was Benghazi a priority for the desk to fill?

A: Absolutely. It was considered a PSP post, which is a priority staffing post, absolutely.

Q: Do you know why there may have been problems in getting staff to go to Benghazi?

A: Other than shortage of personnel, no. Because a TDYer or anyone serving in Benghazi or in Tripoli, they’re all volunteers. You can’t be directed to any of these posts. All of these individuals wanted to be there.<sup>62</sup>

Agent G worked with the RSO in Tripoli to draft the July 9, 2012, Embassy Tripoli cable requesting a minimum of 13 TDY U.S. security personnel for Tripoli, which could be made up of DS agents, DOD Site Security Team (SST) personnel, or some combination of the two. The cable stated:

Post anticipates supporting operations in Benghazi with at least one permanently assigned RSO employee from Tripoli, however, would request continued TDY support to fill a minimum of 3 security positions in Benghazi.<sup>63</sup>

Diplomatic Security never sent a written response to this cable. The language of the cable appeared to cause confusion among some of the recipients about whether it was a request for agents in Benghazi at all, and, if so, whether it requested three or four agents in Benghazi. Although Deputy Assistant Secretary Lamb told a previous congressional committee that the response to the cable got “lost in the shuffle,” she told the Select Committee that she thought the Department had accommodated the requests appropriately.<sup>64</sup>

The Select Committee has reviewed a version of a draft reply to the July 9 cable that was prepared by the DS Desk Officer on July 12, 2012. Even in the draft reply, the Department appeared to only approve up to 7 TDY U.S. security agents for Tripoli, and none for Benghazi, far short of 13 U.S. TDY Tripoli personnel that had been requested by Embassy Tripoli.<sup>65</sup>

In his testimony before the House Committee on Oversight and Government Reform, Eric Nordstrom, the RSO in Tripoli, stated that the resources requested in the July 9 cable were

never provided: “I think the question is, were those resources ever provided? And I think the answer is no.”<sup>66</sup>

## **AGENT H, IN BENGHAZI JULY UNTIL EARLY SEPTEMBER 2012**

Despite improvements to the physical security of the compound throughout the year, one DS agent explained that it was still inadequate when he arrived in July of 2012:

Q: What were your initial impressions of the compound?

A: It did not appear—it was not like the other compounds that I had seen. It appeared to be more of a low-profile building, lower footprint than your typical embassy or consulate. It didn’t have the signs up saying “U.S. Embassy” or “Consulate.” It didn’t have some of the physical security features you would typically see at an embassy or consulate, such as Delta barriers or chicane. There wasn’t the host-nation police presence, the military presence that you would find at your typical embassy or consulate. So my impression was, it was a lower—or a lower profile mission, and it would be difficult to defend it in the event of a coordinated attack based on our resources there.<sup>67</sup>

Agent H also noted that the temporary nature of the mission made it difficult to obtain needed security upgrades:

Q: Did anyone ever suggest that you should temper your expectations as to requests made of D.C.?

A: Yes. I remember hearing that. I don’t remember how I heard that, maybe where I read it, but for whatever reason, I had the understanding that we—that post had an uncertain future, maybe would be closing soon, and therefore, we may not get expensive security upgrades. I don’t know if that’s because I was told that or because I had read something where previous RSOs or DS agents had tried to get those things and it was declined.<sup>68</sup>

Agent H stated that he thought three DS agents were sufficient to protect two individuals on the compound:

Q: And did you feel like you had the minimum number of agents you needed for the protection of those two persons, the other agents that were there, given the size of the compound?

A: Based on the threat reporting at the time [redacted], I felt it was appropriate. The only time I wished we had more people was when we were doing off—more Americans—is when we were doing off-compound moves.<sup>69</sup>

Agent H also described his impression of the February 17 militia, which served as the quick reaction force. He stated that he believed that they would not “do anything to harm us and they would do their best to protect us.” However, he also noted that “[i]n my opinion, Feb 17 wasn’t a particularly professional fighting unit like you would think of an American military unit. They struggled with even basic tasks.”<sup>70</sup>

## PERSPECTIVES IN AUGUST 2012

One month after the successful democratic elections in Libya, the Principal Officer in Benghazi reported in an August 8, 2012, cable that the local security environment situation was deteriorating:

Since the eve of the elections, Benghazi has moved from trepidation to euphoria and back as a series of violent incidents has dominated the political landscape during the Ramadan holiday. These incidents have varied widely in motivation and severity. ... The individual incidents have been organized, but this is not an organized campaign. What we are going through—and what people here are resolved to get through—is a confluence rather than a conspiracy. ... Across the political spectrum, people concede the necessity of a security apparatus that is strong enough to keep peace, but many inherently fear abuse by the same authorities. This debate, playing out daily in Benghazi, has created the security vacuum that a diverse group of independent actors are exploiting for their own purposes.<sup>71</sup>

The Principal Officer in Benghazi also initiated a discussion with Ambassador Stevens and Deputy Chief of Mission Gregory Hicks about whether to keep the post’s reliance on the February 17 militia as its quick reaction force in light of the recent elections as well as some recent concerns about some elements within the February 17 militia. In an August 12, 2012, email to the Ambassador and Deputy Chief of Mission, the Principal Officer stated: “It seems to me that right now we’re in a gray area with a force that is neither entirely official nor entirely beholden to us.”<sup>72</sup>

The Principal Officer explained the email exchange to the Select Committee:

Q: So your initial email here, was that intended to be a recommendation for a specific course of action or was it merely just to initiate that discussion that you’re referring to?

A: I wanted to initiate the discussion. I knew that our relationship with February 17 dated back to Ambassador Stevens’ own time in Benghazi when he initially arrived there. I very much valued his perspective on that because of that relation and because of his knowledge of the context that predated my arrival. I did not have a recommendation, other than the recommendation that we think about this and make an affirmative decision one way or another.

Q: Okay. That's helpful. The Ambassador wrote to you, and I'd just like to read a portion of this to follow the chain, he wrote, quote, and this is August 12, quote, "Thanks for flagging this issue, [Redacted]. It's one we debated last year, as well, when we initially started using them, although back then it was admittedly more defensible to use a militia because there was literally nothing else. Is there any plausible security entity we can rely on to replace Feb 17, or do you think they'll be a force on the ground for the near (ie, through the end of the year) future? If you think they're 'it' for the time being, it seems to me that it would make sense to continue to use them, even though it doesn't square perfectly with our 'rule of law' agenda," close quote.

You replied here, quote, "I think that 2/17 will remain the most significant force on the ground for the coming months, though I think others (the SSC, the army, individual contractors) could do the job," close quote.

And just to conclude the loop, the Ambassador responds to you, quote, "OK, sounds like a good plan," close quote.

So again in the context of what we were just discussing that you wanted to put this on the Ambassador's radar, did you feel that you had reached a place where you put relevant information on the table so that the Ambassador could make a decision on the way forward with February 17?

A: I felt that I had raised the issue and put the relevant information forward. I felt that Ambassador Stevens' questions about local practices were valid and an important part of that discussion. I thought this was the beginning of that decisionmaking process. I didn't feel that this was the end of the decisionmaking process.

Q: Okay. And I note here that you do mention that, quote, "Why don't I see what the other Consulates do and see if there is an approximation of a local standard," close quote. Do you recall following up on that?

A: I recall talking with others in the diplomatic community, and I recall that there was, in fact, no standard at that time, that there were exceptions, but there was not a rule as to what others in the diplomatic community did.

Q: Okay. Outside of this discussion here, did you raise any concerns about the 17th February Martyrs Brigade with the Ambassador? Did you ever specifically advocate to him that that relationship should be terminated?

A: I did not advocate to him that the relationship with 2/17 with respect to the QRF be terminated. I felt that we were considering the issue. I

thought that we were asking the right questions in order to reach a decision.

More broadly, I did raise with the Ambassador February 17 in light of the widespread view that elements of February 17 were involved in some of the recent issues, and I did recommend that the Ambassador meet with February 17 representatives on his planned trip to Benghazi.<sup>73</sup>

U.S. personnel in Benghazi convened an Emergency Action Committee (EAC) meeting on August 15, 2012, to “evaluate Post’s tripwires in light of the deteriorating security situation in Benghazi.”<sup>74</sup> The following day, a now-public cable summarizing the EAC meeting was sent from Embassy Tripoli to the State Department describing the security situation in Benghazi as “trending negatively” and that “this daily pattern of violence would be the ‘new normal’ for the foreseeable future.”<sup>75</sup>

The Principal Officer that attended the meeting stated that he did not recall “anyone making a recommendation that we move to either authorized or ordered departure,” and the cable also did not make that recommendation.<sup>76</sup> Instead, the cable noted the EAC’s plans to mitigate the risk to personnel in Benghazi:

In light of the uncertain security environment, US Mission Benghazi will submit specific requests to US Embassy Tripoli for additional physical security upgrades and staffing needs by separate cover.<sup>77</sup>

Although these requests were sent from Benghazi to the Embassy in Tripoli, the Select Committee has received no evidence that they were sent by Embassy Tripoli to Washington, D.C. before the attacks. On August 23, 2012, Agent H emailed a list of potential security requests to the RSO in Tripoli, noting: “Some of them are long shots, but it doesn’t hurt to ask.”<sup>78</sup> The list included requests such as reinforcing the vehicles gates, putting in shatter resistant window film, a belt-fed crew-served weapon, additional guards, and a minimum of 4 DS agents. Agent H was not aware of what happened to the request list after he sent it to Tripoli:

Q: So, knowing that, what was your expectation when you sent this list of requests in as to whether they could or would be met?

A: My expectation was he [Tripoli RSO] would forward this or discuss this back with DS headquarters and some, perhaps all, of the recommendations would be approved.

Q: Okay. Do you recall whether he did, in fact, or did you ever learn that he did, in fact, submit this request back to anyone in Washington or at main State?

A: I never found out. I never followed up.<sup>79</sup>

On August 27, 2012, Agent H sent a copy of this list to Agent I, who took over as the Acting RSO in Benghazi in early September.<sup>80</sup> In his email, Agent H referred to this document

as containing “some security projects we are working on/would like to work on.”<sup>81</sup> Agent H attached a “turnover memo,” which stated:

US Mission Benghazi has an uncertain future; Post is scheduled to close December 31, 2012. ... The RSO should be aware that requests for expensive security upgrades may be difficult to obtain as headquarters is hesitant to allocate money to a post that may be closing in a few months.<sup>82</sup>

On August 29, 2012, Agent I forwarded the list of additional security requests to the RSO in Tripoli, who had already received the list from Agent H on August 23, and asked, “Should the Security Requests section be passed to the relevant offices/personnel here and in DC?”<sup>83</sup>

In an interview before another congressional committee, the RSO in Tripoli explained that he had planned to incorporate the requests into a memo proposing extending the Special Mission beyond December 2012, but he did not:

Q: Did you—when you received this [list] from the RSO in Benghazi, did you send it to anybody, or would you share it with anybody?

A: I don’t remember if I forwarded it to anybody. This information was to be incorporated into that memo that would have gone through post and then back to D.C.

Q: This is a memo about extending the presence—

A: Past December.

Q: —past December?

A: Yes.

Q: And you said that these were not incorporated in that memo?

A: I didn’t get an opportunity to put them in, no.<sup>84</sup>

In response to a question for the record from a January 2013 hearing, the State Department confirmed that the list was never submitted to Washington:

The August 16th cable stated that security requests for Benghazi would be forthcoming. The RSO in Benghazi submitted to Tripoli a preliminary list of proposed security recommendations on August 23rd, but no requests were submitted to Washington before the attacks.<sup>85</sup>

Another diplomatic security agent, Agent J, served in Benghazi in June and July of 2012 and told the House Committee on Oversight and Government Reform in 2013 that while he understood that the compound could not withstand a coordinated attack, he and his fellow DS agents “felt comfortable driving around Benghazi.” He stated:

We had vests. We did not actually have them on because most of the movements we felt comfortable driving around Benghazi; especially daytime movements, we felt comfortable, because we would go out without the principal officer, for example, just to set the environment, we would go out and get pizza from [sic] the QRF, just as a thank you for the work they were doing. We would go to a video store and get some videos and bring it back. Everything was back to the compound, but we felt comfortable with going out. We had vests. We had medical gear in every vehicle that left the property, and it was fully armored. We always had our side arm on us at all times, and we had our M4 right next to us, but we kept it covered.<sup>86</sup>

## **2. SECRETARY CLINTON NEVER PERSONALLY DENIED SECURITY REQUESTS**

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Over the past three years, Republican Members of Congress and presidential candidates have accused Secretary Clinton of personally denying security requests that contributed to the Special Mission Compound's inadequate security posture in Benghazi. None of the individuals interviewed by the Select Committee identified any evidence to support these Republican claims.

On April 23, 2013, the Republican Chairmen of five House committees—Foreign Affairs, Oversight and Government Reform, Armed Services, Judiciary, and Intelligence—issued a joint report accusing Secretary Clinton directly of personally signing a cable that was issued on April 19, 2012, denying additional security resources. Although this report was never debated or voted on by any of the five committees, it alleged:

Reductions of security levels prior to the attacks in Benghazi were approved at the highest levels of the State Department, up to and including Secretary Clinton. This fact contradicts her testimony before the House Foreign Affairs Committee on January 23, 2013.<sup>87</sup>

The Republican report stated that, “in a cable signed by Secretary Clinton in April 2012, the State Department settled on a plan to scale back security assets for the U.S. Mission in Libya, including Benghazi.”<sup>88</sup>

The next day, Oversight Committee Chairman Darrell Issa appeared on national television and repeated this claim, stating:

The Secretary of State was just wrong. She said she did not participate in this, and yet only a few months before the attack, she outright denied security in her signature in a cable, April 2012.<sup>89</sup>

Similarly, on May 19, 2013, Senator Rand Paul repeated this claim during a nationally televised interview, stating:

She was asked repeatedly to provide security in Benghazi on several occasions including direct cables, and she says she never read the cables on security. I find that inexcusable and a dereliction of duty.<sup>90</sup>

Although Republicans had reviewed a copy of the cable at issue, they failed to explain to the public that the “signature” line on the cable was merely a pro forma stamp with the Secretary of State’s name, similar to millions of other State Department cables issued every year. Since this Republican report was not vetted through standard committee procedures, this critical omission was not identified until after the report was issued.

After reviewing Chairman Issa’s claim, the *Washington Post*’s Fact Checker called it “absurd” and a “whopper,” awarding it “Four Pinocchios,” its highest rating for inaccurate statements. As the Fact Checker explained: “every cable from an embassy bears the ‘signature’ of the ambassador—and every cable from Washington bears the ‘signature’ of the secretary of state.”<sup>91</sup>

The Fact Checker cited Republican and Democratic officials who served previously at the State Department to debunk this claim. According to R. Nicholas Burns, a career diplomat who served as Under Secretary of State for Political Affairs for Secretary of State Condoleezza Rice, “[a] very small fraction would be seen by the secretary of state.”<sup>92</sup> This was confirmed by Larry Wilkerson, former chief of staff to Secretary Colin Powell, who stated, “I can say that from being there with one secretary and reviewing the work of many other secretaries in my academic research, there are many, many cables the secretary never sees.”<sup>93</sup>

The *Tampa Bay Times*’ PolitiFact reviewed Senator Paul’s statement and concluded:

[W]e see no evidence that Clinton herself was made aware of these requests. For example, there’s no “direct cable” that automatically appears on the secretary of state’s desk. Instead, all cables would have carried her name, and only those passed up the chain by staff would have reached her.<sup>94</sup>

Yet, four days after entering the presidential race, Senator Paul continued to make this debunked allegation against Secretary Clinton. On April 11, 2015, Senator Paul appeared on *CNN* and stated: “She didn’t—she didn’t provide the security, not just that day, for nine months. Dozens and dozens of requests for more security, all completely ignored by Hillary Clinton.”<sup>95</sup>

Again, PolitiFact reviewed Senator Paul’s allegation and concluded that, while the “numerous requests from officials on the ground in Libya for better security for the Benghazi compound are undeniable and well-documented,” no one “has shown Clinton willfully ignored the cries for help from Libya.”<sup>96</sup>

At the Select Committee’s 11-hour hearing with Secretary Clinton, Rep. Pompeo stated, while showing a chart:

That’s over 600 requests. ... You will see the increasing number of requests, over 600. I think data matters. The pictures are worth a lot. You see the increase in the requests, and the bottom line is the increase in security.<sup>97</sup>

The *Washington Post* Fact Checker gave this claim two Pinocchios, because it left the “misleading impression” that there were 600 requests for additional security that were all ignored.<sup>98</sup>

Democrats have been unable to successfully reconstruct a list of 600 requests for additional security, and have been able to identify fewer than 200 requests, many of which were granted.

Rep. Pompeo has refused to provide the underlying data to defend this claim. Republican staff point out that in the chart’s fine print states that the 600 number includes both “requests and concerns”—including requests that were never sent to Washington D.C.—as well as requests for security that were approved and implemented.<sup>99</sup>

Nevertheless, since the hearing, Republicans have used the talking point of “600 requests” ignored by Secretary Clinton to lodge unsubstantiated political attacks against her, including as part of the presidential campaign. For example, presumptive Republican presidential nominee Donald Trump stated on *Fox News*: “Look at Benghazi, our ambassador. He wired her 500 or 600 times asking for help.”<sup>100</sup>

The *Washington Post* Fact Checker addressed Trump’s claim, calling it “a whopper” because no requests for additional security went to Secretary Clinton.<sup>101</sup>

During the Select Committee’s investigation, Chairman Gowdy suggested that he had no interest in Secretary Clinton’s emails other than obtaining records relating to Benghazi. On March 31, 2015, Chairman Gowdy stated:

[O]ur Committee has no interest in any emails related to the Secretary’s personal, private matters nor is our Committee seeking documents unrelated to Libya and Benghazi during the relevant time periods.<sup>102</sup>

Similarly, in his interim report in 2015, Chairman Gowdy stated:

Ultimately, this Committee’s interest is in ensuring all relevant and material information related to Libya and Benghazi that was in the personal custody of the former Secretary of State has been returned to the public domain.<sup>103</sup>

Secretary Clinton acknowledged that she made a mistake in using a personal email account for official business. However, because she preserved and produced approximately 30,490 work-related emails to the State Department totaling nearly 55,000 pages, the Select Committee and the public have had the benefit of reviewing them.<sup>104</sup>

The press regularly reported on the highlights of those emails, the majority of which had nothing to do with the attacks in Benghazi.<sup>105</sup> Most of these emails were released to the public pursuant to Freedom of Information Act requests, and they are now publicly accessible on the State Department’s website. Secretary Clinton was over-inclusive in her production, and the National Archives and Records Administration (NARA) determined that 1,258 of the emails she produced to the State Department were not work-related.<sup>106</sup>

On May 25, 2016, Chairman Gowdy stated: “While the emails have never been the focus of our investigation, it was necessary to obtain them.”<sup>107</sup>

Secretary Clinton’s emails did not alter the conclusions about the Benghazi attacks from previous investigations. They did not provide evidence that Secretary Clinton was directly involved in day-to-day security decisions in Benghazi, and they did not suggest that she ordered the military to “stand down” on the night of the attacks. She explained during her testimony before the Select Committee on October 22, 2015:

I did not conduct most of the business that I did on behalf of our country on email. I conducted it in meetings. I read massive amounts of memos, a great deal of classified information. I made a lot of secure phone calls. I was in and out of the White House all the time. There were a lot of things that happened that I was aware of and that I was reacting to. If you were to be in my office in the State Department, I didn’t have a computer. I did not do the vast majority of my work on email.<sup>108</sup>

According to the State Department Inspector General, no previous Secretary of State used an official unclassified email account.<sup>109</sup> Like Secretary Clinton, former Secretary of State Colin Powell also used a personal email account for official business during his tenure, but unlike Secretary Clinton, Secretary Powell did not preserve his emails or produce them to the Department.<sup>110</sup>

### **3. SECRETARY CLINTON WAS ACTIVE AND ENGAGED**

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Republicans have repeatedly accused Secretary Clinton of personally and knowingly endangering the lives of the four Americans killed in Benghazi. These accusations are based on no evidence, or evidence that is unsubstantiated or distorted, and they are often cloaked in extreme rhetoric that has no basis in fact. These accusations have also been used as part of the presidential campaign and by Republican candidates for president. For example:

- Rep. Darrell Issa, former Chairman of the House Committee on Oversight and Government Reform alleged that Secretary Clinton “may have stayed awake all night, but she was frozen in place.”<sup>111</sup>
- Carly Fiorina stated that Secretary Clinton “has blood on her hands.”<sup>112</sup>
- Mike Huckabee accused her of “ignoring the warning calls from dying Americans in Benghazi.”<sup>113</sup>
- Senator Rand Paul stated: “Benghazi was a 3:00 a.m. phone call that she never picked up.”<sup>114</sup>
- Senator Lindsay Graham tweeted: “Where the hell were you on the night of the Benghazi attack?”<sup>115</sup>

- Presumptive Republican presidential nominee Donald Trump stated: “Then, instead of taking charge that night, Hillary Clinton decided to go home and sleep. Incredible. . . . And, by the way, she was not awake to take that call at 3 o’clock in the morning.”<sup>116</sup>
- Former presidential candidate Ben Carson stated: “Somebody who doesn’t have the judgment to send help to, you know, the consulate in Benghazi when they’re begging for help. And then who doesn’t have the judgment after the problem starts to get help there—just says, ‘eh, we’re not going to do anything about it.’ Nine hours later, those Navy SEALs are on top of that compound firing away, just saying ‘if we can just hold on, help will be arriving.’ But help was not going to arrive no matter how long they stayed there—is that good judgment?”<sup>117</sup>

These attacks ignore the Secretary’s actions that night, as well as the firsthand accounts of Secretary Clinton, her senior staff, and others throughout the State Department and other agencies who explained to the Select Committee that their top priority was to work together to protect American personnel overseas.

Secretary Clinton first learned about the attacks in Benghazi shortly after 4 p.m. EST on September 11, 2012. In the hours that followed, she spoke with President Obama, National Security Advisor Tom Donilon, Central Intelligence Agency Director David Petraeus, Chairman of the Joint Chiefs of Staff General Martin Dempsey, the State Department’s Charge d’Affaires in Tripoli Gregory Hicks, Acting Assistant Secretary for Near Eastern Affairs Beth Jones, Under Secretary for Political Affairs Wendy Sherman, Under Secretary for Management Patrick Kennedy, Deputy Secretary for Management and Resources Thomas Nides, Executive Secretary Stephen Mull, State Department Spokesperson Victoria Nuland, Chief of Staff Cheryl Mills, Deputy Chief of Staff Jacob Sullivan, and Libyan General National Congress President Mohammed Magariaf. She also personally participated in a Secure Video TeleConference (SVTC) with senior officials from the Intelligence Community, the White House, and the Department of Defense.

During her hearing with the Select Committee on October 22, 2015, Secretary Clinton described how she first learned about the attacks and the subsequent actions she took:

I learned about attacks from a State Department official rushing into my office shortly after or around 4 o’clock to tell me that our compound in Benghazi had been attacked. We immediately summoned all of the top officials in the State Department for them to begin reaching out. The most important quick call was to try to reach Chris himself. That was not possible. Then to have the Diplomatic Security people try to reach their agents. That was not possible. They were, obviously, defending themselves along with the Ambassador and Sean Smith. We reached the second in command in Tripoli. He had heard shortly before we reached him from Chris Stevens telling him that they were under attack. We began to reach out to everyone we could possibly think who could help with this terrible incident. During the course of the, you know, following hours, obviously, I spoke to the White House. I spoke to CIA Director Petraeus. I spoke to the Libyan officials, because I hoped that there was some way that they could gather up and deploy those who had been part of

the insurgency to defend our compound. I had conference calls with our team in Tripoli. I was on a, what's called a SVTC, a, you know, video conference with officials who had operational responsibilities in the Defense Department, in the CIA, at the National Security Council. It was just a swirl and whirl of constant effort to try to figure out what we could do, and it was deeply – it was deeply distressing when we heard that the efforts by our CIA colleagues were not successful, that they had had to evacuate the security officers, our Diplomatic Security officers, that they had recovered Sean Smith's body. And they could not find the Ambassador. We didn't know whether he had escaped and was still alive or not.<sup>118</sup>

During the hearing, Secretary Clinton also directly addressed the allegation that she ordered Secretary of Defense Panetta to “stand down”:

Q: And as it says in the Democratic report we put out on Monday, none of the 54 individuals interviewed by our select committee has identified any evidence to support this Republican claim against you. In fact, not one of the nine congressional and independent investigations has identified any evidence to support this assertion in the last 3 years. My question: I sincerely hope this puts this offensive claim to rest once and for all. I'm asking you, Madam Secretary, did you order Defense Secretary Leon Panetta to stand down on the night of the attacks?

A: Of course not, Congressman, and I appreciate your going through the highlights of the very comprehensive report that the House Armed Services Committee did on this. I think it's fair to say everybody, everybody, certainly Defense Secretary Panetta, Joint Chiefs of Staff Chairman Dempsey, everybody in the military scrambled to see what they could do, and I was very grateful for that. And as you rightly point out, logistics and distance made it unlikely that they could be anywhere near Benghazi within any kind of reasonable time.<sup>119</sup>

Documents obtained by the Select Committee from the State Department's Operations Center confirm Secretary Clinton's testimony about her actions on the night of the attacks. For example, the documents show:

- At 6:41 p.m., the Operations Center reported that Secretary Clinton requested a telephone call with Libyan President Magariaf.<sup>120</sup>
- At 6:49 p.m., the Operations Center reported that the Secretary spoke with President Magariaf.<sup>121</sup>
- At 6:57 p.m., the Operations Center reported that the Secretary requested to speak with Deputy Chief of Mission Gregory Hicks at the U.S. Embassy in Tripoli.<sup>122</sup>
- At 7:03 p.m., the Operations Center reported that the Secretary requested a conference call with Gregory Hicks, Patrick Kennedy, Cheryl Mills, Stephen Mull, Wendy Sherman, Tom Nides, and Jacob Sullivan.<sup>123</sup>

- At 7:03 p.m., the Operations Center reported that the Secretary began the conference call with the various parties.<sup>124</sup>
- At 7:14 p.m., the Operations Center updated the conference call to add Acting Assistant Secretary Beth Jones.<sup>125</sup>
- At 7:45 p.m., an email from Secretary Clinton's office confirmed that the Secretary participated in a SVTC with the White House and agency officials regarding the situation at the consulate in Benghazi.<sup>126</sup>
- At 8:31 p.m., a subsequent email from the Secretary's office reported that the Secretary had just completed the 40-45 minute SVTC.<sup>127</sup>

Secretary Clinton's top advisors who were with her that night, including her Deputy Chief of Staff for Policy, Jacob Sullivan, and her Chief of Staff, Cheryl Mills, provided the Select Committee with additional details that corroborate Secretary Clinton's testimony about her actions on the night of the attacks. For example, Mr. Sullivan had the following exchange regarding the Secretary's first steps when she learned about the attacks:

Q: Do you recall when and how Secretary Clinton first learned that the Special Mission Compound in Benghazi was under attack?

A: I don't remember the exact time. I do remember a senior Foreign Service officer, Steve Mull, coming into her office.

Q: Were you with her at that time.

A: I was called into the office as well when she was told about it. And he told her that our mission in Benghazi was under assault.

Q: And what was the Secretary's initial response.

A: First, she asked a series of questions about the situation. Then she told Steve Mull, let's spare no effort. We have to do everything we possibly can to protect that facility and get our people out safely; and then she got on the phone with the national security adviser to make sure she was coordinating across the interagency as well.

Q: Did she take any other steps that evening that you can recall?

A: She took a number of steps that evening. I mentioned the call to the National Security Advisor. She was in touch with him several times. She also touched base with David Petraeus because Steve Mull told her about the CIA involvement in this as well. So she called Petraeus. She called, as we discussed earlier, the president of the GNC [General National Congress], Magariaf, to push him as hard as she could to provide help and security so our people could get out safely. She was in touch with Diplomatic Security, with NEA, with her senior leadership team, to figure out what steps we could take, and then she personally

participated in a secure videoconference with representatives from the Joint Staff, the Defense Department, the intelligence community, and the NSC. Look, it was a long night. There was a lot going on. I'm sure I'm leaving out plenty of the other things that she did, but basically she took charge of the situation. And where it was appropriate, she deferred to the experts who were executing. And where it was appropriate, she gave specific direction to try to get things done.

Q: Did you ever get a sense or impression that she was not fully engaged with regard to crisis response.

A: No. Quite the opposite. She was so engaged that she took the really unusual step of a cabinet Secretary walking into a working level operational SVTCS because she wasn't going to stand on ceremony. She wanted to be there to make sure that we were doing everything we could, that we were providing DOD and the intelligence community with everything we could provide them in terms of information, and that we were getting all the help we needed.

Q: What was her demeanor like.

A: It was—I would describe her as resolute but feeling an enormous sense of urgency to try to resolve the situation in a way that could rescue our people.

Q: Did she seem uncertain as to how to respond.

A: No. She—I mean, it's a colloquial term, but she just kind of kicked it into high gear, and she got very focused and began the process of trying to execute a strategy to get our people out of Benghazi safely.<sup>128</sup>

Mr. Sullivan described the personal impact that the attacks had on Secretary Clinton:

Q: You know, one thing that is often overlooked is the fact that the Secretary, like others in the Department, lost members of her team. You talked a little earlier about how close folks are there in the State Department and these individuals who were a part of her State Department family. Can you share with us on a more personal level what it meant to her, to your knowledge?

A: Well, first she knew Chris. They weren't personally close, but she knew him. She had asked him to go to [Libya] in the first place. She respected him enormously. She felt a personal responsibility in connection with him based on everything that had unfolded with Libya. And then more broadly, I mean, the Secretary has always had an extremely heightened sense of responsibility for every single person who works for her. And the idea that she asks them to go out and serve in risky places, it weighs

on her. And she believes it is her job to do everything in her power to try to keep them safe.

So, you know, when she got the news that Sean Smith had died, that was, I remember standing there in her office, and it was just like, it was really hard to take. But she had to push through that because there was more work to be done. And when she heard that Stevens was missing, you know, it was like – it's kind of hard to describe. You hear an ambassador is missing in a murky circumstance involving an attack and fire and everything else. You know, I think she thought, you know, I am not going to rest until we get Chris Stevens back, and I'm going to do everything in my power to make that happen.

She was also aware at the time, based on what had happened in Cairo, that this might not be the end of it. Benghazi might not be the last place where American personnel would be put in danger. Over the next few days, we had our posts assaulted by protestors in a number of cities, and every day she'd show up early and go home late, helping manage the response, calling foreign officials where she needed to get more help, calling interagency colleagues when she needed to get marines or other security personnel in place.

You know, I remember being with her that Friday when we were going through the Tunisia situation—and the Tunisia attack on that Embassy; they were breaking through doors; they were trying to get their way inside—and she got on the phone with the Tunisian Prime Minister and said: You get your people there or you are going to have hell to pay from the United States. And then she had to turnaround and go from there—excuse me—go from there Chris Stevens' memorial service where, you know, she had to, and the memorial service of the other three fallen Americans. And she had to give a eulogy. And it was just an incredibly emotional week, and I was impressed by how cool, calm, and collected she was throughout it all, even though she was kind of deeply feeling the responsibility of what was going on.<sup>129</sup>

Mr. Sullivan described Secretary Clinton's leadership in the days following the attacks in the following exchange with Ranking Member Cummings:

Q: Speaking of the next day after the attack, she spoke to the staff in Tripoli and in the United States. Do you know why she did that and what was—I mean, did you discuss that with her?

A: I actually didn't discuss it with her. She came in that morning and said: I want to get on the phone with everybody in Tripoli, and I want to tell them, you know, what a good job they did to save the lives of so many people, how quickly they responded and how effectively they responded because she knew they would be feeling terribly about what happened,

not just personally terribly about the loss of their colleagues but also that some of them would probably be sitting there second guessing things. And she wanted to call them and tell them: You guys did a great job. She wanted to speak to the entire staff of the State Department that week as well to communicate to them: You know, we are going to pull together. America is bigger and stronger than all of this. And we are going to show the world just how capable and effective we are as a diplomatic service and a family. That was one of the big things that she was able to communicate that week. And I think for people who worked at the State Department, her leadership over the course of that week meant a great deal.

Q: You know, a transcript, Mr. Sullivan, will never reflect the emotion that I am watching from you. And I just want to thank you for your service.<sup>130</sup>

Mr. Sullivan explained that the focus throughout the Department was on the safety of American personnel overseas:

Everybody on the night in question was focused on job No. 1, which was, how do you get all of the American personnel in Benghazi safe? How do you get them out of Benghazi as quickly as possible, and then how do you make sure to move rapidly to try to ensure that this kind of thing wouldn't happen at other posts around the world? And so that's where all of our energy and efforts were devoted. And especially in this context where we didn't know where Ambassador Stevens was, a huge amount of the energy and effort during that timeframe was trying to locate him, trying to get him safe. So the question of what had transpired before was not as relevant to us as what we could do right then and there to try to find our Ambassador, protect our people.<sup>131</sup>

Secretary Clinton's Chief of Staff, Cheryl Mills, confirmed these facts during her interview with the Select Committee. She described the Secretary's and others' actions on the night of the attacks:

The Secretary reached out to the [Libyan] government. So, too, were others reaching out, both on the ground, if I recall, in Tripoli, and it might have been the case that also the Assistant Secretary or her team was doing the same thing. But, candidly, everybody was trying to reach to whatever asset or individual or government partner who they thought would be able to help secure our people and ensure their safety.<sup>132</sup>

Regarding how best to respond, she also stated about Secretary Clinton:

She was pretty emphatic about wanting whatever to be done and whatever were assets that could be deployed, if that was both effective and possible to be done. Obviously, it was a challenging environment, given that our compound had been overrun. And so you want to ensure that, as you also are thinking about who else might go in, how they are able to do that effectively. But my observation and impression and, obviously, engagements were around what

can be done, what can be sent, and how can that be done best. There was not any notion of not doing that to the fullest amount that was practical, effective, and possible.<sup>133</sup>

When asked if Secretary Clinton requested that military assets be deployed, Ms. Mills responded:

She actually on our SVTCS—which obviously had the presence of a number of different agencies, of which I believe DOD was one—said we need to be taking whatever steps we can, to do whatever we can to secure our people. And I can remember that someone from the White House said that the President was 100 percent behind whatever needed to be done and we needed to do whatever needed to be done. And that’s, you know, that’s what he would expect, but it’s also what was said.<sup>134</sup>

Ms. Mills also had this exchange:

A: She was very concerned. She was also very determined that whatever needed to be done was done. And she was worried. She was worried not only about our team on the ground in Benghazi but worried about our teams that were on the ground in Libya and our teams on the ground in a number of places, given what we had seen unfold in Egypt.

Q: Did she seem uncertain as to how to respond?

A: No. She was very—she was very certain. And, indeed, when we said it was going to be a staff SVTCS, which was our diplomatic way of saying that maybe she shouldn’t be attending, she said, “I’m coming.” And so we tried to make sure the rest of the interagency knew ahead of time that she was going to be on, but we were unsuccessful, so they were surprised when she sat down.

Q: So were you surprised by that?

A: I’m not surprised, because that’s her approach. She’s a person who steps in and leads. She’s someone who, when there is accountability, takes it. So I wasn’t surprised. But I know that it can sometimes be intimidating to other staff that there is a principal present. And what she really was communicating that night is, “I’m here because I want my team safe. I’m not here because I’m here for any other reason than trying to get their safety. And whatever we need to do to do that I want to do.”<sup>135</sup>

Ms. Mills also explained Secretary Clinton’s reaction to the deaths of Ambassador Stevens, Sean Smith, Tyrone Woods, and Glen Doherty:

I think she was devastated. Ambassador Stevens was someone she had a lot of confidence and respect for. And his guidance and his way was a compelling one. And the notion that he had been murdered, I think, was something that all

of us thought was unbearable, but I think she particularly felt the pain of that. She also felt the pain of the loss of other Americans that were there that night, whom she didn't have a personal relationship with but who she knew were there because they were trying to further our own interests. And so she felt very strongly about claiming all of them, even at a time where there was ambiguity about how that should or shouldn't be done, but also in honoring their service and what they had done. And, in the days afterwards, she spent time reaching out to our team in Tripoli, constantly trying to determine if they had what they needed, constantly trying to remind people that, while we all have jobs, people are fragile and you have to remember the fragility of people and their humanity and you have to give respect to that. And she made herself consistently present to people on her team because she wanted them to know that, as hard as this was, this was something that required us all to bear witness, to learn, and to try to be the very best we could in those moments.<sup>136</sup>

#### **4. TERRORISTS CAUSED ATTACKS IN BENGHAZI, NOT U.S. FOREIGN POLICY**

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Although the ARB harshly criticized the State Department's inadequate security in Benghazi, it began its findings by making the overarching point that the ultimate responsibility for the attacks rests solely and completely with the terrorists who breached the Special Mission Compound, set fire to its facilities, and attacked the nearby Annex compound with mortars and rocket-propelled grenades. The ARB stated:

Responsibility for the tragic loss of life, injuries, and damage to U.S. facilities and property rests solely and completely with the terrorists who perpetrated the attacks.<sup>137</sup>

Nevertheless, Republicans have spent years trying to find Secretary Clinton personally at fault for the Benghazi attacks. Select Committee Republicans expanded the scope of the investigation to cover more than a year prior to the attacks in order to try to link Secretary Clinton's advocacy for military intervention in Libya in 2011 to the Benghazi attacks in September 2012.

This argument has been adopted on the 2016 presidential campaign trail. For example, in October 2015, presumptive Republican presidential nominee Donald Trump had the following exchange on NBC's *Meet the Press*:

Trump: And you can make the case, if you look at Libya, look at what we did there—it's a mess—if you look at Saddam Hussein with Iraq, look what we did there—it's a mess—it's gonna be same thing.

Todd: You think the Middle East would be better today if Gaddafi, Saddam and Assad were sort of—if Saddam and Gaddafi were still there and Assad were stronger? You think—the Middle East would be safer?

Trump: It's not even a contest, Chuck. It's not even a contest. ...

Todd: Well, let me button this up. If Saddam and Gaddafi, you think things would be more stable?

Trump: Of course it would be. You wouldn't have had your Benghazi situation which is one thing which was just a terrible situation. But, of course, it would. Libya is—is not even—nobody even knows what's goin' on over there. It's not even a country anymore.<sup>138</sup>

This was a reversal of Mr. Trump's position in 2011 when he stated that the United States should “on a humanitarian basis, immediately go into Libya, knock this guy out very quickly, very surgically, very effectively, and save the lives.”<sup>139</sup> When confronted on CBS' *Face the Nation* with that contradiction, Mr. Trump explained that “I was for something, but I wasn't for what we have right now.” He added: “I wasn't for what happened. Look at the way—I mean look at with Benghazi and all of the problems that we've had. It was handled horribly. ... I was never for strong intervention. I could have seen surgical where you take out Qadhafi and his group.”<sup>140</sup>

## THE UNITED STATES INTERVENED IN LIBYA TO PROTECT INNOCENT CIVILIANS

The State Department's foreign policy experts on Libya told the Select Committee that the NATO-led military intervention in early 2011 was necessary to protect innocent civilians in Libya and prevent a humanitarian catastrophe in Benghazi. By March 2011, Libyan dictator Muammar Qadhafi had begun to use lethal force against protesters, and the international community concluded that if it did not intervene, the Libyan people would be in great danger. Experts interviewed by the Select Committee described Qadhafi as a “ruthless character”<sup>141</sup> who was capable of committing a “potential genocide.”<sup>142</sup>

In response to Qadhafi's escalating use of force, on March 17, 2011, the U.N. Security Council adopted Resolution 1973, which called for an immediate cease-fire to the ongoing crisis and declared a no-fly zone in Libyan airspace, authorizing member states “to take all necessary measures ... to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding foreign occupation force of any form on any part of Libyan territory.”<sup>143</sup>

Secretary Clinton's Deputy Chief of Staff for Policy Jacob Sullivan explained Secretary Clinton's decisionmaking on the U.N. resolution:

So what you can see here as of March 9, is a vigorous debate about the pros and cons of any kind of military intervention. The Secretary herself was unresolved as to whether military intervention made sense as of mid-March. And it took a combination of factors to fall into place for her to be convinced that this was a good idea. Those factors included the requests and urging of our partners, but that wasn't good enough. She also wanted to be sure that Arab forces would actually participate in this thing so they had skin in the game, so it wasn't just going to be us and other Western powers. It included

knowing that there would be a sufficient legal basis to do this, and that was the U.N. Security Council Resolution. It included knowing that the stakes had grown sufficiently high. Qadhafi's forces were advancing on the gates of Benghazi, and the forces on the ground weren't going to be able to stop them. It included very crucially the opportunity to sit down and take the measure of the representative of the Transitional National Council to know that there was a credible opposition, organized political group, that we could partner with in carrying out the civilian protection issue. Secretary Clinton traveled abroad in an effort to establish all of these facts. And until they had all fallen into place, and until she was confident that the circumstances warranted it, she was not prepared to make a recommendation to the President that he engage in any military action in Libya.<sup>144</sup>

Secretary Clinton was not alone in her support for the NATO intervention in Libya. Many congressional Republicans supported U.S. military involvement in Libya as well. For example, in a March 11, 2011, letter to President Obama, Rep. Adam Kinzinger stated:

The United States can no longer stand by and watch the humanitarian crisis unfolding in Libya. Every day the violence increases as the Qaddafi regime continues to assault the Libyan people. The world is watching the people of Libya courageously fighting for their freedom and basic human rights. The world also watches as we do nothing to stop the slaughter.<sup>145</sup>

Senator John McCain was also a staunch proponent of U.S. intervention in Libya. While visiting Benghazi in the early months of the revolution, Senator McCain made the following statement:

Had President Obama and our allies not acted, history would have remembered Benghazi in the same breath as Srebrenica—a scene of mass atrocities and a source of international shame. Instead, Benghazi today is a source of hope, and I have come here to ask our Libyan partners what more we can do to help them win their freedom.<sup>146</sup>

In a April 7, 2011, letter to President Obama, Senator Marco Rubio recommended that then-Special Envoy Stevens establish a “provisional” Embassy in Benghazi in order to “assess opposition needs and to negotiate the terms of formal recognition, contingent upon assurances that a new Libyan Government will be representative of the Libyan people and take demonstrable measures to protect the basic human rights of the Libyan people.”<sup>147</sup>

Two weeks later, Senator Lindsey Graham said on *CNN*:

The way to get Gadhafi to leave is have his inner circle break and turn on him. And that's going to take a sustained effort through an air campaign. I think the focus should now be to cut the head of the snake off. That's the quickest way to end this. ... The people around Gadhafi need to wake up every day wondering will this be my last. The military commanders in Tripoli supporting Gadhafi should be pounded. So I would not let the U.N. mandate stop what is the right thing to do. You cannot protect the Libyan people if

Gadhafi stays. You cannot protect our vital national security interests if Gadhafi stays. The long drawn-out protracted engagement is not good for the Libyan people. A lot of people are going to die unnecessarily. Let's get this guy gone and the way to get him out of Libya is to go after him militarily through the air.<sup>148</sup>

In a press statement on August 21, 2011, when the Libyan capital and Qadhafi stronghold of Tripoli fell to rebel forces, Chairman of the House Permanent Select Committee on Intelligence Mike Rogers stated:

As it becomes increasingly apparent in Libya that the regime is falling apart, we must continue to act to protect our U.S. national security interests. It is as important now as before. We can be proud of the role the United States and its allies have played. This demonstrates again that substantive action by the United States can make a critical difference in the struggle against dictatorship and oppression. But this is not over yet. Even after Qaddafi is out of power we will have to step up and lead to ensure U.S. national security interests are safeguarded. In particular, we must ensure that Qaddafi's stockpiles of advanced weapons, chemical weapons and explosives don't fall into the wrong hands.<sup>149</sup>

In an editor's note to Chairman Rogers' statement, it was noted further:

Chairman Rogers, amongst a number of other senior Republican lawmakers, was an early proponent for aggressive U.S. involvement in Libya, to include the institution of a "no fly zone." On March 3, 2011, prior to the Administration's decision to take action in Libya, Chairman Rogers was cited in the LA Times as advocating the enforcement of a "no fly zone" as a way for the U.S. "to project power without getting engaged on the ground."<sup>150</sup>

Despite bipartisan support for military intervention in Libya, some Republicans have alleged that Secretary Clinton falsified or misrepresented intelligence about the threat that Qadhafi posed to his own people. For example, during an interview with *Breitbart News* in January 2015, Senator Rand Paul summarized his claims:

What I've been saying for over a year now is that Hillary took us to war in Libya under false pretenses. ... She claimed there was some sort of imminent threat and that there was going to be some sort of genocide and she sold this war to the Obama administration.<sup>151</sup>

Senator Paul continued, linking his criticism to Secretary Clinton's electability as president:

This is involved on so many levels. One, you want a Commander-in-Chief who has wisdom and would look to all different various parts of government for information. You would want a Commander-in-Chief who would listen to the military, who would listen to the State Department, who would also listen to the intelligence community. But in this case, you have Hillary Clinton

basically not listening to anyone while promulgating something that really appears to be contradicted by other branches of government—in that there was some sort of imminent genocide awaiting in Libya.<sup>152</sup>

Rep. Ted Poe repeated these accusations against Secretary Clinton to *The Washington Times* in February 2015:

You have a false report from the Secretary of State, and then the military holding a completely different view of what's taking place. ... They wanted [the president] to have facts—facts as opposed to what Secretary Clinton was hoping the facts would be; that Moammar Gadhafi was killing innocent women and children. That was was [sic] a false narrative. So, it would make sense that they would want to get that information straight to the president and not go through the Secretary of State.<sup>153</sup>

None of the witnesses before the Select Committee provided any evidence to support the allegation that that Secretary Clinton falsified or fabricated intelligence about the risk posed by Qadhafi to his own people to garner support for military operations in Libya in 2011.

#### **AMBASSADOR STEVENS BELIEVED IT WAS CRITICAL TO MAINTAIN A U.S. PRESENCE IN BENGHAZI**

Ambassador Stevens was a respected expert on Libya, and he strongly recommended the U.S. maintain a diplomatic presence in Benghazi in 2012 and beyond to demonstrate the continued commitment of the United States to Libya's democratic transition and to advance our national security interests in the region.

The ARB explained the diplomatic and strategic importance of Benghazi:

Benghazi, the largest city and historical power center in eastern Libya, was the launching point for the uprising against Qaddafi and a long time nexus of anti-regime activism. It also served as the rebel-led Transitional National Council's base of operations. Eastern Libya (Cyrenaica) had long felt neglected and oppressed by Qaddafi, and there had been historic tensions between it and the rest of the country. Throughout Qaddafi's decades-long rule, eastern Libya consistently lagged behind Tripoli in terms of infrastructure and standard of living even as it was responsible for the vast majority of Libya's oil production. Stevens' presence in the city was seen as a significant sign of U.S. support for the TNC [Transitional National Council] and a recognition of the resurgence of eastern Libya's political influence.<sup>154</sup>

On April 5, 2011, then-Special Envoy Chris Stevens arrived aboard a cargo container ship in Benghazi in eastern Libya, which served as the cradle to the revolution against the 42-year rule of Muammar Qadhafi. Amidst the uprising, the State Department had suspended operations at its Embassy in Tripoli on February 25, 2011. After Qadhafi fled Tripoli in the fall of 2011, the State Department re-opened U.S. Embassy Tripoli with limited staff on September 22, 2011.

In an email dated September 6, 2011, then-Special Envoy Stevens wrote to the Deputy Chief of Mission in Benghazi with a list of reasons he felt it was important to maintain a small State-run presence in Benghazi for at least six months. Some of the reasons included continuing contact with the Transitional National Council and new Libyan government entities, monitoring political trends, and engaging civic elites to facilitate the country's transition to a united, democratic Libya. Then-Special Envoy Stevens wrote: "The revolution began in eastern Libya and the views of these 2 million inhabitants will certainly influence events going forward." He continued:

Many Libyans have said that the US presence in Benghazi has a salutary, "calming" effect on easterners who are fearful that the new focus on Tripoli could once again lead to their neglect and exclusion from reconstruction and wealth distribution. They feel the US will help ensure they are dealt with fairly.<sup>155</sup>

During his transcribed interview with the Select Committee, Ambassador Stevens' predecessor, Ambassador Gene Cretz, explained the importance of maintaining a U.S. presence in Benghazi leading up to elections scheduled for the summer of 2012:

These were going to be the first elections that were held in Libya in over 40 years. The Libyans had no experience with elections. They were in the process of really making an effort to form a new democratic system. So I think it was critical that we be there to make sure that the normal problems that plagued a country in this particular stage of evolution were minimized to the extent possible. I think with our presence, perhaps, if we were able to help them a bit and just to help guide them through the process was critical as we saw it for the future of this democratic experiment. ... I think it just helped bolster the confidence of the people that we would be there, that whatever suspicions they may have had toward whatever government emerged in Tripoli would have been allayed to a certain extent by knowing that the U.S. was watching. So it was a critical notion on our part that we be there through the elections to make sure that they were conducted in the most democratic means possible.<sup>156</sup>

Chris Stevens returned to Tripoli on May 26, 2012, as the U.S. Ambassador.

In late August 2012, Deputy Chief of Mission Gregory Hicks worked with Ambassador Stevens to prepare a draft proposal from Embassy Tripoli to Washington D.C. requesting that the Department establish a permanent branch office in Benghazi in order to "provide a permanent platform to protect U.S. national security interests in the region, and to promote a stronger, healthier and more vibrant bilateral relationship with the new, free, and democratic Libya." The proposal stated:

A permanent Embassy branch office in Benghazi would enable us to continue to monitor political activity in this extremely important region of the country. It would allow us a base from which to track Islamist and other extremist terrorist activities and to develop effective countermeasures against them. It would sustain the frequency of interaction with local contacts who could

provide us with a better understanding of Cyrenaican political currents as they relate to emerging political trends elsewhere in the country as well as in the capital. From a Benghazi branch office, we would be able to plan and stage more effective outreach programs to influence local political thought in direction more consistent with overall U.S. policy goals and objectives. A branch office would more easily facilitate U.S. business participation in Cyrenaica's future economic growth, and assist Libya and Egypt to cooperate to secure their border against terrorist and smugglers. We could not have achieved these goals, or aspire to achieve broader objectives in the future, if we limit our diplomatic platform in Libya to the Embassy in Tripoli.<sup>157</sup>

Although security incidents occurred in the months preceding the September 2012 attacks, none of the Emergency Action Committees convened in response to those security incidents recommended the mission in Benghazi be closed or that U.S. personnel be evacuated.

The Select Committee interviewed individuals who were responsible for security in Benghazi in the months before the attacks, and none of them recommended closing the mission.

Ambassador Stevens was a leading advocate for the view that American diplomatic engagement is integral to furthering democracy and enhancing America's strength and interests abroad, especially in dangerous countries where diplomats serve despite a significant level of personal risk.

As a group of 33 distinguished former ambassadors who served both Republican and Democratic presidents wrote in a letter to the Select Committee in November 2015:

Diplomacy carries inherent risks, especially in high-threat posts; ambassadors understand these risks and constantly must make decisions of how much risk to take for what purpose.<sup>158</sup>

This was also a view shared by Ambassador Pickering and the ARB, which found:

No diplomatic presence is without risk, given past attempts by terrorists to pursue U.S. targets worldwide. And the total elimination of risk is a non-starter for U.S. diplomacy, given the need for the U.S. government to be present in places where stability and security are often most profoundly lacking and host government support is sometimes minimal to non-existent.<sup>159</sup>

## **5. UNSUBSTANTIATED CLAIM THAT DOCUMENTS WERE "SCRUBBED"**

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On September 15, 2014, an article in *The Daily Signal* reported that Raymond Maxwell, the former Deputy Assistant Secretary of State for Maghreb Affairs, had come forward with "a startling allegation." Specifically, the report claimed that "Hillary Clinton confidants were part of an operation to 'separate' damaging documents before they were turned over to the

Accountability Review Board.” The article identified the confidants as Chief of Staff Cheryl Mills and Deputy Chief of Staff Jacob Sullivan.<sup>160</sup>

According to this account, employees were instructed to review documents and “pull out anything” that might put senior officials “in a bad light.” The article also stated that Mr. Maxwell said that he “couldn’t help but wonder if the ARB—perhaps unknowingly—had received from his bureau a scrubbed set of documents with the most damaging material missing.”<sup>161</sup>

The report also described an incident in which Ms. Mills and Mr. Sullivan allegedly checked in on the operation and came into contact with Mr. Maxwell:

“When Cheryl saw me, she snapped, ‘Who are you?’” Maxwell says. “Jake explained, ‘That’s Ray Maxwell, an NEA [Near Eastern Affairs Bureau] deputy assistant secretary.’ She conceded, ‘Well, OK.’”<sup>162</sup>

Several conservative press outlets immediately seized on *The Daily Signal*’s report to claim that former aides to Secretary Clinton ordered the destruction of documents to prevent Congress and the ARB from ever seeing them.<sup>163</sup>

On October 17, 2014, Chairman Gowdy was interviewed on *Fox News* by Greta Van Susteren, who asked if he believed Mr. Maxwell’s allegation that “documents were tossed out.” In response, the Chairman stated:

What you would do is what I’m going to do Greta, and that is, give Mr. Maxwell an opportunity to say what he perceived to happen and he’s going to have to give us the names of the other people who were involved and then we’re going to give them an opportunity to say whether or not they have a different perspective. It’s going to be an investigation. And if there is a dispute as to what happened then we’ll let your audience decide who has more credibility.<sup>164</sup>

By the time Chairman Gowdy made this statement, however, his staff had already interviewed Mr. Maxwell without including, inviting, or even notifying Democratic Members or staff. Mr. Maxwell apparently identified for Republican staff a second witness that he claimed was present during this document review at the State Department. Mr. Maxwell identified this person as someone who could corroborate his allegations and someone he believes is credible.

Then, on October 16—one day before Chairman Gowdy appeared on *Fox News*—his staff interviewed this second witness, again without including Democrats. However, this second witness did not substantiate Mr. Maxwell’s claims. To the contrary, he did not recall ever having been in the document review session Mr. Maxwell described, he said he was never instructed to flag information in documents that might be unfavorable to the Department, and he reported that he never engaged in or was aware of any destruction of documents.<sup>165</sup>

On March 8, 2016, almost a year-and-a-half later, the Select Committee conducted a bipartisan transcribed interview with Mr. Maxwell. During his interview, when confronted with the fact that the individual he recalled being in the room had not substantiated his claims, Mr. Maxwell explained that he must have been mistaken about the individual who was there:

Q: Do you recall anybody else who was in the room that day?

A: You know, I don't recall. Earlier I said that there was an intern there. And you guys called the intern. The intern got all frazzled. He called me. And he said: Ray, I really don't remember blah, blah, blah, blah. And I said: Look, if you don't remember, you don't remember. I'm not going to, you know, bother you about that. I thought an intern was there. It's possible that I had the wrong intern. We had lots of different interns, so I didn't make a big deal about it. So for the purposes of our conversation today I won't say that there was an intern there since he claims that he wasn't there. Or he didn't say he wasn't there, he said he didn't remember.<sup>166</sup>

Then, Mr. Maxwell stated that he thought an intern was present, but he did not recall if it was a man, as he originally recalled, or a woman:

A: I thought it was [the original individual he named], but it may have been that woman who was also an intern. I remember—I recall an intern being there with [the Deputy Office Director]. And over time, memory fades.

Q: So you're not sure as you sit here today whether it was a male or female who was the intern?

A: If it wasn't [the original individual he named], it would've been a female. And I don't remember her name.<sup>167</sup>

During his interview, Mr. Maxwell stated that he had no firsthand evidence that anybody had actually removed, scrubbed, or destroyed any documents before their production to the ARB:

Q: Do you have any evidence that anyone at the State Department removed or scrubbed any damaging documents from materials that were provided to the ARB?

A: No.<sup>168</sup>

Instead, Mr. Maxwell repeated his claim that he had been informed by the Deputy Office Director in the Office of Maghreb Affairs that she had been ordered to remove or scrub damaging documents. He said that he had an ethical concern with what she had described to him, but that he never reported it or mentioned it to his superiors or the ARB.

The Deputy Office Director in the Office of Maghreb Affairs denied Mr. Maxwell's allegations directly in the following exchange with the Select Committee:

Q: And there's a direct quote from Mr. Maxwell that's included in here where he states that you told him that the purpose of the document review was to, quote, again, quote, "go through these stacks and pull out

anything that might put anybody in the [Near Eastern Affairs] front office of the seventh floor in a bad light,” close quote. Is that accurate?

A: No, it is not accurate.

Q: And do you know what may have given him this impression that you said these words to him?

A: I don't know.

Q: Okay. Did anyone ever order you to pull out any information that might put the NEA front office or the seventh floor in a, quote, “bad light,” close quote?

A: No.<sup>169</sup>

She stated that there was nothing unethical about the document review sessions:

Q: My colleague touched on it, but there is, on that front page, a direct quote wherein Mr. Maxwell indicates, quote, “I asked her,” meaning you, “but isn't that unethical? She responded ‘Ray, those are our orders.’” You indicated earlier that certainly nothing like what is implied here happened?

A: Yes, ma'am.

Q: That goes beyond an implication. It actually indicates that you may have engaged in something unethical. What is your response to that potential charge?

A: My response to that is it's completely nonsensical and inaccurate.

Q: And you would—

A: And I would embellish that if there wasn't a court reporter in the room, but this article made me extremely angry.<sup>170</sup>

She explained that in all of her document reviews, she applied the standard review process:

Q: And was this review process part of any effort to withhold or conceal information from the Accountability Review Board, to your understanding?

A: That was not my understanding.

Q: Okay. And we discussed in the last round your understanding of what the purpose of this document review was. You indicated that you were somewhat unclear, but you applied some standards that I think you had

through your experience in performing FOIA [Freedom of Information Act] reviews. Is that accurate?

A: That's right, sir.

Q: So you had performed document reviews in the past?

A: A few limited ones with regard to FOIA requests.

Q: Okay. And in those types of document reviews, what sorts of information were you asked to review and flag?

A: In the FOIA reviews, you're referring to?

Q: Yes.

A: We were looking for, as subject-matter experts, information of sensitivity that would be damaging if it was released publicly.

Q: So that would include information like the names of Libyans that might be working with the U.S. Government?

A: Exactly, or pre-decisional information. If it was information about something that was, the deliberations between government officials before a decision was made.<sup>171</sup>

Secretary Clinton's Chief of Staff Cheryl Mills also denied Mr. Maxwell's charges. During her transcribed interview with the Committee, Ms. Mills had the following exchange:

Q: A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board damaging documents may have been removed or scrubbed out of that production. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A: I don't.

Q: Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A: I don't.

Q: Let me ask you this question for documents provided to Congress: Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A: I do not.<sup>172</sup>

Ms. Mills explained that she had not had any interaction with Mr. Maxwell about documents:

Q: And, you know, setting aside this particular instance and whether there was a basement review process going on, did you ever give anyone any instruction that they should pull out anything that might put anybody in the NEA front office or the seventh floor in a bad light?

A: I did not.

Q: Did you ever instruct anyone to pull out documents that might put Secretary Clinton—paint her in a bad light?

A: I did not.

Q: Did you instruct anyone to in any way kind of remove or destroy or scrub documents that might not reveal the full and complete story about what happened in Benghazi?

A: I did not.

Q: Did anyone ever come to you—you were kind of the point person for the Department on making a lot of these wheels go around. Did anyone come to you at the time or any time after and express concern to you internally that there had been efforts, that there had been orders to flag, remove, scrub, destroy documents that might look damaging to the State Department?

A: No, they did not. And the A Bureau keeps a copy of everything, so they are the repository that holds everything. So there are only then copies made for review. So, no, that didn't happen, and the complete repository always stayed with the A Bureau. It never left.

Q: So if anyone were going to propose or think about doing this, it's a pretty high-risk gambit, because ultimately the A Bureau is going to have the master copy—

A: That's exactly right.

Q: —and if documents are scrubbed, there's going to be an evidentiary trail. Is that accurate?

A: Correct.<sup>173</sup>

Mr. Sullivan also denied Mr. Maxwell's claims. He had this exchange with Chairman Gowdy:

- Q: Raymond Maxwell, I saw an article yesterday ... that has made allegations with respect to the security of documents as part of the ARB process. Are you familiar with these allegations?
- A: I certainly am familiar with them, yes.
- Q: All right.
- A: Because it's hard not to be familiar when someone accuses of you something that is totally outlandish.
- Q: Now, when you say "outlandish," what do you mean by that?
- A: I mean, the allegation he made, as I understand it, is that I somehow destroyed or burned or ripped up documents; and nothing of the sort ever happened, period.
- Q: Those may have been some of his allegations. He also had more nuanced allegations, and I want to go through them just get your perspective. Were you ever in a room with Ms. Mills where Raymond Maxwell was also present?
- A: I don't think so, no. I don't think I've ever met Raymond Maxwell.
- Q: All right. Were you part of any team that was assembling documents for the ARB?
- A: No. I was not part of assembling documents for the ARB.
- Q: Did you recall any weekend document parties where you and Ms. Mills would have both been working on the ARB on a weekend at the State Department?
- A: I wasn't working on the ARB, and I don't remember working there during the week or on the weekend on the ARB.
- Q: Were there any documents that you reviewed that you thought would not be appropriate for the ARB to have access to?
- A: No.<sup>174</sup>

## **6. ARB REVIEW WAS INDEPENDENT, THOROUGH, AND EFFICIENT**

Republicans have long sought to discredit the ARB's independent investigation of the Benghazi attacks, led by Ambassador Thomas Pickering and former Chairman of the Joint Chiefs of Staff Admiral Michael Mullen, both of whom had distinguished careers under multiple Republican and Democratic administrations. However, the evidence obtained by the Select

Committee demonstrates that the ARB members conducted their investigation with complete independence, thoroughness, and patriotism. Their final report was piercing and penetrating, assigning accountability where it was due, and making strong recommendations for reform.

More than two years of re-investigating the Benghazi attacks have only found additional evidence to support the ARB's core findings in its final report, which the ARB completed in less than three months after conducting 100 interviews.

The ARB's findings are further bolstered by a review of the ARB's internal files, which Republicans had long sought access to, but the State Department resisted based on concerns about the negative impact on future ARBs. These internal files, which have now been obtained by the Select Committee, confirm the thoroughness and independence of the ARB.

During a television appearance in April 2013, Chairman Gowdy stated: “[A]fter seven months, it becomes patently obvious that the sole function of the Accountability Review Board was to insulate Hillary Clinton.”<sup>175</sup> During the Select Committee's first public hearing, Select Committee Member Jim Jordan stated: “[O]f course this thing [the Accountability Review Board] wasn't independent. ... [I]t was anything but independent.”<sup>176</sup>

Pursuant to Section 301 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, the State Department's ARB process is used to conduct thorough and independent reviews of significant security-related incidents at U.S. diplomatic facilities overseas. The ARB's objective is to determine accountability and improve the security practices of U.S. missions and personnel serving abroad.

On September 19, 2012, Secretary Clinton approved the establishment of an ARB to investigate the September 11, 2012, attacks on U.S. facilities and personnel in Benghazi, Libya. The Board was officially convened on October 1, 2012.

In accordance with the governing ARB statute, Secretary Clinton selected four members to serve on the ARB, and Director of National Intelligence James Clapper selected one member from the Intelligence Community. Former Ambassador Thomas Pickering served as Chairman, and the former Chairman of the Joint Chiefs of Staff Admiral Michael Mullen served as Vice Chairman. Catherine Bertini, Richard Shinnick, and Hugh Turner also served as ARB Members.

In less than three months, the Benghazi ARB interviewed more than 100 witnesses, reviewed thousands of pages of documents, and viewed hours of video. In comparison, it took the Select Committee more than two years to interview less than 110 witnesses.

On December 18, 2012, the Benghazi ARB released a report on its findings. By statute, the report included findings on whether the attacks were security-related, whether security systems and procedures were sufficiently adequate and properly implemented, and whether any U.S. government employee breached his or her duty. The ARB also issued 29 recommendations to improve security systems and procedures at the Department of State, all of which were accepted by Secretary Clinton.

On June 4, 2013, the House Committee on Oversight and Government Reform conducted a deposition with Ambassador Pickering. During that deposition, Ambassador Pickering

explained to Members and staff that it was a “debt of honor” to have served on the ARB, noting his personal connection to Ambassador Stevens:

[Y]ou know when you lose friends, when you lose colleagues and fellow employees, that’s the most urgent and demanding of all situations, and if you can make a contribution and make it right, it’s important.

Chris Stevens worked for me as my special assistant for 2 years when I was Under Secretary of State. This was not any kind of vendetta, but I felt that Chris gave me two wonderful years of his life in supporting me in very difficult circumstances, that I owed him, his family, and the families of the other people who died the best possible report we could put together.

And I have to tell you, the five of us, I think, time and time again mentioned how important this was, how significant it was to get it right, and how important it was to—what our work product would be, what our end result would be, would be deeply scrutinized, and it should be, there’s no reason it shouldn’t be, but that we had to work as hard as we can to make it stand up, that we had, with all respect to everybody in this room, no sense of political attachment on this particular issue. We wanted to do it in the best way we could. We got lots of advice from all areas. We attempted to synthesize that and put it into those 29 recommendations in the most serious way that we could.

So it was on obligation, maybe a debt of honor on our side. And I considered it an honor to be asked by the Secretary of State just to be on the Board, but in a more distinct one, to be asked to be chairman. And I felt that it was my responsibility, working with the others, and we worked in a very collegial way, but we certainly had differences and discussions in our views. We had a lot of give and take, which was good, and I felt it was very useful. And we brought in experts, and they were extremely helpful to us in looking at the way in which the report was put together and prepared.<sup>177</sup>

Testifying before the House Committee on Oversight and Government Reform, Admiral Mullen stated that it was a privilege for him to serve on the ARB:

[I]t was a privilege, it remains a privilege. ... I knew it was critical work. And it was, from my perspective something I did for my country. ... And certainly I understood obviously instantly the gravity of the situation just because of the loss of life even though as it initially occurred I really didn’t have much of an idea how it happened. ... I didn’t do it for any other reason but to do it for the country.<sup>178</sup>

In September 2013, the State Department Office of Inspector General released its Special Review of the Accountability Review Board Process, which examined all 12 ARBs convened between 1998 and 2012, including the ARB for Benghazi, to evaluate “the process by which Accountability Review Boards (ARB/Board) are established, staffed, supported, and conducted

as well as the measures to track implementation of ARB recommendations.” In conducting its review, the Office of Inspector General found:

The Accountability Review Board process operates as intended— independently and without bias—to identify vulnerabilities in the Department of State’s security programs.<sup>179</sup>

One witness explained to the Select Committee that Republicans’ personal and political attacks on the integrity of the ARB Board members have undermined the State Department’s ability to recruit qualified and experienced former Ambassadors to serve on future ARBs.

On March 4, 2016, the Select Committee interviewed the Director of the Office of Management Policy, Rightsizing, and Innovation, a career employee who has assisted with the process for setting up ARBs for approximately 15 years. She explained that before the partisan attacks on the Benghazi ARB, numerous former ambassadors used to reach out to her and volunteer to be placed on the list of potential ARB members, but “[t]hat’s not the case anymore.”<sup>180</sup> She explained:

They have seen what was done to a career ambassador—to Ambassador Pickering and others, and they are not at all interested in being treated in the same way. I had two occasions to have conversations with retired ambassadors who say: Take my name off your list. I won’t go through that. If they did it to Tom Pickering, they will do it to me, and I’m not going to do it.<sup>181</sup>

At the time that she was interviewed by the Select Committee, she was having trouble finding anyone to volunteer for any potential upcoming ARBs. She had this exchange:

Q: Is it your impression that subsequent congressional investigations of the Benghazi attacks have somehow affected the ARB process going forward?

A: It is my contention that it is. And this will play out in the next couple of weeks. . . . I have been trying to get a list together should the PCC [Permanent Coordinating Committee] recommend an ARB, and I’m having no luck.<sup>182</sup>

She concluded:

[I]f we don’t have that close examination of what happened and what we can do to make it not happen again, we have lost all of that—the ability to ensure the safety of our people overseas.<sup>183</sup>

## ENDNOTES

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- <sup>1</sup> Department of State, *Benghazi Accountability Review Board Report* (Dec. 2012) (online at [www.state.gov/documents/organization/202446.pdf](http://www.state.gov/documents/organization/202446.pdf)).
- <sup>2</sup> *Id.*
- <sup>3</sup> *Id.*
- <sup>4</sup> *Id.*
- <sup>5</sup> Email from Special Envoy Chris Stevens to Ambassador Gene Cretz, et al., *Thoughts on Future of Mission Benghazi* (Sept. 6, 2011) (C05389447-MOU).
- <sup>6</sup> Action Memo from Jeffrey Feltman to Undersecretary Patrick Kennedy, *Future of Operations in Benghazi, Libya* (Dec. 27, 2011) (SCB0047413-MOU).
- <sup>7</sup> *Id.*
- <sup>8</sup> Department of State, *Benghazi Accountability Review Board Report* (Dec. 2012) (online at [www.state.gov/documents/organization/202446.pdf](http://www.state.gov/documents/organization/202446.pdf)).
- <sup>9</sup> Information Memorandum, *IM for Future of Operations in Benghazi, Libya* (Dec. 20, 2011) (C05457274).
- <sup>10</sup> *Id.*
- <sup>11</sup> State Department, Cable 12 TRIPOLI 130, *Request for DS TDY and FTE Support* (Mar. 28, 2012) (C05890650-MOU).
- <sup>12</sup> Email from Benghazi Principal Officer to Regional Security Officer Tripoli, et al., *Tripoli—Request for DS TDY and FTE Support* (Apr. 21, 2012) (attaching State Department Cable 12 STATE 38939 (Apr. 19, 2012)).
- <sup>13</sup> *Id.*
- <sup>14</sup> House Committee on Oversight and Government Reform, Interview of Diplomatic Security Desk Officer (Aug. 8, 2013).
- <sup>15</sup> *Id.*
- <sup>16</sup> *Id.*
- <sup>17</sup> House Committee on Oversight and Government Report, *Hearing on The Security Failures of Benghazi* (Oct. 10, 2012) (online at [www.gop.gov/resources/library/documents/benghazi/ogr-the-security-failures-of-benghazi.pdf](http://www.gop.gov/resources/library/documents/benghazi/ogr-the-security-failures-of-benghazi.pdf)).
- <sup>18</sup> Select Committee on Benghazi, Interview of Deputy Assistant Secretary for International Programs (Jan. 7, 2016).
- <sup>19</sup> *Id.*
- <sup>20</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent A (Feb. 24, 2015).
- <sup>21</sup> Select Committee on Benghazi, Interview of the Deputy Assistant Secretary for International Programs (Jan. 7, 2016).
- <sup>22</sup> *Id.*
- <sup>23</sup> Select Committee on Benghazi, Interview of Deputy Chief of Mission (Aug. 12, 2015) (emphasis added).
- <sup>24</sup> Select Committee on Benghazi, Interview of the Deputy Assistant Secretary for International Programs, Diplomatic Security (Jan. 7, 2016).
- <sup>25</sup> *Id.*
- <sup>26</sup> *Id.*
- <sup>27</sup> Select Committee on Benghazi, Interview of Under Secretary for Management Patrick Kennedy (Feb. 3, 2016).
- <sup>28</sup> House Committee on Oversight and Government Reform, Deposition of Ambassador Thomas Pickering (June 4, 2013).
- <sup>29</sup> House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).
- <sup>30</sup> Department of State, *Benghazi Accountability Review Board Report* (Dec. 2012) (online at [www.state.gov/documents/organization/202446.pdf](http://www.state.gov/documents/organization/202446.pdf)).
- <sup>31</sup> *Id.*
- <sup>32</sup> *Id.*
- <sup>33</sup> *Id.*
- <sup>34</sup> *Id.*
- <sup>35</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent A (Feb. 24, 2015).

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- <sup>36</sup> *Id.*
- <sup>37</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent B (Apr. 2, 2015).
- <sup>38</sup> *Id.*
- <sup>39</sup> *Id.*
- <sup>40</sup> House Committee on Oversight and Government Reform, Interview of Diplomatic Security Desk Officer (Aug. 8, 2013).
- <sup>41</sup> Weekly Update of Topics in Benghazi (Jan. 29, 2012) (C05390904).
- <sup>42</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent C (Apr. 9, 2015).
- <sup>43</sup> *Id.*
- <sup>44</sup> *Id.*
- <sup>45</sup> *Id.*
- <sup>46</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent D (Apr. 13, 2015).
- <sup>47</sup> *Id.*
- <sup>48</sup> *Id.*
- <sup>49</sup> *Id.*
- <sup>50</sup> *Id.*
- <sup>51</sup> *Id.*
- <sup>52</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent E (Aug. 21, 2015).
- <sup>53</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent F (Mar. 24, 2015).
- <sup>54</sup> *Id.*
- <sup>55</sup> *Id.* (according to the ARB, Omar Abdurrahman group made an unsubstantiated claim of responsibility for the June 6, 2012, attack).
- <sup>56</sup> House Committee on Oversight and Government Reform, Interview of Diplomatic Security Desk Officer (Aug. 8, 2013).
- <sup>57</sup> Email from Regional Security Officer in Benghazi to Diplomatic Security Desk Officer et al., *Staffing* (June 14, 2012) (C05388987) (emphasis in original).
- <sup>58</sup> *Id.*
- <sup>59</sup> House Committee on Oversight and Government Reform, Interview of Diplomatic Security Desk Officer (Aug. 8, 2013).
- <sup>60</sup> Select Committee on Benghazi, Interview of the Deputy Assistant Secretary for International Programs, Diplomatic Security (Jan. 7, 2016).
- <sup>61</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent G (May 19, 2015).
- <sup>62</sup> *Id.*
- <sup>63</sup> State Department, Cable 12 TRIPOLI 690, *Tripoli—Request for Extension of TDY Security Personnel* (July 9, 2012) (SCB0049439-MOU).
- <sup>64</sup> Select Committee on Benghazi, Interview of the Deputy Assistant Secretary for International Programs (Jan. 7, 2016).
- <sup>65</sup> Email from Diplomatic Security Desk Officer to [Redacted], *FW: DoD Support to US Embassy Tripoli* (July 12, 2012) (C05391287).
- <sup>66</sup> House Committee on Oversight and Government Reform, *Hearing on the Security Failures of Benghazi*, 112th Cong. (Oct. 10, 2012).
- <sup>67</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent H (Apr. 15, 2015).
- <sup>68</sup> *Id.*
- <sup>69</sup> *Id.*
- <sup>70</sup> *Id.*
- <sup>71</sup> State Department, Cable 12 TRIPOLI 952, *The Guns of August: Security in Eastern Libya* (Aug. 8, 2012) (C05262779).
- <sup>72</sup> Email from Principal Officer to Ambassador Christopher Stevens and Deputy Chief of Mission Gregory Hicks, *February 17/QRF Contract* (Aug. 12, 2012) (C05395770).
- <sup>73</sup> Select Committee on Benghazi, Interview of Principal Officer (Mar. 26, 2015).
- <sup>74</sup> State Department, Cable 12 TRIPOLI 55, *U.S. Mission Benghazi Emergency Action Committee—August 16, 2012* (C05261905) (the EAC is an interagency group convened in U.S. embassies and other facilities to address emergencies or security matters).
- <sup>75</sup> *Id.*
- <sup>76</sup> *Id.*; Select Committee on Benghazi, Interview of Principal Officer (Mar. 26, 2015).

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- <sup>77</sup> State Department, Cable 12 Tripoli 55, *US Mission Benghazi Emergency Action Committee—August 16, 2012* (C05261905).
- <sup>78</sup> Email from Agent H to Regional Security Officer, *RE: Reports to System* (Aug. 23, 2012) (C05391883) (attaching *Security Requests for U.S. Mission Benghazi* (Aug. 22, 2012) (C05578292)).
- <sup>79</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent H (Apr. 15, 2015).
- <sup>80</sup> Email from Diplomatic Security Agent H to Diplomatic Security Agent I et al., *FW: RSO Turnover Docs* (Aug. 29, 2012) (C05474918).
- <sup>81</sup> *Id.*
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# D. THE INTELLIGENCE COMMUNITY



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# The Intelligence Community

Based on the evidence obtained by the Select Committee, including documents, briefings, and transcribed interviews, the Democratic Members make the following findings relating to the actions of the Intelligence Community (IC) regarding the attacks in Benghazi:

- The Intelligence Community did not receive advance warning of the attacks in Benghazi.
- The CIA security team's response in Benghazi was delayed temporarily while leadership on the ground sought local support.
- Republican claims that the CIA was collecting and shipping arms from Libya to Syria or elsewhere are unsubstantiated.
- Intelligence assessments evolved after the attacks in Benghazi as more information became available.
- Political considerations did not influence the intelligence assessments or the CIA's talking points provided to Congress and Ambassador Rice.

These findings are consistent with those of several previous investigations, including bipartisan reviews by the House Permanent Select Committee on Intelligence (HPSCI) and the Senate Select Committee on Intelligence (SSCI).

## 1. NO ADVANCE WARNING OF THE ATTACKS

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The evidence reviewed by the Select Committee confirms the findings of HPSCI and SSCI that, despite the deteriorating threat environment in eastern Libya, the IC had no intelligence indicating a specific threat to U.S. interests in Benghazi leading up to the attacks. As HPSCI explained in its bipartisan report publicly released in November 2014:

Relevant documents confirm that the IC did not possess intelligence indicating planning or intentions for attacks on the Benghazi facility on or about September 11, 2012. And thus the IC did not fail to provide such warning. Furthermore, the Committee did not find evidence to suggest the IC could have collected intelligence to warn of the attacks.<sup>1</sup>

In its January 2014 report, SSCI also concluded:

To date, the Committee has not identified any intelligence or other information received prior to September 11, 2012, by the IC or State Department indicating specific terrorist planning to attack the US facilities in Benghazi on September 11, 2012.<sup>2</sup>

Witnesses interviewed by the Select Committee confirmed that there was no advance warning of the attacks. The CIA Deputy Chief of Base, who was the second-most senior intelligence officer in Benghazi, explained:

So, you know, again, I don't—again, my sense is, my assessment is that had there been some massive preplanned operation going on there to attack the special mission, I am pretty sure we would have gotten wind of it. Now, I can't say that with a hundred percent certainty. But my assessment was judging on what I knew then and more significantly what I know now, having worked in a different war zone and having run operations like this, we had really good coverage there. You know, the work that the Chief of Base had done and the other officers was really significant. And I really think if this thing had been a massive preplanned operation, we would have gotten wind of it.<sup>3</sup>

The Director of the CIA Office of Terrorism Analysis (OTA) confirmed: “We did not have intelligence that would have enabled us to provide tactical warning of the attack.”<sup>4</sup>

None of the witnesses before the Select Committee provided any information indicating that the attacks were the result of significant advanced planning. As HPSCI previously reported: “The sophistication of the attacks does not necessarily imply lengthy-preplanning.”<sup>5</sup>

As SSCI explained:

Although it may never be known with complete certainty, it is possible that the individuals and groups involved in the attacks had not planned on conducting those attacks until that day, meaning that specific tactical warning would have been highly unlikely.<sup>6</sup>

Both HPSCI and SSCI noted in their reports that after the attacks, there were uncorroborated allegations about a possible unsuccessful attempt to warn officials on the day of the attacks. According to the SSCI report:

Although it did not reach the U.S. Intelligence Community until after the attacks, it is important to note that a former Transitional National Council (TNC) security official in Benghazi, [Redacted], had received information of a possible imminent attack against the mission facility in advance. The official said that approximately four hours prior to the attack, he attempted to notify the Libyan Intelligence Service (LIS) that an attack was expected, but he was unable to reach two contacts he had in the LIS as they were out of the country. The CIA has been unable to corroborate the official's claim that he attempted to provide the LIS with advance warning about the attack.<sup>7</sup>

HPSCI noted the same allegation in its report, stating: “This specific report by [redacted] to the Libyans—if it even occurred—remains uncorroborated.”<sup>8</sup>

Similarly, both HPSCI and SSCI were provided with an unsubstantiated allegation that an individual told the U.S. government after the attacks that he attempted to warn the CIA in Benghazi shortly before the attack, but was unable to reach the Chief of Base via telephone.<sup>9</sup>

The Select Committee received additional evidence regarding this allegation and the CIA's actions to investigate it. This new evidence confirmed that upon learning of the allegation after the attacks, appropriate CIA personnel documented and reported on the allegation at the time in accordance with established collection practices. The new documentation also confirmed that the allegation had been investigated by the CIA at the time, and that the CIA found no evidence to corroborate it.<sup>10</sup>

In addition, the Chief of Base told the Select Committee that in order to check the veracity of the allegation, he reviewed the call information and found no record that this individual attempted to reach him via telephone shortly before the attacks:

Q: Do you know if he [the individual who made the allegation] tried to contact [the U.S. Government]?

A: He never did.

Q: He never contacted [the U.S. Government]?

A: He never contacted either phone.

Q: How do you know?

A: Because we went back to look at the call information.<sup>11</sup>

A senior official at CIA headquarters also confirmed that the allegation had been investigated and could not be corroborated: "And to my point earlier, before the Deputy Director even asked us about that claim, we had already checked into it and determined that there wasn't. We had no record."<sup>12</sup>

Despite the lack of advance warning, Democratic Members join with previous investigations in noting that in the months preceding the attacks, the Intelligence Community produced several reports regarding the overall deteriorating security environment in eastern Libya. While this information was widely disseminated and available to executive and legislative branch officials, nothing in these reports led anyone at the time to recommend that State Department officials depart Benghazi.

Evidence reviewed by the Select Committee confirmed the HPSCI and SSCI findings that the IC reported on the deteriorating threat environment in the months preceding the attacks. As HPSCI pointed out:

[D]uring the 12 months preceding the attacks, CIA published 54 pieces of finished intelligence analysis related to the security situation in eastern Libya, the groups operating there, and the capabilities of the Libyan security services. In numerous analytic products, CIA specifically highlighted the threats to Western interests in eastern Libya. For example, CIA published a WIRE [World Intelligence Review electronic] article in June 2012 titled "Attack on British Diplomatic Convoy Underscores Risks to Western Interests," which included an accompanying chronology of attacks against Western interests since April 2012.<sup>13</sup>

However, information about the identities and motivations of the attackers was often lacking. When asked about an intelligence report issued about two weeks before the attacks, the Director of the Office of Terrorism Analysis (OTA) explained that the CIA did not know who conducted many attacks, including the June 6, 2012, attack against the Special Mission Compound: “We did not know who many of these attacks were conducted by. . . . I don’t believe that we ever actually definitively determined who was responsible for that [June 6, 2012] attack.”<sup>14</sup>

In its December 2012 report, the ARB acknowledged the deteriorating security environment, explaining:

Benghazi’s threat environment had been generally deteriorating since the “gelatina” bomb was thrown over the SMC fence on April 6, but was not judged to have reached a critical point before September 11.<sup>15</sup>

The ARB also found:

While the June 6 IED at the SMC and the May [International Committee of the Red Cross] attack were claimed by the same group, none of the remaining attacks were viewed in Tripoli and Benghazi as linked or having common perpetrators. . . . This also tempered reactions in Washington. Furthermore, the Board believes that the longer a post is exposed to continuing high levels of violence the more it comes to consider security incidents which might otherwise provoke a reaction as normal, thus raising the threshold for an incident to cause a reassessment of risk and mission continuation.<sup>16</sup>

The ARB determined that while State Department personnel were aware of the security incidents, “[t]he Ambassador did not see a direct threat of an attack of this nature and scale on the U.S. Mission in the overall negative trendline of security incidents from spring to summer 2012.”<sup>17</sup>

Evidence obtained by the Select Committee corroborated the finding of the ARB that the Ambassador and his security personnel did not anticipate an attack of the scale and intensity of the September 11, 2012, attacks. For example, on August 15, 2012—just weeks before the attacks—security experts on the ground in Benghazi held an Emergency Action Committee (EAC) meeting at the Special Mission Compound that specifically discussed the deteriorating security environment and the impact on post’s operations.<sup>18</sup> No one at that EAC meeting recommended that State Department personnel depart the facility in Benghazi. Instead, they agreed to request a series of security improvements designed to mitigate the risk to personnel working at that facility. Ambassador Stevens approved the cable reporting on the discussions and decisions of the EAC.<sup>19</sup>

In addition, the Select Committee received evidence that the IC regularly briefed the congressional committees of jurisdiction on the U.S. government’s counterterrorism posture in Libya during the Arab Spring, the NATO intervention, and the post-Qadhafi era. During these briefings, witnesses described bipartisan support for the U.S. mission in Libya.<sup>20</sup>

## 2. CIA SECURITY TEAM TEMPORARILY DELAYED TO SEEK LOCAL SUPPORT

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Considerable public attention has been focused on public allegations that the CIA security team in Benghazi was told by the CIA Chief of Base to “stand down” before responding to the attack on the State Department Special Mission Compound.

The Select Committee interviewed the individuals on the ground at the CIA Annex in Benghazi as the security team prepared to depart for the State Department compound, and one individual said he had heard the words “stand down.” When this individual was interviewed previously by the House Permanent Select Committee on Intelligence (HPSCI), he did not make this statement.

Although witnesses disagreed about whether the specific words “stand down” were uttered, they agreed that the team was told to wait while the senior CIA officials requested additional security assistance from local Libyan forces. The witnesses generally agreed that it was appropriate to try to obtain additional security assistance, but they disagreed about how quickly they should depart.

None of the witnesses provided any evidence that senior CIA officials in Benghazi were motivated by political or improper motives or that their decisions were directed by any officials outside Libya.

### DECISION TO RESPOND

Witnesses confirmed that senior CIA officials on the ground in Benghazi immediately decided to send the Annex security team to the State Department compound, but first sought to obtain additional support from local police, militia, and government contacts before the team departed.

Three individuals described the initial discussion between the Chief of Base, Deputy Chief of Base, and Security Team Leader, during which the Chief of Base immediately agreed that the security team should assist State Department personnel at the Special Mission Compound.

One of those individuals explained:

The [Security Team Leader] advised [the Chief of Base] what the situation was and said: We got to go get those guys. And [the Chief of Base] responded “Absolutely.” “Absolutely.” Not, “I got to go call the Chief of Station.” Not, “I got to go check with somebody in Washington.” All [the Chief of Base] said was, “Absolutely.” So I want to make that very clear because I know there’s conflicting accounts about that discussion. There were three people in that discussion: [the Security Team Leader], [the Deputy Chief of Base], and [the Chief of Base]. And anybody writing any books or making movies, or whatever else, I can tell you none of those guys were in the room when that discussion occurred.<sup>21</sup>

He continued:

[The Chief of Base] was on the phone because [the Chief of Base] was trying to contact 17th February leadership to deconflict the possible green-on-blue [friendly-fire] incident as those guys responded to the assault. Now, they [the security team members] have this recollection of sitting in the car for some horrendous length of time. I can tell you, that's not the way I remember that at all. They were in the car, and they were ready to go. But we all agreed, [the Security Team Leader], [the Deputy Chief of Base], and [the Chief of Base] agreed that we were going to do the best we could to deconflict the potential for an attack against them as they went over there. And that's what was happening.<sup>22</sup>

A second individual provided a consistent account to HPSCI in 2013:

At this point [the Annex Security Team Leader], [the Deputy Chief of Base], and [the Chief of Base], the three of us are standing out in front of the Annex talking about this. [The Chief of Base is] making multiple phone calls. Some aren't successful, so [the Chief of Base is] calling additional militia-type contacts. Basically the concern was, hey, there is [redacted] of us, we don't quite know what we are getting into. The hope was, okay, hey, look, we know the militias have technicals, which is basically pickup trucks with large caliber machine guns mounted on the vehicles, so the goal was to get some bigger guns than what we had and coordinate a movement over to the [Special Mission Compound].<sup>23</sup>

That individual explained to the Select Committee that the Security Team Leader made the request for additional local security support, including heavy weapons on gun trucks:

- A: [The security Team Leader] said: Hey, look, Chief, what we want is technicals. So what we want is, you know, the trucks with bigger guns than what we have because I don't know what we're going into. So whether it be Dishka-type weapons or some type of heavy machine gun mounted on a truck, that's what [the Annex security team] definitely [wants].
- Q: And that's [the Security Team Leader] making that request to [the Chief of Base]?
- A: Yeah. So while this is going on, one of ... the guys there are pretty much just kind of wrapping up, getting, you know, the ammo, and you know, first aid kits, all that stuff, and then they're basically standing by loading in front of [the] building. And one of the officers ... comes out, and he says: Hey, look, you know, we got to get going. We've got to go. We got to go. [The Security Team Leader] said: Yeah, I know that, but I don't know what we're getting into, and the Chief's trying to make some phone calls. [The Security Team Leader also said:] I want to get some

technicals to go with us because I don't know what we're—what we're going to get into.<sup>24</sup>

A third official explained:

Q: So at some point, the [Annex security] folks were kitted up, and what happened at that point that you can recall? Do you recall seeing them all kitted up?

A: I was standing right in the area that they were getting their stuff. It took them, I would say, about 15 minutes to get ready. It was a very—to me, the time passed by very quickly.

Q: Uh-huh.

A: And people were going to [storage] and getting ammunition and water, and getting batteries and MPGs and such. At one point, [the Security Team Leader] came to [the Chief of Base], I would say maybe 15 minutes into it and said that [he] wanted to see if [the Chief of Base] could arrange a technical, or a gun truck, from 17th February. So [the Chief of Base] called back to 17th February and was working on getting that gun truck. So [the Chief of Base] was in contact with [the Security Team Leader]. ...

Q: And [the Chief of Base] called February 17th?

A: Yes.

Q: What was the response?

A: Well, their response was, okay, but I don't have one, or it's going to be difficult. I have got to check. It was—it was not like immediately we are going to be able to—the person who [the Chief of Base] was talking to, who was one of their commanders whose name I don't remember.

Q: And did [the Chief of Base] relay that back to [the Security Team Leader]?

A: Yes.

Q: What was [Security Team Leader's] response?

A: That's when they left to go on the rescue.<sup>25</sup>

When it became clear that no local support was readily available, the Annex Security Team Leader made the decision to depart:

So at some point, you know, whatever, couple of minutes, it becomes kind of clear that there's nothing readily coming, or there's—like [Chief of Base] isn't

making positive coms [communications] with anybody who's saying, hey, I've got you, you know, two, three, four, five technicals, they're going to meet you at whatever location. That's not happening. So [the Security Team Leader says]: Hey [Chief of Base], look, we're going. And to be honest with you, I don't recall [Chief of Base] saying anything. [Deputy Chief], you know, kind of looks at [the Security Team Leader], and [he's] like, well, [he's] like, you know, [Security Team Leader], God speed, hopefully we'll see you guys back here shortly. So at that point [they] roll out. I can tell you between, you know, the time stamp on our CCTV [closed-circuit television], like I said roughly, I think [the] phone call came at like 21:43 depending on what timestamp you look at, [they] roll out at like 22:04, so 21, 23, 24 minutes, whatever.<sup>26</sup>

The Select Committee interviewed all surviving members of the Benghazi-based Annex security team members. They generally agreed that it was reasonable to try to obtain additional security support, but some criticized the length of time that passed before the team departed. One member of the security team had the following exchange:

Q: And you also spoke about when you were preparing the QRF [Quick Reaction Force] and you were responding to the request for help from the Embassy—I'm sorry, from the Special Mission Compound. In that time, when the Chief of Base, you mentioned that the Chief of Base and the Deputy Chief of Base were on the telephone. And then you mentioned that there—what were the reasons that you were saying that you wanted to—that they may have been wanting to be on the phone in that moment?

A: They were trying to gather support to help respond to the attack, as far as I know.

Q: And in—what type of support would that have been, by local militias or fire power or—

A: No, local militias.

Q: Okay. And what would you consider the benefits of involving locals? Would you consider there to be benefits involving locals?

A: Yes.

Q: And do you think it would be the Chief of Base's responsibility to consider the second and third order effects of sending a Quick Reaction Force out to the consulate?

A: Yes.

Q: And was there ever a sense that there might have been a simultaneous attack on the Annex? A time—is there—

A: That was possible.

Q: Was that something that was discussed or possible? Do you think maybe the Chief of Base was considering that?

A: I don't know what he was considering, but it's a possibility.<sup>27</sup>

He also had this exchange:

A: Deputy Chief of Base was standing out there. I believe he was on the phone as well. It was sort of chaotic. Guys were just trying to gather information. We wanted to leave to go get eyes on the area and, you know, establish, I guess, a position to be able to be better prepared to move on to the compound. The earlier we got there, the better we'd have the chance to surprise the enemy.

Q: During this time, where you said it was kind of chaotic, did [you] have any direct communications with the Chief of Base?

A: I don't remember. I remember him saying, "Wait."

Q: And what did you think when he told you to wait?

A: I believe at first I just said, okay, maybe he's talking to somebody that can help, and, you know, I respected the fact that he wanted us to wait and see if he can gather additional fire power to help. At some point, though, the wait was too long, and we decided, you know, we couldn't wait any longer and we left. We didn't know if that wait was going to be an indefinite wait and you're-not-going wait or a real wait or—but nothing was happening for several minutes. And so we can hear the State Department's cries for help on the radio, and we just reached a point where we decided to leave on our own.<sup>28</sup>

Various individuals on the ground reported differing recollections about when the first attack commenced, including one report that it started as early as 9:32 p.m. Benghazi time. The Select Committee reviewed the video footage from the Annex and State Department compound, which indicate that the attack on the compound began at 9:42 p.m. and that the Annex security team departed 21 minutes later at 10:03 p.m.<sup>29</sup> Documents provided to the Select Committee corroborated this timing. This timeline is also consistent with the timeline included in HPSCI's bipartisan report.

Some security team members told the Select Committee that they believed that had they left earlier, they could have saved the lives of Ambassador Stevens and Sean Smith. However, as one of the team members explained, such an immediate response into an unknown situation against an unknown enemy force likely would have cost more lives:

Q: You mentioned, I think, during the last hour, a specific HPSCI report or a conversation you may have had with one of the HPSCI members, that

you believed if you had left earlier, you could have saved the Ambassador and Sean Smith?

A: Yes, sir.

Q: Can you elaborate a little bit?

A: About the reason why or just the conversation?

Q: The reason why.

A: Yeah, very easy. We get over there, and we don't go guns a blazing over there. I know people want to assume that's what we do. If we can intervene, we're going to intervene with the best tactical way possible. The only people that know how to do that is us. You don't have another force over there like a [Special Forces team] there that could help us with that. We can't rely on the locals. The biggest thing though is we could have pulled the fire to us. Now, would we have probably died? Yes, probably so. It's okay. It's our job.

Q: When you say pulled the fire to us?

A: We could have been able to intervene and fight AAS and AQIM.

Q: And you're talking about gunfire, not literal fire?

A: No. Basically we would have been able to pull the attention from the attackers to us to allow State Department to do their job, which was save the Ambassador and get him out of there. That's perfect. That's exactly what we're there for. People asked if we were to die, probably. The Ambassador would still be alive, and so would Sean Smith. It's our job. And I'm okay with that.<sup>30</sup>

Senior CIA officials unanimously agreed with the on-the-ground, tactical decision made by the Chief of Base to seek additional local support. The Tripoli-based Chief of Station, who was the senior intelligence official in Libya, explained:

Q: To the extent that the Chief of Base was trying to obtain militia support for the [Annex security] team, would you say that was reasonable of him to do so?

A: Absolutely. And if he hasn't done it, it would have been negligent.<sup>31</sup>

In his interview with the Select Committee, CIA Deputy Director Michael Morell made the same point in the following exchange:

Q: In your recent book, *The Great War of Our Time*, as in your testimony before HPSCI, you've explained that the slight delay, which you note in your book was five to eight minutes was justified, and exactly the right

decision by the Chief of Base who had to “ensure that he was not sending his officers needlessly to their deaths.” The Chief of Base has understandably not spoken publicly in light of the book and upcoming movie. Do you want add anything further to what you just said in terms of the decisions made by the Chief of Base.

A: No. I think he made the right decision, sir.<sup>32</sup>

General Petraeus, then-Director of the CIA and former commander of U.S. forces in Iraq and Afghanistan, explained to the Select Committee that he considered checking with local forces for additional support to be a reasonable precaution. He had the following exchange:

Q: And the decision by the Chief of Base to try to get the support of the 17th February militia or at least not—at least make sure, to the degree they can, that they’re not charging into an ambush, you would agree that was a prudent decision to make?

A: Yes. Yeah. No, I think this is a very reasonable precaution to take, but of course, if it drags on and there’s no clear sense that this is going to come to completion, then understandably the Quick Reaction force feels responsibility for the security of fellow Americans, even though they’re on another facility, starts to grow and grow and grow.<sup>33</sup>

General Petraeus explained that he considered the response time of 22 or 23 minutes to be reasonable, if not remarkable:

Q: Do you think that the mounting of that response time, that response team effort was done in a reasonable timeframe?

A: I do. And, again, let me just highlight that in the wake of that, I talked to the [Annex security team] members; some back when they came back through here others when I went out to Tripoli. And I was in Tripoli having been out there before. At that time, I also talked to the chief of station, the chief of base, to the [DOD servicemen] who had been part of the Tripoli Quick Reaction Force that seven- or eight-man team that went with translators, operators, medics, and so forth to Benghazi on the contracted aircraft.

Really, about anybody that I had could illuminate what took place. And my understanding was there were not words to stand down. Certainly nothing came back to the United States or even, I suspect, to Tripoli. This was a local dynamic where the team miraculously is ready within 16 or so roughly minutes. Again, there’s different accounts, you know, if you want to parse the minutes.

And then they do wait for some, again, 6 to 8 minutes, depending on whose account you have, while the chief of base tries to get them some support from the militia that have these big anti-defense guns on the

back, in some cases, at the very least heavy machine guns, through whose checkpoint they were going to have to move if they went by road. And, of course, they did have to go by road, but then some others also went essentially sort of cross country through other compounds.

And I think that was reasonable. At least some of the accounts said that the Quick Reaction Force, you know, wanted to get that support as well if it could be gotten in an expeditious manner. But when he realized that it wasn't going to materialize after waiting for 6 or 7 minutes, he said: We need to get on with this.

So they were out of the gate within, again, 22, 23, whatever minutes. That's really pretty remarkable and speaks very, very highly, I think, of the sheer professional expertise of these guys, the readiness for this kind of mission, and, frankly, just the sheer determination and spirit to go to the rescue of fellow Americans.<sup>34</sup>

One individual on the ground that night told the Select Committee that he considered the Chief of Base to be the most qualified and appropriate individual to make the decision about when to leave, stating:

I'm telling you, he [the Chief of Base] was the most experienced operator on that base when it came to judging operational decision-making. And those guys were looking at the world through a tactical straw. And, you know, again, I have the utmost respect for their capabilities, their heroism, what they did that night. I'm alive today because of their efforts, and I never forget that for a minute. But what they are writing about in that book about what happened is just not accurate. They don't understand the total situation. And without the context of what we were doing there, it is impossible to get an accurate picture of what was happening.<sup>35</sup>

The Chief of Base told the Select Committee:

I personally think that everybody in Benghazi, during the attacks, did their duty to the best of their ability and made good decisions. There's no doubt that the six [Annex security team members] are heroes. But in my mind, the team lead who led them is as much a hero. I don't think he's considered to be one of the six.<sup>36</sup>

None of the security team members told HPSCI that the Chief of Base or anyone else told them to "stand down." The Select Committee interviewed all of the members of the security team, and only one reported that the Chief of Base directed him to "stand down," using those exact words. The Chief of Base denied using the term "stand down," but explained that he told the security team to wait while he tried to obtain additional help from local security forces.

The one individual who said he had been told to "stand down" described this exchange to the Select Committee as follows:

We're probably sitting there a good 15 minutes, and I get out of the car. I have the Chief of Base, the Deputy Chief of Base, and [the Security Team Leader] on the front porch. They're all three on the phone doing something. And I just say: Hey, you know, we've got to get over there. We're losing the initiative. [The Chief of Base] looks at me, he says: Stand down, you need to wait. You need to come up with a plan.<sup>37</sup>

In his previous appearance before HPSCI in 2013, this same individual did not mention the words "stand down" coming from the Chief of Base. Instead, he had the following exchange with Members of HPSCI, when he testified alongside the Security Team Leader:

Q: Let me ask you, you made this point, I think, specifically a couple of times. Obviously heat of battle, there's nothing that happens that probably can't be regarded as happening better in hindsight. Based on your experience, did you observe any tactical deployment or any other sorts of decisions made by the leadership on the ground or remote leadership that were made that night that you could characterize as bad decisions?

A: No.

...

Q: The same authors of "Benghazi: The Definitive Report," among others, alleged [the Chief of Base] at Benghazi delayed or obstructed the [security team]—you did answer this question before but let me ask it one more time—from going to assist the State Department personnel at the mission. Would you agree with that characterization?

[Security Team Leader]: That he delayed the team?

Q: He delayed it beyond the effort that you described to secure possible technical?

A: No.<sup>38</sup>

Before the Select Committee, this witness was asked why he did not tell HPSCI two years earlier that he was told to "stand down":

Q: So, I mean, I've got to ask. I was looking at your transcript—you looked at it. I was looking at your transcript from when you testified back in 2013, and you were relatively silent on this particular topic. Is there a particular reason that you did not share this at that time?

A: At the time, because a lot of it was that no—I mean, I didn't know why the stand down order was given. I mean, I guess [Redacted] got told to wait, you know, that's what he says. I just know when we got told to stand down and when [the Security Team Leader] kind of gave the brief

of kind of like why we're told to stand down, it was kind of understandable, you know. But, yes, it shouldn't take you 23 minutes or 50 minutes to link up with the QRF, because even after we left there was still no link up. There was no communication between us and the 17 Feb. that I knew of. Because when we rolled in, we didn't know who we were going to be meeting.

Q: Right. You said when [the Security Team Leader] gave the brief, it was understandable. What are you talking about?

A: When he was saying, well, they were trying to get on the phone, they were trying to get local militias. And he's like, if there was a stand down or a wait, you know, it was just because we were trying to get it to where we would link up. We wouldn't have—

Q: When did [the Security Team Leader] say that to you?

A: That was during the hearing.<sup>39</sup>

A second security team member told the Select Committee that he did not hear the words “stand down” directly, but was told about them by the other security team member on the night of the attacks while they were waiting. This second team member also did not share this conversation with HPSCI when he was previously interviewed, explaining that he was not asked about it. That individual described to both HPSCI and the Select Committee that he personally had been told to “wait.”<sup>40</sup>

A third security team member stated: “I don't recall hearing ‘stand down.’ I do recall hearing ‘wait.’”<sup>41</sup>

The fourth security team member did not recall having any communications with the Chief of Base, Deputy Chief of Base or Team Leader.<sup>42</sup>

When asked about the allegation that he ordered members of the Annex security team to “stand down,” the Chief of Base told the Select Committee that he never said those words:

I never said “stand down.” “Stand down” to me means that you're not going to go, and I was working—and I didn't say “stand down.” And I was working very closely with [the Security Team Leader] to try to get them out the door.<sup>43</sup>

He emphasized that point several times:

[T]here was never any stand down order. I guess I'm repeating myself. There was never any stand down order, nor any effort other than to provide the team what they needed to accomplish the mission to go down and save our colleagues at the State Department compound.<sup>44</sup>

Instead, the Chief of Base stated:

I may have said wait because we were trying to get this technical truck that [the Security Team Leader] wanted. But it wasn't 10 minutes, or 5 minutes. It was a short period of time. ... There was nobody, I or anybody else in Benghazi, that did anything to hold up the security contractors from deploying. [The Security Team Leader] was always cleared to go.<sup>45</sup>

Deputy Director Morell explained that when he and Director Petraeus first learned of this allegation, the CIA investigated it and determined that no “stand down” order had been given:

I don't think this is something that came out before, but when this first became an issue, right, when the first allegations were made that there was a stand down order to CIA officers by the Chief of Base or by somebody, right, not to go to the aid of their State Department officers, Director Petraeus and I took it very seriously, and we did a whole bunch of things.

I personally spoke to our Director of Security who had spoken to all of her security officers, and she told us, she told Director Petraeus and I that there was no stand down order. I personally asked our Director of Support to talk to the Chief of Security, and I asked one of the senior members of the operational side of the agency to talk to the Chief of Base, and they reported back to me essentially the same story, no stand down order. Director Petraeus, in the aftermath of Benghazi, took a trip to Libya, to Tripoli, where he met with the folks who were still there and had a conversation about this and came back and said, as far as my conversations went, no stand down order. So I just wanted to add that to all the evidence that's out there suggesting that there was not.<sup>46</sup>

### **3. UNSUBSTANTIATED CLAIM THAT CIA SHIPPED ARMS FROM LIBYA TO ANOTHER COUNTRY**

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For years, Republican Members of Congress and Presidential candidates have alleged that the CIA was involved in an illicit government program to transfer weapons from Libya to Syria. On January 23, 2013, Senator Rand Paul publicly asked Secretary Clinton about this weapons-transfer theory when she testified before the Senate Foreign Relations Committee:

Sen. Paul: It's been in news reports that ships have been leaving from Libya and that they may have weapons. And what I would like to know is the annex that was close by, were they involved with procuring, buying, selling, obtaining weapons, and were any of these weapons being transferred to other countries? Any countries, Turkey included?

Sec. Clinton: Well, Senator, you will have to direct, direct that question to the agency that ran the annex. I will see what information is available and—

Sen. Paul: You're saying you don't know.

Sec. Clinton: I do not know, I don't have any information on that.<sup>47</sup>

After the hearing, the State Department supplemented the hearing record with an official statement: "The United States is not involved with any transfer of weapons from Libya to Turkey."<sup>48</sup>

On April 21, 2013, Senator Paul explained his theory further during a radio interview:

With regard to Benghazi, I think it's important because it may have something to do with why the compound was attacked if we were involved with shipping guns to Turkey. There was a report that a ship left from Libya towards Turkey and that there were arms on it in the week preceding this.<sup>49</sup>

In January 2014, the Republican Members of the House Permanent Select Committee on Intelligence (HPSCI) issued an "Update on Benghazi" dispelling this allegation based on evidence and testimony they had received. The report stated:

All CIA activities in Benghazi were legal and authorized. On-the-record testimony establishes that CIA was not sending weapons (including MANPADS) from Libya to Syria, or facilitating other organizations or states that were transferring weapons from Libya to Syria.<sup>50</sup>

Nonetheless, in a radio interview on July 14, 2014, Senator Paul not only repeated his claim, but escalated his allegations to question whether Secretary Clinton had lied about this issue when she testified before Congress:

I'm concerned about the veracity of how she responded. For example, the New York Times about two weeks ago reported that the CIA has been involved with facilitating weapons to Syria for over a year. And it's also been reported I think in the New York Times as well that Hillary Clinton was the big cheerleader for arming Syria when there was two factions within the Obama Administration arguing this. Hillary Clinton was the one, you know, cheering them on to get weapons. She was the hard-liner that wanted to get involved in the war in Syria. And yet, in the hearing she says oh, she's never heard of this? I find that hard to believe. And after Clapper's coming to Congress and lying because he said it was classified, my question to Hillary Clinton is, did you lie to Congress simply because it was a classified program, or were you telling the truth? And I really kind of doubt the Secretary of State has no knowledge that the CIA is facilitating weapons to Syria.<sup>51</sup>

On July 31, 2014, the HPSCI, led by Republican Chairman Mike Rogers, adopted its final bipartisan report that directly addressed this allegation. The report, which was publicly released on November 21, 2014, concluded:

**Finding #4: The CIA was not collecting and shipping arms from Libya to Syria.** Multiple media outlets have reported allegations about CIA collecting weapons in Benghazi and facilitating weapons from Libya to Syria. The

eyewitness testimony and thousands of pages of CIA cables and emails that the Committee reviewed provide no support for this allegation.

Committee Members and staff asked all witnesses what they observed at the Benghazi Annex and whether they had any information to support allegations about weapons being collected and transported to Syria. Each witness reported seeing only standard CIA security weapons at the base. No witness testified that non-CIA weapons were brought to the Annex. Security personnel and officers testified that they had complete access to the Annex and would have observed any weapons, such as MANPADs, stored at the facility. Security personnel and officers also testified that nobody told them to hide or withhold any information from the Committee. This record is consistent throughout the Committee interviews by Members and staff.

According to testimony from CIA Deputy Director Morell and confirmed by other witnesses, the CIA's mission in Benghazi was to collect foreign intelligence. From the Annex in Benghazi, the CIA was collecting intelligence about foreign entities that were themselves collecting weapons in Libya and facilitating their passage to Syria. The Benghazi Annex was not itself collecting weapons. The Committee has not seen any credible information to dispute these facts.<sup>52</sup>

As the House Committee authorized to oversee all CIA activity in Libya, HPSCI received—before and after the attacks—extensive briefings and documentation on the CIA's actions in Libya, which further bolstered its findings on this point. Three Members who participated in HPSCI's investigation and had access to all of the information provided to HPSCI also serve as Members of the Select Committee.

None of the witnesses or documents before the Select Committee provided evidence to contradict the HPSCI finding that “[t]he CIA was not collecting and shipping arms from Libya to Syria.”<sup>53</sup>

Select Committee Chairman Trey Gowdy confirmed in a January 13, 2016, Boston Herald radio interview that “there’s no evidence” that the CIA was shipping arms to Syria:

Q: So many people wonder, and maybe you can answer this question for us, was there another reason that Ambassador Stevens was there, the true reason why he was there, was there gunrunning he was involved in? Is there some sort of backstory that would justify why he would put himself in a very dangerous area knowing it was insecure.

A: No, there is no backstory. There’s no evidence to support a backstory. I have heard all of the same allegations that your listeners have heard, and some of which you’ve repeated. And we have asked every witness. We have done more in that area than any other committee has done, including House Intel, to look into the very issues you just raised ... but I can tell you, the conspiracy theories about what he was doing and why

he was doing it, and arms to Syria. You can't disprove a negative. I can just say that there's no evidence to support that.<sup>54</sup>

According to testimony from CIA Director David Petraeus, Deputy Director Michael Morell, and other witnesses on the ground, the CIA's primary mission in Benghazi was to collect foreign intelligence.<sup>55</sup> The Chief of Base confirmed the finding of HPSCI's report that part of this mission included "collecting intelligence about foreign entities that were themselves collecting weapons in Libya and facilitating their passage to Syria."<sup>56</sup> The Chief of Base also confirmed that the base in Benghazi was not involved in shipping weapons from Libya to Syria.<sup>57</sup>

The Select Committee confirmed that the State Department had a publicly acknowledged program to collect and destroy MANPADS [man-portable air-defense systems] in Libya. That program, however, was designed to destroy the MANPADS when they were collected, not to redistribute them to others. Many witnesses explained the risk that these shoulder-launched surface-to-air missiles pose to civil aviation and the importance of securing and destroying them.

#### **4. INTELLIGENCE ASSESSMENTS EVOLVED AS MORE INFORMATION BECAME AVAILABLE**

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Assessments and information provided by the Intelligence Community to government officials regarding the attacks in Benghazi changed repeatedly in the days and weeks following the attacks, in part based on new information provided to intelligence analysts. These include:

- A September 12, 2012, Executive Update and Situation Report stating that the "presence of armed assailants from the incident's outset suggests this was an intentional assault and not the escalation of a peaceful protest."<sup>58</sup>
- A September 13, 2012, fully coordinated Intelligence Community assessment stating that "the attacks began spontaneously following the protests at the U.S. embassy in Cairo" and that "[e]xtremists with ties to al-Qa'ida were involved in the attacks."<sup>59</sup>
- A September 24, 2012, revised Intelligence Community assessment after surveillance video from the State Department compound was reviewed and reports from FBI interviews with officials on the ground became available stating that their assessment had "gradually evolved from what we first conveyed" and that "[o]ur most credible information indicates that there was not a protest ongoing at the time of the attack as first reported."<sup>60</sup>

#### **SEPTEMBER 12, 2012, EXECUTIVE UPDATE AND SITUATION REPORT**

Intelligence agencies provided an early description of the attacks in Benghazi in the early morning of September 12, 2012, in a document entitled, "Executive Update: Middle East and North Africa Situation Report."

Although the full situation report remains classified, it included the following now-unclassified sentence: “The presence of armed assailants from the incident’s outset suggests this was an intentional assault and not the escalation of a peaceful protest.”<sup>61</sup>

Evidence obtained by the Select Committee indicates that the CIA did not consider this conclusion to be supported by the evidence at the time, and it was removed from subsequent intelligence products that were disseminated the next day.

In explaining the origin of this sentence, Deputy Director Morell stated in 2015:

It was written by a senior CIA editor with expertise in military matters but no expertise in Libya or what had just happened in Benghazi. This editor added the sentence because she thought the early-morning update on the twelfth [of September] needed a bottom line. She never showed the sentence to the analysts; had she done so, they would have removed it. When the analysts came in the next morning, they complained vehemently about the edit.<sup>62</sup>

HPSCI investigated this matter and found: “This assessment lacked source information or any formal intelligence reporting to support it. For those reasons, it was not included in any subsequent products. But it proved to be accurate.”<sup>63</sup>

The Select Committee interviewed the senior editor from the Office of the Director of National Intelligence (ODNI) who inserted this sentence and the two senior CIA managers who supervised the analysts who prepared the original draft of the document. These interviews corroborated Mr. Morell’s previous account. All of the witnesses agreed that this sentence was inserted by the senior ODNI editor after CIA analysts submitted their draft, but prior to the update being disseminated. According to the CIA managers, the analysts disagreed with the sentence because they had not received evidence to support the finding. The Director of the CIA’s Office of Terrorism Analysis (OTA) explained:

A: That final DNI check in that process at the time wanted to insert information that is this particular line, about the presence of armed assailants from the outset suggest it was an intentional assault and not the escalation of a peaceful protest. The analysts argued that they did not think that was something that they had enough information to actually make that assertion.

Q: So when you say the analysts argued—

A: The analysts had a discussion with that officer, with that DNI officer.

Q: So they’re there with that person at the time?

A: Yes.

Q: Either on phone or in person?

A: Yes.

Q: And they're talking about it in realtime?

A: In realtime.

Q: Okay. Great.

A: It is my understanding that they left, not having seen the final version of the executive update, and this DNI officer went ahead and inserted the language. The next morning, I received a phone call when I came in, so it was about 7:30, 8:00 in the morning. And one of the first phone calls I got was from the management of the team. ... Called me to complain to say that there was information that had been inserted into the executive update that the analyst ... that was not agreed to.

Q: Okay.

A: I called. I lodged a complaint with the DNI staff. And unfortunately, that line got repeated again in this situation report at 7:00 a.m.<sup>64</sup>

The senior editor from ODNI acknowledged that she disagreed with the CIA analysts and overruled them based on her personal military experience and judgment rather than any additional evidence:

Q: And so on this particular occasion, the analyst, at least one or two of the analysts, held a different view than you did, right?

A: Correct.

Q: I think you mentioned that you decided to keep that sentence in based on you had quite a bit of experience in the military as an intelligence analyst, and that was much of the reason you decided to put that sentence in. Is that right?

A: Correct.

Q: And possibly the CIA analyst may not have had that experience to draw upon?

A: Correct.

Q: Is it your sense that it was anything other than a difference of opinion of trying to get this right?

A: No. I think it was absolutely a difference of opinion. It was just analysts doing what analysts do. They analyze, right, to boil it down to its simplest form. We take information, we look at it, we break it down into its simplest components and then we try to put it back together in a way that makes sense.<sup>65</sup>

The senior ODNI editor explained that politics played no part in her assessment or the assessments of the CIA analysts:

- Q: I would just like to ask you if you have any reason to believe that the analysts from the CIA or the Defense Intelligence Agency or the NCTC made these assessments for any reason other than assessing what information they actually had at that time?
- A: What other reason would there be. No. No. I mean, analysts don't do that. There is no political agenda when you are analyzing intelligence.
- Q: And you don't have any reason to believe that it was different here, that unlike usually what analysts do throughout the community that everyone broke from that tradition and allowed politics to influence their assessment of what happened in Benghazi?
- A: I absolutely do not believe that, especially given the quality and caliber of the analysts that were working on this problem set. We're very professional. And that would be an aberration of, I mean, for no reason, it would be out of character for any of these people that are producing this product.<sup>66</sup>

## **SEPTEMBER 13, 2012, FULLY COORDINATED INTELLIGENCE COMMUNITY ASSESSMENT**

On September 13, 2012, the Intelligence Community issued its “first thorough, fully coordinated, assessment of what happened in Benghazi.”<sup>67</sup> Coordination of assessments across the Intelligence Community allows other analysts to review draft products to help ensure a better final product. The title of this assessment was: “Extremists Capitalized on Benghazi Protests.”<sup>68</sup> Although the full assessment remains classified, it contained the following now-unclassified analysis from the Intelligence Community, as described by Deputy Director Morell:

- “We assess the attacks on Tuesday against the U.S. Consulate in Benghazi began spontaneously.”
- “[T]he attacks began spontaneously following the protests at the U.S. embassy in Cairo.”
- “Extremists with ties to al-Qa’ida were involved in the attacks.”<sup>69</sup>

This assessment did not include the conclusion from the September 12, 2012, Executive Update that “[t]he presence of armed assailants from the incident’s outset suggests this was an intentional assault and not the escalation of a peaceful protest” because the CIA determined that there was no evidence at the time to support the senior ODNI editor’s conclusion. As the Director of the Office of Terrorism Analysis (OTA) explained:

And that is why when the first piece that was, again, then fully IC coordinated that ran on the 13th [of September], this information [from the 12th] was no

longer in it. Because when you go back to the idea now of a fully IC coordinated piece, none of the analysts believe that we had information that we could support this information.<sup>70</sup>

The Select Committee reviewed documents and interviewed key witnesses who participated in the editing and approval of intelligence related to the Benghazi attacks. The Director of OTA explained the process CIA analysts used:

[I]n any fast-breaking event, like the attacks in Benghazi, analysts attempt to strike a balance of providing our best understanding of the events, and waiting for additional reporting to come in to bring the picture into sharper focus. We make every effort to let people know our confidence in our judgments and to weigh new information as it comes in and to avoid becoming wedded to a line of analysis. This is the trade craft that we teach our analysts, and I believe, personally, that we applied this trade craft to our analysis surrounding Benghazi.<sup>71</sup>

The Director of OTA explained that the analysts responsible for producing intelligence on the attacks in Benghazi initially assessed there was a protest in Benghazi:

I think that the concept that, in their mind, they believe there had been a protest. They believed that that protest turned into an assault on the compound. Whether that was that the protest took place as a cover for an assault, whether the protest was something that individuals were opportunistically taking advantage of in the past, they just didn't know.<sup>72</sup>

CIA Deputy Director Morell also described the views of the analysts to the Select Committee:

What they really believed is that there was a protest, right, and that the attackers took advantage of the protest, right, to get close to the facility but that the attackers were not the protestors. The protestors didn't become the attackers. The attackers showed up, took advantage [of] the protest. That's what they really believed.<sup>73</sup>

The Director of OTA explained that at the time there was no other contrary information available to the analysts who worked within that office:

A: But we had—prior to the 13th [of September], we had no information other than information indicating there had been a protest.

Q: Would it be common for there to be an article or a report that an attack occurred, but by the way, there was no protest? I mean, you're essentially trying to prove a negative.

A: Well, and that's just it. So we would've had to have discarded the information we had that said there was a protest, and we had no reason to do that either.

Q: Yeah. I guess my question, is how strong is the information you had?

A: So we had a combination—there were roughly a dozen reports that talked about protests. Those included SIGINT [signals intelligence], [redacted].<sup>74</sup>

The Select Committee reviewed finished intelligence products disseminated in the days following the attacks and the CIA’s internal Analytic Line Review produced in January 2013. While the full content of those intelligence products remains classified, the finished intelligence incorporated multiple initial open source and intelligence reports of a protest preceding the attacks in Benghazi.

Date	Selected Information Products Indicating Existence of a Protest in Benghazi: September 12, 2012 through September 15, 2012
9/11-9/12/12	<ul style="list-style-type: none"><li>• (1) <u>CIA</u>: “[redacted] <b>Benghazi residents decided to storm the consulate after hearing about the events in Egypt</b> ... [according to intelligence]. ... The top MOI [Ministry of Interior] official in Benghazi ... in a press conference this morning claimed that he had ‘personally ordered’ the withdrawal of the security forces protecting the consulate because he believed the situation <b>would not escalate beyond a protest</b> and was concerned by the large size of the crowd. He also claimed that US guards had opened fire from inside the consulate <b>in response to protestors firing weapons, which led to protestors storming the compound.</b>”<sup>75</sup></li><li>• (2) <u>DOD</u>: “<b>Using cover of anti-U.S. protests</b>, ~20 unidentified gunmen with small arms and RPGs stormed the U.S. Mission in Benghazi killing four U.S. officials.”<sup>76</sup></li><li>• (3) <u>DIA</u>: “[T]errorists ... likely leveraged a <b>target of opportunity</b> amidst security vulnerabilities <b>created by protest activity</b>. ... <b>Libyans protested outside the U.S. Consulate</b> in response to the release of an anti-Muslim film called Innocence of Muslims, according to Egyptian press.”<sup>77</sup></li><li>• (4) <u>NCTC</u>: “[According to intelligence], when the Benghazi <b>populace</b> heard of the security breach at the US Embassy in Egypt earlier that day, <b>they decided to storm the US Consulate in Benghazi.</b>”<sup>78</sup></li><li>• (5) <u>NSA</u>: “This information suggests that the attack was likely not a planned extremist operation, but rather <b>extremists in Benghazi apparently took advantage of the riotous situation</b> to provide support and militant expertise. ... According to collateral, hundreds of protestors yesterday broke into the U.S. Consulate in Libya’s eastern city of Benghazi. ... The impetus for the attack was reportedly a U.S.-made movie, which insults the Prophet Muhammad.”<sup>79</sup></li></ul>

<p>9/13/12</p>	<ul style="list-style-type: none"> <li>• (6) <u>CIA</u> (fully coordinated with IC): “<b>Extremists Capitalized on Benghazi Protests</b>: We assess the attacks on Tuesday against the US Consulate in Benghazi <b>began spontaneously following the protests at the US Embassy in Cairo</b> and evolved into a direct assault against the Consulate and a separate US facility in the city. ... [REDACTED], associates in Benghazi decided to storm the US Consulate after hearing how protestors breached US Embassy security in Cairo to protest a video produced in the US disparaging the Prophet Muhammad, [according to intelligence].”<sup>80</sup></li> <li>• (7) <u>DIA</u>: “[T]errorists ... likely leveraged a <b>target of opportunity</b> amidst security vulnerabilities <b>created by protest activity</b>. ... On 11 September, <b>Libyans protested outside the U.S. Consulate in Benghazi</b> in response to the release of an anti-Muslim film, according to Egyptian press.”<sup>81</sup></li> <li>• (8) <u>DOD</u>: “The [attackers] attended the initial protests and returned at night using overwhelming firepower to overtake security forces of the Consulate.”<sup>82</sup></li> <li>• (9) <u>NCTC</u>: “After initially claiming responsibility for the attack, <b>AAS [Ansar al-Sharia] posted a video</b> saying AAS participated in the <b>spontaneous demonstration</b> at the US Consulate. ... <b>Anger about the offensive Prophet Muhammad video posted on YouTube is resonating beyond Libya</b>, sparking demonstrations across the region with intermittent violence.”<sup>83</sup></li> <li>• (10) <u>NSA</u>: “[REDACTED] [militants] joined the protesters at the start of the incident and also participated once the riot reached inside of the consulate.”<sup>84</sup></li> <li>• (11) <u>NSA</u>: “All indications thus far show that this attack was not pre-coordinated, but ... was an escalation of hostility after ... an anti-U.S. demonstration.”<sup>85</sup></li> </ul>
<p>9/14/12</p>	<ul style="list-style-type: none"> <li>• (12) <u>DIA</u>: “[T]errorists ... attacked spontaneously when protests began at the U.S. consulate.”<sup>86</sup></li> </ul>
<p>9/15/12</p>	<ul style="list-style-type: none"> <li>• (13) <u>CIA &amp; NCTC</u>: “Members of [REDACTED] group [REDACTED] <b>took advantage of a planned demonstration about the film</b> to retaliate for the death of senior al-Qa’ida leader Abu Yahya al-Libi, [according to intelligence]. ... <b>Groups Looking to Exploit Demonstrations</b>: Terrorist and extremist groups are actively seeking to <b>take advantage of ongoing protests</b> or advance plotting already in progress to claim retribution for the film.”<sup>87</sup></li> </ul>

- (14) NSA: “The first attack against the consulate ... **likely resulted from the chaos engendered by protests**. ... According to a video prepared by a Libyan group, Ansar al-Shari’a, that was released on 12 September, **the group participated in the protest at the consulate** but not as an independent entity. It called the event a spontaneous and popular uprising in response to Western actions.”<sup>88</sup>

In its bipartisan 2014 report, HPSCI found: “In total, analysts received 21 reports that a protest occurred in Benghazi—fourteen from the Open Source Center, one from CIA, two from DoD, and four from NSA.”<sup>89</sup> Similarly, in its 2014 report, SSCI noted:

A dearth of clear and definitive HUMINT [human intelligence] or eyewitness reporting led IC analysts to rely on open press reports and limited SIGINT reporting that incorrectly attributed the origins of the Benghazi attacks to “protests,” over first-hand accounts from U.S. officials on the ground. CIA’s January 4, 2013, Analytic Line Review found that “[a]pproximately a dozen reports that included press accounts, public statements by AAS members, HUMINT reporting, DOD reporting, and signals intelligence all stated or strongly suggested that a protest occurred outside of the Mission facility just prior to the attacks.”

Of the 11 reports cited by the CIA’s Analytic Line Review, six were press articles, two were the public statements of Ansar al-Sharia, and the three others were intelligence reports. Specific open source reports and intelligence on which analysts appear to have based their judgments include the public statements by Ansar al-Sharia that the attacks were a “spontaneous and popular uprising.” Also, there was protest activity in Egypt and approximately 40 other cities around the world and violent attacks against U.S. diplomatic facilities in Tunisia, Yemen, and Egypt from September 11-20, 2012. In addition, there were intelligence reports in the days following the Benghazi attacks that al-Qa’ida-associated terrorists hoped to take advantage of global protests for further attacks.<sup>90</sup>

In his April 2014 appearance before HPSCI, CIA Deputy Director Morell stated:

[T]he analysts had an evidentiary basis to make the judgment that there was a protest ongoing at the time of the attack. All together, there were roughly a dozen or so reports indicating that this was the case.<sup>91</sup>

He further stated:

[Those reports] included press accounts—including public statements by the Libyan Government and by extremists. And they included intelligence reports from CIA, the National Security Agency, and the Department of Defense—including a report from CIA’s Station in Tripoli that arrived at CIA HQS on 13 September.<sup>92</sup>

Appearing before the Select Committee, Deputy Director Morell confirmed his prior testimony and explained that it was reasonable for analysts to conclude that there was a protest:

A: I'm on the record on this on numerous occasions, that when the analysts did make their protest judgment, writing it on the 12th, publishing it on the 13th, that there were a dozen or so sources that suggested to them, told them there was a protest, and there were zero, zero sources saying there wasn't a protest, when they made that judgment on the 12th and published it on the 13th. So these are clearly posts post that time period.

Q: And given what you just said, and it was in your written statement as well, so this is not the first time you've said it, that there were 12, according to your tally, reports of a protest, zero reports of no protest. What would the justification have been for the analysts to ignore that body of data points?

A: So this is a great question. Right. If you read the analytic line review that the analysts did, I think they were actually too hard on themselves. My view is that, yes, they got the protest judgment wrong, but they got it wrong for the right reason. What do I mean by that? They had enough sources telling them that there was a protest. They had nothing to contradict that. It was not an unreasonable judgment for them to have made at the time. That's point number one. And they certainly didn't make it for the wrong reason, right, the wrong reason being because they were trying to play to the White House or play to the State Department or play to whomever. They made it because they thought it was the right judgment to make.<sup>93</sup>

Immediately following the attacks, news outlets reported that eyewitnesses on the ground in Benghazi and Libyan government officials attributed the attacks to protests over the amateur anti-Muslim film, the "Innocence of Muslims."

For example, on September 11, 2012, Al Jazeera broadcasted at approximately 11:30 p.m. in Libya, news of the attack and an interview with Libyan Interior Ministry official Wanis al-Sharef, speaking from Benghazi. Al Sharef stated:

A few hours ago, supporters of Ansar al-Shari'ah, an armed group with a certain view and outlook, were joined by other groups in the protest against the film, which was posted on the Internet and produced by the pastor Jones, who burnt a copy of the Koran in the past.<sup>94</sup>

Also on September 11, 2012, Reuters reported that Abdel-Monen Al-Hurr, a spokesman for Libya's nominal security apparatus, the Supreme Security Committee, stated:

Gunmen attacked U.S. consulate offices in Libya's eastern city of Benghazi on Tuesday, and fought with security forces in protest against a U.S. film they say is blasphemous, a security official said. ... "There is a connection between this attack and the protests that have been happening in Cairo," Hurr said.<sup>95</sup>

The next day, *Reuters* quoted an individual who said he was a demonstrator, local journalists, and a February 17 commander:

Some of those who took part in the initial demonstration in Benghazi insisted it was a spontaneous, unplanned public protest which had begun relatively peacefully. Anger over the film also saw an unruly protest at the U.S. embassy across the Egyptian border in Cairo on Tuesday evening, with protesters scaling the walls.

Local journalists also saw an eclectic gathering of people infuriated by religious sentiment but few of them bearing arms and most not appearing affiliated with hardline Islamist groups.

“When we had heard that there was a film that was insulting to the Prophet, we, as members of the public, and not as militia brigades, we came to the consulate here to protest and hold a small demonstration,” said a 17-year-old student named Hamam, who spoke to Reuters at the devastated compound on Wednesday.

By his account, while some demonstrators fired rifles in the air—a far from uncommon sight in postwar Libya—a rumor spread that a protester had been wounded by firing from inside the consulate and Hamam and many others went off to retrieve guns which, like many Libyans, they keep at home for security.

“So we started shooting at them,” Hamam said. “And then some other people also threw homemade bombs over the fences and started fires in the buildings. There was some Libyan security for the embassy, but when the bombs went off they ran off.” ...

[Abdel-Salam al-] Bargathi, of the [February 17th Brigade] police command, said the killings had taken the protest too far, but said: “What we saw was a very natural reaction to the insult to the Prophet. We condemn the deaths but the insult to the Prophet made people very angry.”<sup>96</sup>

Similarly, *CBS News* reported on September 12, 2012, that Libyan Interior Ministry official Wanis al-Sharif had reported that the attack was in response to the anti-Muslim film:

Wanis al-Sharif, a Libyan Interior Ministry official in Benghazi, said the four Americans were killed when the angry mob, which gathered to protest a U.S.-made film that ridicules Islam’s Prophet Muhammad, fired guns and burned down the U.S. consulate in Benghazi.<sup>97</sup>

On September 12, 2012, the *New York Times* reported that it had interviewed fighters involved in the attacks during the battle:

Fighters involved in the assault, which was spearheaded by an Islamist brigade formed during last year’s uprising against Col. Muammar el-Qaddafi, said in

interviews during the battle that they were moved to attack the mission by anger over a 14-minute, American-made video that depicted the Prophet Muhammad, Islam's founder, as a villainous, homosexual and child-molesting buffoon. Their attack followed by just a few hours the storming of the compound surrounding the United States Embassy in Cairo by an unarmed mob protesting the same video. On Wednesday, new crowds of protesters gathered outside the United States Embassies in Tunis and Cairo. ... Interviewed at the scene on Tuesday night, many attackers and those who backed them said they were determined to defend their faith from the video's insults.<sup>98</sup>

The *Washington Post* also reported on September 12, 2012:

Libyan officials and a witness said the attackers took advantage of a protest over the film to launch their assault. ... Libyan Deputy Interior Minister Wanis al-Sharif said the security force was outgunned by the attackers, who joined a demonstration of "hundreds" of people outside the consulate. He said the original demonstration, which began as early as noon and escalated during the evening, was apparently called to protest the offensive film. Sharif said armed men "infiltrated" the protest, but that the Libyan government did not believe they were Islamist militants. Instead, he said, authorities suspect they were loyalists of slain former strongman Moammar Gaddafi who were out to upend the country's fragile political situation.<sup>99</sup>

## **SEPTEMBER 14, 2012, CHIEF OF STATION REPORTS OF "NO PROTEST"**

On September 14, 2012, the CIA began receiving reports from U.S. personnel in Tripoli that protests had not occurred before the attacks in Benghazi; however, analysts did not revise their assessment based on these reports.

HPSCI previously investigated this matter and stated that "Mr. Morell testified that the 'first indication that there may not have been a protest arrived on 14 September in the form of an intelligence report from Tripoli Station,' which he did not recall reading."<sup>100</sup>

In his written remarks before HPSCI, Deputy Director Morell stated that on September 15, 2012, he read a report from the Chief of Station indicating that the attacks were "not/not an escalation of protests."<sup>101</sup> According to Deputy Director Morell, and corroborated by other witnesses and documents, he immediately asked his staff to request supporting information from the Chief of Station. When he received that information on September 16, he forwarded it to the group within the CIA that "makes the official CIA call on any analytic issue" and asked for their response.<sup>102</sup>

Deputy Director Morell stated that after reviewing the Chief of Station's supporting information, the CIA analysts "stuck with their 13 September assessment, although they did note at the end of the memo that they were open to refining their judgment if new information became available."<sup>103</sup> The analysts provided their response in a September 16, 2012, memorandum to Director Petraeus and Deputy Director Morell, which remains classified.<sup>104</sup>

The senior CIA analyst working on the Benghazi assessment explained why the analysts did not change their assessment based on this new report:

There was a report that came in on September 14th. This one I remember because we talked about it a lot. And it was basically the [Annex security team] saying that when they got to the TMF [Temporary Mission Facility] roughly 45 to 50 minutes after we know the attack had begun, that there were no protesters. But then, if you read the [redacted], which to us sounded like it could be the remnants of a protest. So we took all of this stuff up the chain.<sup>105</sup>

Select Committee interviews corroborated Deputy Director Morell's view that analysts "kept an open mind" regarding the Chief of Station's reporting and were willing to consider contrary information.<sup>106</sup>

For example, a senior officer at CIA headquarters explained that he encouraged the Chief of Station to send his views to the analysts:

[A]t some point, Chief of Station Tripoli reaches out to me, and I think they are talking about things, and he goes, you know, I was talking to an analyst—the same one I was talking to—and they are kind of going with this protest, you know, kind of out-of-control scenario. And I said, yeah, that's kind of what I'm seeing. And he said, well, we don't see that out here. And he said, we think that was an attack. It was not a protest. It was just an attack that had been organized—it was an organized attack the way he phrased it. And I said, oh, I said, well, sort telling him what I just told you, you know, and how it worked we, you know, some better information, send it in. I said, no one is going to the mat on this. You know, the analysts aren't saying, no, no, it has to be. You know, they are willing to evolve.<sup>107</sup>

The Chief of Station told the Select Committee that he felt that his views were taken seriously as part of the standard CIA analytical process:

Q: Did you believe that your assessment was taken seriously.

A: Oh, yes, very much so.

Q: Did you see anything in this process of going up and out and all of this that seemed unusual to you, or was this the process that you were used to in the give and take of field to headquarters on intel assessments?

A: Yeah, that was very consistent with the process. It was very similar to the Arab Spring. If you get some information, you'd pass it in, and you'd make sure that anyone following that issue would have ability to comment on it or add that into their analysis.

Q: So there was nothing unusual that popped out at you at this?

A: No.

Q: It's kind of what you expected to see what you sent it in?

A: Yes.<sup>108</sup>

For nearly two weeks after the attacks, the Intelligence Community continued to assess that a protest occurred prior to the attacks in Benghazi, similar to the protests they were observing in more than a dozen other cities in the region. For instance, on September 17, 2012—the day after Ambassador Susan Rice's appearance on the Sunday talk shows—the DIA reported: "The initial attack on the U.S. consulate stemmed from a rapidly forming crowd of protestors, who were initially nonviolent."<sup>109</sup> It also reported:

The widespread availability of arms from the former regime, deficiencies in local security forces, and a rapidly deteriorating operational environment allowed terrorists an opportunity to escalate the 11 September demonstration at the U.S. Consulate in Benghazi.<sup>110</sup>

## SEPTEMBER 24, 2012, REVISED INTELLIGENCE COMMUNITY ASSESSMENT

On September 24, 2012, the Intelligence Community disseminated a revised assessment after surveillance video from the State Department compound was reviewed and the FBI disseminated reports of their interviews with officials on the ground. Although the full assessment remains classified, it contained the following now-unclassified analysis from the Intelligence Community, as described by Deputy Director Morell:

- "Our assessment of the circumstances surrounding last week's attack against U.S. facilities in Benghazi and the motivations for the operation have gradually evolved from what we first conveyed."
- "Our most credible information indicates that there was not a protest ongoing at the time of the attack as first reported."
- "The timing of the attacks still appears to have been influenced by the events in Cairo."
- "[T]he lethality and efficacy of the operation are not necessarily indications of extensive planning. We judge the attackers could have quickly organized the operation based on the skill and experience acquired during the uprising against the Qadhafi regime and from extremist training."<sup>111</sup>

The evidence obtained by the Select Committee corroborated previous findings by HPSCI and SSCI regarding this revised assessment.

For example, in November 2014, the bipartisan HPSCI report found:

[T]he CIA continued to assess that a protest occurred until video footage became available on September 18, 2012, and FBI reporting from interviews with U.S. officials on the ground began to be published on September 22, 2012. The FBI reports were the first formally reported indications that a protest did not occur in Benghazi.<sup>112</sup>

The bipartisan HPSCI report also found:

The eyewitnesses from Benghazi were in Tripoli and Germany in the days after the attacks and could have provided information that supported this assessment sooner. However, their accounts of the events were not provided to analysts until the FBI published intelligence reports from their interviews. The FBI published the first of those reports on September 22, 2014.<sup>113</sup>

In January 2014, the bipartisan SSCI report found:

As a result of evidence from closed circuit videos and other reports, the IC changed its assessment about a protest in classified intelligence reports on September 24, 2012, to state there were no demonstrations or protests at the Temporary Mission Facility prior to the attacks. This slow change in the official assessment affected the public statements of government officials, who continued to state in press interviews that there were protests outside the Mission compound. The IC continues to assess that although they do not think the first attack came out of protests, the lethality and efficacy of the attack “did not require significant amounts of preplanning.” The IC continues to review the amount and nature of any preplanning that went into the attacks.<sup>114</sup>

The Select Committee interviewed CIA Director Petraeus, who confirmed that the Intelligence Community’s assessment changed 13 days after the attacks and that the timing was driven by the review of surveillance footage from the Special Mission Compound and the dissemination of FBI intelligence reports of the eyewitness interviews. He had the following exchange with Chairman Gowdy:

A: In addition, we had the video, again, of the closed-circuit TV video, which took a while to come back. One of the shortcomings in this is that we did not get from the FBI immediately—

Q: The surveillance video.

A: Well, not just that but also the reports of the interviews. The State Department folks got sequestered in Germany, I think, where they were interviewed, and we didn’t get that information for quite some time. I don’t remember when it came over the wall, if you will. But that’s another one.

Q: Which is why someone might say: We don’t know yet. We don’t know whether it was a protest. We don’t know whether it was spontaneous or preplanned. And my point is that’s not what was said.

A: Well, first of all, the analysts, again, the head analyst, this is a general officer equivalent, the head of the Office of Terrorism Analysis in the Counterterrorism Center, sifted through all this. We went through it with her too, because over time this is becoming a big—you know, what’s the basis? And there is, as I said, 12 separate reports indicated a protest prior

to the attack. And then it took 10 days or so for the assessment to be changed when as gradually all these other contradictory reports came in.<sup>115</sup>

CIA Deputy Director Morell also described the change in the analysts' assessment when they received additional information:

So, I mean, just think about the whole process, right, they have to make a judgment, right? We're beating on them, right, to make a judgment about what happened here. They don't—they want to wait, right, an analyst's intuition is to wait. Wait until I get a lot more information, right? And we tell them: No, you've got to write today, the President wants to know what you think, right? So on very short notice, with limited information, some of it contradictory, not about the protests, but some of it contradictory, they made calls, and they turned out to be largely right. What's really important, right, is that they kept an open mind about all of those judgments, as we have seen in the evidence, right, they kept an open mind. That's my expectation on them, that's your expectation of them, that's the American people's expectation of them. And when the evidence took them in a different direction with regard to the protests, they changed it, they changed it. It's not easy for an analyst to write a PDB that says we were wrong before, this is what we—this is what we thought before, this is now what we think, right, but they did it in this case and they did it well.<sup>116</sup>

Deputy Director Morell continued in the following exchange:

Q: And, again, just to clarify, the definitive, the real time at which they could clearly see and change that assessment was when the Agency had the opportunity to review the video from the—

A: Yes. I don't know the exact, right, what I know is that on the 18th the [Libyan government] came to us and say: Hey, we watched the video, we didn't see a protest. Right? That kicked it off.<sup>117</sup>

A senior CIA analyst described to the Select Committee that her analysis began to change following reporting around September 18 describing the surveillance (CCTV) video from the State Department compound:

Q: Do you know when you received [the Libyan government's assessment of the CCTV video]?

A: I want to say the 18th.

Q: And how did that affect what you guys—

A: Oh, it made a big difference. But there was a lot of rumor swirling around. So it—yeah, I mean, that did it for us. Well, the Libyans had seen it. At first, they had the CCTV footage, and from what I understand

from Station, they couldn't get it to work for a while or they had some technical problems. And then the Libyans put out a report, that was also corroborated by folks from Station who actually had seen the video, that showed no protests. We weren't 100 percent sure at first because we hadn't seen the video and we didn't know where the cameras were and that kind of thing. But we were already working on our piece, which went in the WIRE on the 24th, to basically come up with the new judgment or disseminate the new judgment that, in fact, there were no protests, and then to add in what we now knew about in terms of culpability, preplanning, and that kind of thing.<sup>118</sup>

The Director of OTA explained why it took four days to change the assessment and publish it:

So some have asked why on the 18th, when we first received the [Libyan government's] analysis of the CCTV video, there was a question—there was some question why it took from the 18th until the 22nd until something was published. And I think this is an incredibly illustrative example of the process that takes place.

So the analyst received the information that there is the [Libyan government's] analysis of the video. We don't actually have the video to see it ourselves. The analysts start saying, you know, okay, we really have to go back and rethink whether or not there were protests or not. This is—very clearly, something has changed here.<sup>119</sup>

The Director of OTA continued:

So we now take the pen and start working with them. The analysts write the piece. They send it out for coordination. I think it's now the 19th or so. They send it out for coordination. There were elements within the rest of the IC that didn't want to coordinate and didn't—because they had not seen the video. So they're trying to tell us, no, we're not going to coordinate on saying there were no protests because we want to see the video. There were even, like I said, some who doubted whether or not was that video authentic, what the [Libyan government] was saying, whether the camera was only pointed in one direction. Might there be something else. I mean, so we had this whole debate still about this. That goes on for a while.

The piece gets finally drafted. It goes to the team chief. It goes to the group chief. It comes to me. I sent it back for revision because I felt that it was not organized in a way that actually really hit hard the changes in our view. And that piece, as you know, and eventually was published, was structured in here is what we think about the motivation, here is what we think about the timing. And I had sent it back saying, no, it needs to be structured this way.

So they had to do a rewrite. And then it finally then gets published for the first time to one of our senior policymakers on the 22nd. It doesn't appear in the

WIRe until the 24th because the WIRe is not published on Sundays. So it finally gets to—but, again, you can see even in something like that, the multiple iterations that go through in trying to get it right and dealing with IC coordination and how that can add to the process.<sup>120</sup>

After reviewing the surveillance video footage from the Special Mission Compound, Director Petraeus explained to the Select Committee that he still was unable to determine definitively whether a protest preceded the attacks in Benghazi:

And to be perfectly candid with you, I'm still not absolutely certain what absolutely took place, whether it was a mix of people that are demonstrating with attackers in there, whether this is an organized demonstration to launch an attack, whether—because you'll recall, there's a lot of SIGINT that we uncovered that very clearly seemed to indicate that there was a protest and it grew out of the protest.<sup>121</sup>

He also explained:

And there is a video of what took place. And they are just basically milling around out there. So if this is an attack, you know, maybe they rehearsed it to look like a protest, but maybe it was actually a mix. And so, again, I'm still not completely set in my own mind of what—and to be candid with you, I am not sure that the amount of scrutiny spent on this has been in the least bit worth it.<sup>122</sup>

In January of 2013, the CIA conducted an internal examination of its post-Benghazi analytic process and concluded:

A key lesson learned from this review is that we failed to initially challenge the judgment that a protest was underway in part because our views were influenced by protests that week in at least 18 cities—including Cairo, Khartoum, and Tunis—that were provoked by an anti-Islamic video. This led us to put greater weight on the available intelligence that supported the occurrence of a protest in Benghazi.<sup>123</sup>

## **5. NO EVIDENCE INTELLIGENCE ASSESSMENTS OR TALKING POINTS POLITICIZED**

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The Select Committee did not uncover any evidence that the intelligence on the attacks in Benghazi was influenced by politics in any way. To the contrary, the Select Committee interviewed key participants in the collection and production of intelligence who stated that the process reflected the best efforts of intelligence officials performing under intense time constraints and relying on the information available at the time.

CIA Director David Petraeus rejected the allegation that the early intelligence on Benghazi had been influenced by politics. General Petraeus had the following exchange:

Q: Well, and you get that first report and then you get the 11 or so others that follow, and the sum conclusion of your analyst is that it began as a protest.

That was the initial take.

A: Correct.

Q: The first report but the initial take.

A: Yeah.

Q: The point I want to underscore, though, is that initial best estimate that turned out to be wrong, that was the view of the analyst based on their professional experience. Is that right?

A: Yeah, this is a, I think, 2-star equivalent, if you will, or certainly a senior intelligence service analyst who's very, very good, and she—that was her call.

Q: But you haven't seen any indication that the analyst came up with this conclusion because they were following a White House dictated narrative of some kind?

A: No, no, certainly not.

Q: And you haven't seen any evidence that there was some politicization of the intelligence within your Agency?

A: No. You know, the head of OTA and the CTC doesn't talk to the White House directly or take calls or take rudder or guidance or something else.<sup>124</sup>

CIA Deputy Director Michael Morell adamantly rejected that politics played any role in the production of intelligence on Benghazi. He stated:

I think one of the strongest points here is that I know analysts better than I think I know my own kids. And if the analysts had believed that what they had written was somehow being turned for political reasons, or if the analysts had believed that I was somehow editing the talking points for political reasons, they would have gone crazy.

... But analysts take very, very, very seriously their responsibility to speak truth to power, their responsibility to tell it like it is, their responsibility to not let their views on policy or their views on politics interfere in any way with what they're writing, and they are the first to speak out if they believe that's happening; and they did not say a word in this case, because they don't believe that happened in this case.<sup>125</sup>

The Director of OTA who oversaw the analysts who wrote the intelligence assessments confirmed:

Now, I had the honor of leading our terrorism analysis efforts, and I can assure you that to a person, our analysts are motivated by the mission of keeping Americans safe.<sup>126</sup>

The Chief of Station also told the Select Committee that he did not believe politics played a role in the IC's assessments of what happened in Benghazi:

Q: And, you know, within this finding there certainly have been allegations along the way that have been made that politics and a desire to portray a, particular narrative for political reasons influenced how the Intelligence Committee assessed how the attack in Benghazi unfolded. Did you see any evidence that there had been improper political influence in the intelligence, in the Agency's efforts to collect intelligence in the immediate aftermath of the attacks and analyze and come to conclusions about how the protests unfolded?

A: No. Collection is very difficult. Analysis is equally, if not more difficult, because you're trying to take disparate information and come up with a conclusion. So I did not see any politicization from my optic. I saw a lot of hard-working, dedicated people trying to work as fast as they could with the information that they had to come to conclusions with a little bit of information.<sup>127</sup>

In addition, at the request of the Ranking Member of HPSCI, on September 15, 2012, the CIA submitted unclassified talking points for Members to use in media and public statements. The talking points were drafted and edited within the CIA and went through an interagency review process. The talking points were also used by U.S. Ambassador to the United Nations Susan Rice in her appearances on several television talk shows on Sunday, September 16, 2012.

The final, unclassified version of the CIA talking points, as provided to HPSCI on September 15, 2012, read as follows:

—The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations.

—This assessment may change as additional information is collected and analyzed as currently available information continues to be evaluated.

—The investigation is ongoing and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths of US citizens.<sup>128</sup>

Republicans have repeatedly accused CIA Deputy Director Morell of intentionally changing these talking points for political reasons.

On May 7, 2014—one day before the Select Committee was created—Chairman Gowdy appeared on national television and had the following exchange:

Chairman Gowdy: Every single change that Mike Morell made was calculated to cast the Administration in a more favorable light.

Jake Tapper: He has said that he felt no political pressure, you're saying you don't believe him?

Chairman Gowdy: In a word, yes. I'm saying I don't believe him.<sup>129</sup>

On the same day, Chairman Gowdy also appeared on another television show and stated:

With respect to Mr. Morell, every change he made to the talking points, in my judgment, sanitized them, to go from the word terrorist to the word extremist, to go from the word attack to the word demonstration. And most significantly, take out any reference of the prior episodes of violence in Libya because—and his own testimony was—he didn't want to embarrass the State Department.<sup>130</sup>

After Deputy Director Morell testified before HPSCI in April 2014, Chairman Gowdy appeared on national television and stated that Deputy Director Morell's explanations of his statements were "patently absurd." He suggested that Deputy Director Morell edited the talking points for political reasons:

[R]emember the narrative, Osama bin Laden is dead and al Qaeda is on the run, but we certainly can't admit, six weeks before an election, that al Qaeda is not on the run, they are at the front door of our facility in Benghazi, murdering our ambassador, and setting it on fire.<sup>131</sup>

The Select Committee found no evidence to support Republican allegations that Deputy Director Morell or anyone else involved in the editing of the CIA's talking points made any alterations for political reasons.

Prior to the creation of the Select Committee, the development and editing of the talking points had already been extensively examined by HPSCI and SSCI and addressed in detail in their public reports.

For example, HPSCI's bipartisan report described a "flawed" process in the development of the talking points, including changes by CIA's Office of Public Affairs that were not vetted by CIA analysts, such as removing the phrase "with ties to al Qaeda."<sup>132</sup>

In his April 2014 appearance before the HPSCI, Deputy Director Morell explained:

While it made sense for these officers [from the CIA's Office of Congressional Affairs and Office of Public Affairs] to be involved—the talking points had

been requested by Congress for public use—these officers did not involve the substantive experts in their discussion, as they should have done.<sup>133</sup>

With regard to the specific changes made to the talking points by these public and congressional affairs officers, whom the Select Committee never sought to interview, Deputy Director Morell told Congress in 2014 that “they were in no way responding to political pressure.” He added:

[T]he group of CIA public affairs and congressional affairs officers deleted the phrase “with ties to al-Qa’ida.” The officers who made this change say that they were focused on several considerations in doing so, namely ensuring that the talking points contained no information that could compromise sources and methods, that nothing was said that could compromise the FBI investigation by prematurely attributing responsibility for the attacks to any one person or group, and finally, that the information pointing to any particular group was limited.<sup>134</sup>

None of the witnesses who appeared before the Select Committee identified any evidence that politics played any role in the development of the talking points. In addition, none of the witnesses had any evidence that Deputy Director Morell had provided false or misleading testimony to Congress when he said the CIA “faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship.”<sup>135</sup>

Deputy Director Morell again addressed these allegations before the Select Committee:

Q: In the 3 years since the attacks there have been several allegations about the talking points that have been made against you, and I want to give you a chance to respond to them for the record, as well as the claims that have been made against the intelligence community more generally. It’s been alleged that the reason the White House, the State Department, didn’t have to make substantive changes to the talking points to reflect their preferred political narrative was because you and others in the intelligence community did it for them. Would you like to comment on that?

A: So it’s not true. The classified analysis that was produced was exactly what the analysts thought. The talking points were exactly what the analysts thought. Politics was not in anybody’s mind. The analysts, the reviewers, mine. It’s one of the interesting things, Congressman, is at the time that the work was being done, nobody who was doing the work in the intelligence community recognized that there were any politics here at all to begin with. It was only later that it became political. So analysts weren’t even thinking that way. I wasn’t thinking that way. Everybody was trying to make the best decisions they could.<sup>136</sup>

CIA Director Petraeus, who reviewed the revised talking points before they were sent to Congress, corroborated Deputy Director Morell’s statement that politics had no role in the development of the talking points or the removal of the reference to Al Qaeda:

Q: But the redactions and changes that were recommended by the Agency, these were being made for substantive policy reasons like protection of classified sources, not because the Agency was trying to reiterate a political narrative of the White House?

A: Well, yes, exactly, and of course, some of the changes made were internal to the Agency. In fact, I think the Al Qaeda reference actually came out in the Agency, and then others made for a whole variety of other valid reasons. You know, law enforcement says, “Don’t use this. It indicates a predisposition that we shouldn’t be at this point in the investigation.” So, again, I think these are legitimate issues. What it does then, though, it boils it down to a very low, low least common denominator.

Q: But, again, you wouldn’t conclude that there was any evidence of this urban myth that the Agency was doing the White House’s bidding—

A: No.

Q: —in trying to cast the talking points in a certain light?

A: No, no.

Q: And—

A: Again, look, if you look at the changes that the White House actually made, they’re insignificant. The significant changes were made by either the CIA, other IC agencies, ODNI, FBI, State, and again, you get the whole interagency into this at a certain point in time.<sup>137</sup>

CIA Director Petraeus also had this exchange:

Q: Do you have any evidence that CIA Deputy Director Mike Morell altered the talking points provided to Congress for political reasons?

A: No. In fact, if I can just add because it ties into this. As we have discussed here on several occasions, I mentioned that in preparation for this session today, I went back through all of the changes to the talking points to the extent that you can determine who made what changes. And as I said, the changes that were made basically in all cases I think are understandable. You can disagree in some cases whether or not you should or shouldn’t leave something in, but, again, these are understandable. And certainly the role that Michael Morell played I think was a forthright role.

Q: Thank you.

A: For what it is worth, Michael Morell, among many other great qualities that he has, he is somebody who gets stuff done and who takes charge when something needs to be done, and I think this is in part, he realized we had a task that we had—we were on the hook originally. I was the one who said: Okay, Ranking Member [Dutch] Ruppertsberger, we will provide you some unclassified talking points in response to your request. We had a task, and he was just trying to get that task done, and it becomes much, much more complicated and complex than we thought it would be when we accepted it, and it became much bigger, obviously, than the Agency, even the intelligence community, or what have you. But, again, I think the folks that were engaged in that were faithfully trying to carry out their respective duties.<sup>138</sup>

The Director of OTA drafted the first version of the talking points and confirmed to the Select Committee that there was no effort to distort facts for political reasons:

Q: Now, HPSCI concluded that the process used was flawed. There have also been allegations that not only was it flawed, but that it was intentionally distorted in a manner that was meant to favor a particular political narrative and downplay the role of terrorism. On that second question, whether in addition to being flawed there was an intentional effort to distort, do you have any evidence to support the allegation that there was an intentional effort to distort the facts as the Agency knew them in the talking points that were created for HPSCI?

A: I'm not aware of an intentional effort to do that from a personal perspective, no. Again, I know from—that the talking points as I drafted them were not meant in any way to do that throughout the process. The talking points in the end that I signed off on, I was not looking at them through that political prism in any way, shape, or form.<sup>139</sup>

The talking points prepared for HPSCI were the basis for Ambassador Susan Rice's public statements about the Benghazi attacks on five Sunday talk shows on September 16, 2012, as addressed in Section E, below. Deputy Director Morell repeated his previous testimony that the talking points he edited accurately reflected the Intelligence Community's assessment at the time. He told the Select Committee:

Q: So in terms of the actual content, though, the content was consistent. These were unclassified talking points?

A: Yes.

Q: I just want to make sure that I'm understanding that she was not given information that somehow was inaccurate or inconsistent with the classified assessment, or not based on the best available information that the analysts had at the time?

A: So my—again, I’m on the record on this over and over and over again? There is nothing in the talking points that is inconsistent with what the analysts had written in their classified reporting, and inconsistent with what the analysts believed at the time the talking points were produced.

Q: And at the time they were produced and sent to HPSCI, the assessment was that what happened in Benghazi had spontaneously evolved from a protest?

A: A protest.

Q: So to the extent that Ambassador Rice said that, that was fully consistent—

A: Fully consistent with the talking points, fully consistent with what she had read in her [intelligence brief] every day.<sup>140</sup>

As part of the interagency review of the CIA’s talking points, the Director of the National Counterterrorism Center at the time, Matt Olsen, reviewed and concurred with the talking points. During his interview with the Select Committee, he had the following exchange:

Q: And you had approved, or at least coordinated on those—and essentially, approved those talking points, is that right? Because here it says, “Michael, this looks good to me.”

A: Yes. So in saying “this looks good to me,” I had concurred with those points that he sent around.

Q: So you thought those points at the time that he [CIA Deputy Director Michael Morell] sent them to you were accurate?

A: Yes.

Q: And you thought they were consistent with the available intelligence at that time?

A: Yes.

Q: And did you think that they were an accurate representation of the Intelligence Community’s best assessment of the intelligence at that time?

A: Yes, yes.

Q: To the extent that it could be said publicly?

A: To the extent that it could be publicly. And, again, there is certainly room for different points to be made. These could have been expressed in a number of different ways, but the gist, I thought, was accurate and

consistent. And you know, I should add, if this came to me from an NCTC analyst or someone who worked for me, I might have taken a different—I thought these were accurate, but I would have maybe taken a harder look at them and maybe felt more empowered to edit them. ... For the purpose that I was looking at them, I was satisfied that I would concur with what they said.<sup>141</sup>

On September 14, 2012, the National Counterterrorism Center emailed some brief informal points directly to HPSCI without coordinating them with any other entities within the IC. The National Counterterrorism Center's points were consistent with the facts in the CIA's talking points, although they provided more limited direct information about the attacks. Director Olsen explained:

I understood at the time why [CIA Deputy Director] Morell would want to circulate that, and whereas what we said was so limited factually that it didn't occur to me that it would be necessary to get that input.<sup>142</sup>

Director Olsen explained that he would have been comfortable using the CIA talking points to speak publicly about the Benghazi attacks:

Q: I guess, if you had been handed these talking points as an administrative official—as Susan Rice was—would you have felt comfortable talking off of these talking points?

A: Yes, certainly. Coming from [CIA Deputy Director] Morell, coming from—if I knew they came from Michael Morell and I knew that others had looked at them, that would give me more confidence—that would give me confidence if I were a policymaker, whether in the Executive Branch or Congress, relying on these as a basis for a public statement, yes.<sup>143</sup>

## ENDNOTES

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<sup>1</sup> House Permanent Select Committee on Intelligence, *Investigative Report on the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012*, 113th Cong. (Nov. 21, 2014) (online at <https://intelligence.house.gov/sites/intelligence.house.gov/files/documents/Benghazi%20Report.pdf>).

<sup>2</sup> Senate Select Committee on Intelligence, *Review of the Terrorist Attacks on the U.S. Facilities in Benghazi, Libya, September 11-12, 2012*, 113th Cong. (Jan. 15, 2014) (online at [www.intelligence.senate.gov/sites/default/files/publications/113134.pdf](http://www.intelligence.senate.gov/sites/default/files/publications/113134.pdf)).

<sup>3</sup> Select Committee on Benghazi, Interview of CIA Deputy Chief of Base (June 4, 2015).

<sup>4</sup> Select Committee on Benghazi, Interview of CIA Office of Terrorism Analysis Director (Nov. 13, 2015).

<sup>5</sup> House Permanent Select Committee on Intelligence, *Investigative Report on the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012*, 113th Cong. (Nov. 21, 2014) (online at <https://intelligence.house.gov/sites/intelligence.house.gov/files/documents/Benghazi%20Report.pdf>).

<sup>6</sup> Senate Select Committee on Intelligence, *Review of the Terrorist Attacks on the U. S. Facilities in Benghazi, Libya, September 11-12, 2012*, 113th Cong. (Jan. 15, 2014).

<sup>7</sup> *Id.*

<sup>8</sup> House Permanent Select Committee on Intelligence, *Investigative Report on the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012*, 113th Cong. (Nov. 21, 2014) (online at <https://intelligence.house.gov/sites/intelligence.house.gov/files/documents/Benghazi%20Report.pdf>).

<sup>9</sup> Central Intelligence Agency, Internal Correspondence (Nov. 2, 2012); [Redacted].

<sup>10</sup> E.g., Central Intelligence Agency, Sworn Attestation of Deputy General Counsel (Feb. 9, 2016); Central Intelligence Agency, Sworn Attestation of Deputy General Counsel (Mar. 29, 2016); Select Committee on Benghazi, Interview of CIA Chief of Base (Nov. 19, 2015); Select Committee on Benghazi, Interview of Senior Official at CIA Headquarters (Dec. 10, 2015); Select Committee on Benghazi, Interview of CIA Official (Mar. 2, 2016).

<sup>11</sup> Select Committee on Benghazi, Interview of CIA Chief of Base (Nov. 19, 2015).

<sup>12</sup> Select Committee on Benghazi, Interview of Senior Official at CIA Headquarters (Dec. 10, 2015).

<sup>13</sup> House Permanent Select Committee on Intelligence, *Investigative Report on the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012*, 113th Cong. (Nov. 21, 2014) (online at <https://intelligence.house.gov/sites/intelligence.house.gov/files/documents/Benghazi%20Report.pdf>).

<sup>14</sup> Select Committee on Benghazi, Interview of CIA Office of Terrorism Analysis Director (Nov. 13, 2015) (referencing CIA WIRe, “Libya: Struggling to Create Effective Domestic Security System” (Aug. 29, 2012)).

<sup>15</sup> Department of State, *Benghazi Accountability Review Board Report* (Dec. 2012) (online at [www.state.gov/documents/organization/202446.pdf](http://www.state.gov/documents/organization/202446.pdf)).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Select Committee on Benghazi, Interview of Principal Officer (Mar. 26, 2015).

<sup>19</sup> State Department, Cable 12 TRIPOLI 55: U.S. Mission Benghazi Emergency Action Committee (Aug. 16, 2012) (C05261905).

<sup>20</sup> *See, e.g.*, Select Committee on Benghazi, Interview of CIA Chief of Station (July 16, 2015).

<sup>21</sup> Select Committee on Benghazi, Interview of CIA Officer.

<sup>22</sup> *Id.*

<sup>23</sup> House Permanent Select Committee on Intelligence, Subcommittee on Oversight, *Briefing on Benghazi*, 113th Cong. (2013).

<sup>24</sup> Select Committee on Benghazi, Interview of CIA Officer [Redacted].

<sup>25</sup> Select Committee on Benghazi, Interview of CIA Officer [Redacted].

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<sup>27</sup> Select Committee on Benghazi, Interview of Annex Security Team Member (May 29, 2015).

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<sup>29</sup> Video Footage of CIA Annex and State Department Temporary Mission Facility (Sept. 11-12, 2012).

<sup>30</sup> Select Committee on Benghazi, Interview of Annex Security Team Member (Mar. 1, 2016).

<sup>31</sup> Select Committee on Benghazi, Interview of CIA Chief of Station (July 16, 2015).

<sup>32</sup> Select Committee on Benghazi, Interview of CIA Deputy Director Michael Morell (Sept. 28, 2015).

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- <sup>35</sup> Select Committee on Benghazi, Interview of CIA Officer [Redacted].
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<sup>71</sup> *Id.*

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<sup>90</sup> Senate Select Committee on Intelligence, *Review of the Terrorist Attacks on the U.S. Facilities in Benghazi, Libya, September 11-12, 2012*, 113th Cong. (Jan. 15, 2014) (online at [www.intelligence.senate.gov/sites/default/files/publications/113134.pdf](http://www.intelligence.senate.gov/sites/default/files/publications/113134.pdf)).

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<sup>94</sup> *Libyan Militia Storms U.S. Consulate in Benghazi over Prophet Film*, Al Jazeera Arabic, Live Broadcast (Sept. 11, 2012) (IntBook17-084).

<sup>95</sup> Gunmen Attack U.S. Consulate in Libya's Benghazi over Film, Reuters (Sept. 11, 2012) (online at [www.reuters.com/article/us-libya-us-embassy-idUSBRE88A1EF20120911](http://www.reuters.com/article/us-libya-us-embassy-idUSBRE88A1EF20120911)).

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# E. NO INTENTIONALLY MISLEADING PUBLIC STATEMENTS



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Based on the evidence obtained by the Select Committee, including documents, briefings, and transcribed interviews, the Democratic Members make the following findings relating to the public statements of Administration officials regarding the attacks in Benghazi:

- The Select Committee has obtained no credible evidence that any Administration official made intentionally misleading statements about the attacks in Benghazi.
- Statements made by Secretary Clinton in the week following the attacks were consistent with the information she had at the time and were intended to prevent further violence throughout the region.
- Statements made by Ambassador Rice on the Sunday shows about the Benghazi attacks were based on talking points prepared by the Intelligence Community.
- Republicans simply disregard the established fact that the Intelligence Community's assessments changed repeatedly, and the Administration's public statements changed with them.

For more than three years, Republicans have accused Administration officials of intentionally misleading the American people about the attacks in Benghazi. They have blamed Secretary Clinton, U.S. Ambassador to the United Nations Susan Rice, CIA Deputy Director Michael Morell, and Deputy National Security Adviser for Strategic Communications Ben Rhodes for creating a "false narrative." For example:

- On May 7, 2013, Chairman Gowdy stated: "[W]e know we were lied to. I think I can prove tomorrow that it was an intentional misrepresentation by Susan Rice and others."<sup>1</sup>
- On May 8, 2013, Select Committee Member Jim Jordan stated: "I think it was established without any doubt that Ambassador Rice misled the American people on the Sunday shows. Without a doubt, she went out and told a different story than the facts show."<sup>2</sup>
- On February 26, 2014, Rep. Devin Nunes, now-Chairman of the House Permanent Select Committee on Intelligence, stated about Ambassador Rice: "Anybody that has half of a brain knows that she just flat out lied. That's without question."<sup>3</sup>
- On April 2, 2014, Rep. Michele Bachmann stated: "The Obama administration allowed its spokesman—for the first time, in the first public disclosure, five times on the Sunday morning talk shows—made a false narrative that a YouTube video was the reason that explained that there were protestors—that we now know are apparitions, never existed—were there. This is a false narrative, that's why this is not a small issue, this is a big issue."<sup>4</sup>
- On May 11, 2014, then-Speaker John Boehner asked: "[W]hy did the White House describe this in a way, I believe, they knew was false?"<sup>5</sup>
- On October 22, 2015, at the Select Committee's 11-hour hearing with Secretary Clinton, Rep. Jim Jordan stated: "So if there is no evidence for a video-inspired protest, then where did the false narrative start? It started with you, Madam Secretary. At 10:08 on the night of the attack you released this statement: 'Some

have sought to justify the vicious behavior as a response to inflammatory material posted on the Internet.’ At 10:08, with no evidence, at 10:08, before the attack is over, at 10:08, when Tyrone Woods and Glen Doherty are still on the roof of the Annex fighting for their lives, the official statement of the State Department blames a video.”<sup>6</sup>

- On May 24, 2016, Rep. Jordan repeated these accusations on *CNN*, stating: “The false information, the false narrative she told the American people—where we learned last fall she said one thing to her family, one thing to the Egyptian Prime Minister—but yet she told the taxpayers and the citizens and probably more importantly the families of those individuals who died for our country that night a completely different story. And that right there, I think should disqualify her from being commander in chief.”<sup>7</sup>

The evidence obtained by the Select Committee demonstrates that these claims are baseless. The Select Committee conducted transcribed interviews with Ambassador Rice, Mr. Morell, Mr. Rhodes, State Department Deputy Chief of Staff for Policy Jacob Sullivan, and a number of other officials who worked with them. Not one person interviewed by the Select Committee provided any evidence of an intentional effort to misrepresent the facts or deceive the American people. To the contrary, the witnesses forcefully rebutted these allegations and explained that they based their statements on assessments from the Intelligence Community that were evolving. They described how they deeply felt the impact of the loss of American life in Benghazi, and how they focused on the safety of their friends and colleagues throughout the Middle East and North Africa following the attacks.

## **1. SECRETARY CLINTON’S STATEMENTS**

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The evidence obtained by the Select Committee corroborates Secretary Clinton’s previous accounts that her personal views about what had occurred in Benghazi changed repeatedly in the days and weeks following the attacks, as they reflected the information being gathered in the aftermath of the attacks—and the intelligence assessments of that information. In her 2014 book, Secretary Clinton explained:

What about the attack in Benghazi? In the heat of the crisis we had no way of knowing for sure what combination of factors motivated the assault or whether and how long it had been planned. I was clear about this in my remarks the next morning, and in the days that followed administration officials continued to tell the American people that we had incomplete information and were still looking for answers. There were many theories—but still little evidence. **I myself went back and forth on what likely happened, who did it, and what mix of factors—like the video—played a part.** But it was unquestionably inciting the region and triggering protests all over, so it would have been strange not to consider, as days of protests unfolded, that it might have had the same effect here, too. That’s just common sense. Later investigation and reporting confirmed that the video was indeed a factor. All we knew at that

time with complete certainty was that Americans had been killed and others were still in danger.<sup>8</sup>

## **ANSAR AL-SHARIA CLAIMS RESPONSIBILITY AND STATE OFFICIALS FEAR FURTHER VIOLENCE**

At 6:07 p.m. on the night of the attacks, the State Department Operations Center sent an alert titled: “Ansar al-Sharia Claims Responsibility for Benghazi Attack.” This alert stated: “Embassy Tripoli reports the group claimed responsibility on Facebook and Twitter and has called for an attack on Embassy Tripoli.”<sup>9</sup> This alert appears to have been based on reports from Deputy Chief of Mission Gregory Hicks, who was located in Tripoli and whose team was reviewing internet traffic.<sup>10</sup>

At 6:49 p.m., an email was sent with notes from Secretary Clinton’s call with Libyan General National Congress President Mohammed Magariaf. These notes show that Secretary Clinton pressed the Libyan government to take immediate action to protect American lives in Benghazi and Tripoli and that she relayed that Ansar al-Sharia was claiming responsibility for the attacks:

We need your immediate help, as one of our diplomats was killed and our Ambassador, who you know, is missing. We have asked for the Libyan government to provide additional security to the compound immediately as there is a gun battle ongoing, which I understand Ansar as-Sharia [sic] is claiming responsibility for. We also need you to provide additional capacity for firefighting as there are reports that the principle [sic] officer’s residence has been bombed or set on fire. We believe that it is important for your government, as well as ours, to condemn this attack in the strongest possible terms and promise that these criminals will be brought to justice. I also need you to help us secure our mission in Tripoli. We have seen serious threats on social media sites, like Facebook, and it is important that your government take all possible measures, in an urgent manner, to secure our facilities. We need you to have people who you are confident in, who will follow your direction, and that your government trusts to secure our compounds.<sup>11</sup>

The notes also indicate that the Secretary stated: “If there is anything that you need or that I can do please do not hesitate to call me at any time, day or night.”<sup>12</sup>

Later that night, around 10 p.m., Secretary Clinton issued the following public statement:

I condemn in the strongest terms the attack on our mission in Benghazi today. As we work to secure our personnel and facilities, we have confirmed that one of our State Department officers was killed. We are heartbroken by this terrible loss. Our thoughts and prayers are with his family and those who have suffered in this attack.

This evening, I called Libyan President Magariaf to coordinate additional support to protect Americans in Libya. President Magariaf expressed his condemnation and condolences and pledged his government's full cooperation.

**Some have sought to justify this vicious behavior as a response to inflammatory material posted on the Internet.** The United States deplores any intentional effort to denigrate the religious beliefs of others. Our commitment to religious tolerance goes back to the very beginning of our nation. But let me be clear: There is never any justification for violent acts of this kind.

In light of the events of today, the United States government is working with partner countries around the world to protect our personnel, our missions, and American citizens worldwide.<sup>13</sup>

In response to Rep. Jordan's claim at the Select Committee's hearing on October 22, 2015, that this statement was the beginning of a "false narrative" that the Internet video was the cause of the Benghazi attacks, Secretary Clinton responded:

During the day on September 11, as you did mention, Congressman, there was a very large protest against our Embassy in Cairo. Protesters breached the walls. They tore down the American flag. And it was of grave concern to us because the inflammatory video had been shown on Egyptian television, which has a broader reach than just inside Egypt. And if you look at what I said, I referred to the video that night in a very specific way. I said, "Some have sought to justify the attack because of the video." I used those words deliberately, not to ascribe a motive to every attacker, but as a warning to those across the region that there was no justification for further attacks. And, in fact, during the course of that week we had many attacks that were all about the video. We had people breaching the walls of our Embassies in Tunis and Khartoum. We had people, thankfully not Americans, dying at protests.<sup>14</sup>

The Select Committee also interviewed Secretary Clinton's Deputy Chief of Staff for Policy, Jacob Sullivan, who described his drafting of the Secretary's statement that night with Department spokesperson Victoria Nuland:

Q: Did you ever have any reason to believe that anyone that you came into contact with was doing anything other than their best good faith efforts to get at the information that was the most accurate as quickly as they could?

A: Absolutely not, and I—you know, I have to say, I've been listening to people make these accusations for 2 years, and it has been difficult to swallow because all of us, you know, everyone I worked with in government got up every day to try to serve U.S. national interests, to try and carry out our oath, and the suggestion that we were doing something to manipulate or politicize or otherwise, I find so foreign to my experience, not just for myself with the State Department but for my

colleagues as well.

You know, people like Toria Nuland, who has been criticized, even though she is a career Foreign Service officer and the least political person I know, who is Dick Cheney's National Security Advisor, for goodness' sake, has been thrown in as part of some exercise that, you know, people, I think, have twisted beyond all recognition, and I think it's just very important to say that this was a fast-moving situation with a lot of information coming in, and we were dealing with attack after attack over the days that followed trying to focus on keeping Americans safe, and of course, I went back and forth on what exactly had happened in Benghazi. Who couldn't? I mean, to this day, people haven't been able to figure out exactly who the attackers were, exactly what motivated them, so certainly in that first week, we weren't going to. All we could do was the best with the information we had at the time was, and that's what we did.<sup>15</sup>

Mr. Sullivan explained further:

Q: Now, the next—the first sentence of that paragraph reads in full: “Some have sought to justify this vicious behavior as a response to inflammatory material posted on the Internet.” Do you recall whose idea it was to include that sentence?

A: I believe that it was my idea to include that sentence. It was either mine or Toria's or a combination of the two of us, but I thought it was important to include that sentence.

Q: And why is that?

A: Well, there are two aspects to this. One was we didn't know the motives of the actual attackers of Benghazi, so I didn't want to say they did it because of the video, and so I chose the words very carefully to say that some have sought to justify it on that basis.

But I thought it was really important for us to be able to express our views on the video and to say there is never any justification for violent acts of this kind, as well as to say we deplore efforts to denigrate the religious beliefs of others because I was deeply concerned that we could potentially face attacks on our embassies elsewhere. And, unfortunately, that's exactly what happened in the following days.<sup>16</sup>

Mr. Sullivan continued:

I thought very hard about exactly how to formulate this. I didn't want to say the attackers did this because of the video. That's why I chose to use the phrase “justify,” because I just wanted to talk more generally about people who might justify the attack on the basis of the video. Who would those people be?

They would be the kind of people that would go try to gin up protests elsewhere, whether in Benghazi again or in Tripoli or anywhere else around the region.

And my first concern in getting this out was to do everything we could to try to help prevent further violence from happening. And I really thought it was important for the Secretary to get on record on this issue. And in the days that followed, I thought it was important for her to continue getting on the record on this issue, especially as we dealt with these assaults on our embassies across the region.

So I thought hard about this paragraph. I thought hard about making sure we formulated it in a way that was accurate to say that just some had sought to justify it. Obviously, we have all seen a lot of public reporting linking things as well. So this, to me, was an important paragraph to include in this statement.<sup>17</sup>

The exchange continued:

Q: So you weren't relying on the public information linking the two events at the point where you drafted this statement, or were you?

A: Only insofar as some of that public reporting indicated that people were trying to justify this behavior, not that the attacks on Benghazi were motivated by it, which I wouldn't say and I didn't say.<sup>18</sup>

Mr. Sullivan's account corroborated the explanation that Ms. Nuland provided to the House Committee on Oversight and Government Reform nearly three years ago in 2013. She stated:

Again, in terms of what I was aware of, what I knew at the time, it wasn't even clear to me that we had actually identified the attackers, let alone have a sense of what motivated them or what their connections were. What we were concerned about was that we had people throughout the region applauding the event and citing Islam as a justification for it.<sup>19</sup>

She also stated:

You know, I don't think that—that we were in the business at that point on September 11th itself, of parsing motivations. We were obviously watching what was happening on social media which was inciting people to violence partly as a result of the video, partly September 11th. There were a lot of things out there in the ether. We were very much focused on how do we calm things? How do we issue—at least on my, the public affairs side—how do we issue the kinds of statements that will be calming, that will help our embassies and both governments secure security, et cetera.<sup>20</sup>

She explained further:

Q: Taking you back to the statement that was originally released by the Secretary to this one and two that we discussed before, where it says some have sought to justify this?

A: Uh-huh.

Q: Was it your understanding as stated here that at the time you just didn't know if there was any link to the Internet activity?

A: Again, this goes to the exchange that we had before. We didn't know whether the actual attack in Benghazi, the attackers themselves were motivated by social media, by the video, by the movie, or whether it was—you know, there was another set of motivations, another set of links, or whether it was spontaneous or any of that at that moment. With regard to the Secretary's statement, she was addressing a larger community in the broader Middle East and North Africa who were applauding the attack. She wasn't necessarily. The intention of that statement was not to make a direct link to the film.<sup>21</sup>

She also had the following exchange during the interview:

Q: I think we have already established that you were hearing social media about people who weren't involved directly in the attack—

A: Correct. Correct.

Q: —that may have been justifying—were they justifying the attacks specifically at this point by 10:00 o'clock.

A: There were—I mean, “justify” is a certain word that can have legal implications.

Q: Sure.

A: I think the point here was there was considerable cheerleading on social media throughout the region for violence against U.S. missions, facilities, personnel.

Q: In general?

A: Ranging from Cairo, to Tunis, to after it became public about Benghazi—

Q: Sure.

A: —to Benghazi, and it was linked in social media to a response to the movie, but it was also, you know, pent up anger. So this was an effort to get in the Secretary's name a clear paragraph out there for the entire

region to see that we condemn, you know, we considered the stuff on the Internet inflammatory; that we deplored any efforts to denigrate religion, so separating ourselves from the content of the film, reasserting America's response to respect for tolerance, but also beginning this trope that you see in all of the public statements for the following week that nonetheless, it's not a justification for violence. So we were trying to speak to the whole region in her voice, which is why you see me later encouraging the public affairs sections to amplify this statement as much as possible.<sup>22</sup>

At 11:12 p.m. that evening, Secretary Clinton emailed her daughter:

Two of our officers were killed in Benghazi by an Al Queda-like [sic] group: The Ambassador, whom I handpicked and a young communications officer on temporary duty w a wife and two young children. Very hard day and I fear more of the same tomorrow.<sup>23</sup>

## FIRST PRODUCT PROVIDED BY INTELLIGENCE COMMUNITY

As previously described, in the early morning hours of September 12, 2012, an intelligence product was issued stating that “the presence of armed assailants from the incident’s outset suggest this was an intentional assault and not the escalation of a peaceful protest.”<sup>24</sup>

Later that morning, Secretary Clinton spoke publicly about the attacks, stating:

Yesterday, our U.S. diplomatic post in Benghazi, Libya was attacked. Heavily armed militants assaulted the compound and set fire to our buildings. American and Libyan security personnel battled the attackers together. Four Americans were killed. . . . This is an attack that should shock the conscience of people of all faiths around the world. We condemn in the strongest terms this senseless act of violence, and we send our prayers to the families, friends, and colleagues of those we’ve lost. . . . There will be more time later to reflect, but today, we have work to do. There is no higher priority than protecting our men and women wherever they serve. We are working to determine the precise motivations and methods of those who carried out this assault. **Some have sought to justify this vicious behavior, along with the protest that took place at our Embassy in Cairo yesterday, as a response to inflammatory material posted on the internet.** America’s commitment to religious tolerance goes back to the very beginning of our nation. But let me be clear—there is no justification for this, none. Violence like this is no way to honor religion or faith. And as long as there are those who would take innocent life in the name of God, the world will never know a true and lasting peace.<sup>25</sup>

At 10:43 a.m., President Obama appeared in the White House Rose Garden and described the attacks in Benghazi as an “act of terror”:

No acts of terror will ever shake the resolve of this great nation, alter that character, or eclipse the light of the values that we stand for. Today we mourn four more Americans who represent the very best of the United States of America. We will not waver in our commitment to see that justice is done for this terrible act. And make no mistake, justice will be done.<sup>26</sup>

On the afternoon of September 12, 2012, Secretary Clinton received notes to prepare for a 4:30 p.m. meeting on the attacks in Benghazi and Cairo. The notes stated that “sources indicate a group named Ansar al-Sharia, affiliated with Islamic extremists, organized the attack.” The notes also stated that Embassy Tripoli was reporting that the attack in Benghazi appeared to be pre-planned, similar to the intelligence report issued earlier that morning: “Embassy Tripoli reports that the attack was sophisticated, well-organized, involved over 50 armed gunmen, and appears to have been planned in advance.”<sup>27</sup>

Later that day, Secretary Clinton had a phone call with the Egyptian Prime Minister Hisham Kandil regarding the events in Cairo and Libya. The notes from that call indicate that the Secretary relayed information consistent with the reporting she had received at that time: “We know that the attack in Libya had nothing to do with the film. It was a planned attack—not a protest.” The notes also indicate that she acknowledged that Ansar al-Sharia reportedly claimed responsibility for the attacks: “Your [sic] not kidding. Based on the information we saw today we believe the group that claimed responsibility for this was affiliated with al Qaeda.” She also stated: “We want to lower the temperature on everything that is going on and to make sure this does not happen again today, tomorrow, or after Friday prayer.”<sup>28</sup>

## **ANSAR AL-SHARIA DISAVOWS RESPONSIBILITY**

On September 12, 2012, Ansar al-Sharia reportedly disavowed responsibility for the attacks, claiming that they were spontaneous protests against the video and its maker. The group reportedly posted a video on YouTube that praised the attacks in Benghazi, referencing the “American pastor who is known for his animosity to Islam and Muslims.” It also reportedly stated:

The Ansar al-Shari’ah Battalion did not participate in this popular uprising as an independent entity. ... Rather it was a spontaneous and popular uprising in response to what the West did.<sup>29</sup>

On that same day, the Intelligence Community was making significant changes to the early morning assessment’s statement that “the presence of armed assailants from the incident’s outset suggests this was an intentional assault and not the escalation of a peaceful protest.”<sup>30</sup> According to the Deputy CIA Director, this sentence “was not written by the analysts,” but rather was “added after the analysts had finished their work and gone home for the night.”<sup>31</sup> He explained:

It was written by a senior CIA editor with expertise in military matters but no expertise in Libya or what had just happened in Benghazi. This editor added the sentence because she thought the early-morning update on the twelfth needed a bottom line. She never showed the sentence to the analysts; had she

done so, they would have removed it. When the analysts came in the next morning, they complained vehemently about the edit.<sup>32</sup>

## INTELLIGENCE COMMUNITY ISSUES FULLY COORDINATED ASSESSMENT

As previously described, on September 13, 2012, the Intelligence Community issued its “first thorough, fully coordinated, assessment of what happened in Benghazi.”<sup>33</sup> The title of this assessment was: “Extremists Capitalized on Benghazi Protests.”<sup>34</sup> Although the full assessment remains classified, it contained the following analysis from the Intelligence Community, as described by Deputy Director Morell:

- “We assess the attacks on Tuesday against the U.S. Consulate in Benghazi began spontaneously.”
- “[T]he attacks began spontaneously following the protests at the U.S. embassy in Cairo.”
- “Extremists with ties to al-Qa’ida were involved in the attacks.”<sup>35</sup>

On September 14, 2012, Secretary Clinton spoke at a ceremony to honor those lost in the attacks in Benghazi:

This has been a difficult week for the State Department and for our country. We’ve seen the heavy assault on our post in Benghazi that took the lives of those brave men. We’ve seen rage and violence directed at American embassies over an awful internet video that we had nothing to do with. It is hard for the American people to make sense of that because it is senseless, and it is totally unacceptable.

The people of Egypt, Libya, Yemen, and Tunisia did not trade the tyranny of a dictator for the tyranny of a mob. Reasonable people and responsible leaders in these countries need to do everything they can to restore security and hold accountable those behind these violent acts. And we will, under the President’s leadership, keep taking steps to protect our personnel around the world.<sup>36</sup>

At the Select Committee’s hearing with Secretary Clinton, Rep. Jordan summarized his allegations, ignoring the changes in the information being reported and the Intelligence Community’s assessments, arguing:

Seems to me that night you had three options, Secretary. You could tell the truth like you did with your family, like you did with the Libyan President, like you did with the Egyptian Prime Minister, tell them it was a terrorist attack. You could say, “You know what? We’re not quite sure. Don’t really know for sure.” I don’t think the evidence is there. I think it’s all in the first one. But you could have done that. But you picked a third option. You picked the video narrative. You picked the one with no evidence. And you did it because Libya was supposed to be, as Mr. Roskam pointed out, this great success story

for the Obama White House and the Clinton State Department. And a key campaign theme that year was GM's alive, bin Laden's dead, Al Qaeda's on the run. And now you have a terrorist attack, and it's a terrorist attack in Libya, and it's just 56 days before an election. You can live with the protest about a video. That won't hurt you. But a terrorist attack will. So you can't be square with the American people. You can tell your family it's a terrorist attack, but not the American people. You can tell the President of Libya it's a terrorist attack, but not the American people. And you can tell the Egyptian Prime Minister it's a terrorist attack, but you can't tell your own people the truth. Madam Secretary, Americans can live with the fact that good people sometimes give their lives for this country. They don't like it. They mourn for those families. They pray for those families. But they can live with it. But what they can't take, what they can't live with is when their government is not square with them.<sup>37</sup>

Secretary Clinton responded:

I think the insinuations that you are making do a grave disservice to the hard work that people in the State Department, the intelligence community, the Defense Department, the White House did during the course of some very confusing and difficult days. There is no doubt in my mind that we did the best we could with the information that we had at the time. And if you'd actually go back and read what I said that night. ... I was very careful in saying that some have sought to justify—in fact, the man that has been arrested as one of the ring leaders of what happened in Benghazi, Ahmed Abu Khattala, is reported to have said it was the video that motivated him. None of us can speak to the individual motivations of those terrorists who overran our compound and who attacked our CIA Annex. There were probably a number of different motivations. I think the intelligence community, which took the lead on trying to sort this out, as they should have, went through a series of interpretations and analysis. And we were all guided by that. We were not making up the intelligence. We were trying to get it, make sense of it, and then to share it. When I was speaking to the Egyptian Prime Minister, or in the other two examples you showed, we had been told by Ansar al-Sharia that they took credit for it. It wasn't until about 24 more hours later that they retracted taking credit for it. ... We also knew, Congressman, because my responsibility was for what was happening throughout the region. I needed to be talking about the video because I needed to be putting other governments and other people on notice that we were not going to let them get away with attacking us as they did in Tunis, as they did in Khartoum. And in Tunis, there were thousands of demonstrators who were there only because of the video, breaching the walls of our Embassy, burning down the American school. I was calling everybody in the Tunisian Government I could get, and finally President Marzouki sent his presidential guard to break it up. There was example after example. That's what I was trying to do during those very desperate and difficult hours.<sup>38</sup>

## INTELLIGENCE COMMUNITY REVISES ASSESSMENT BASED ON NEW INFORMATION

As previously described, on September 28, 2012, the Office of the Director of National Intelligence issued another revised assessment of the attacks in Benghazi, based on new information about video footage obtained from Libyan officials and FBI interviews of witnesses on the ground.

On September 18, Libyan officials provided their assessment of the video footage from security cameras just before the attack. According to the Deputy CIA Director:

It was not until 18 September, when CIA received the Libyan Government's assessment of video footage from the State Department facility's security cameras that showed the front of the facility just before the attack—with no sign of protesters—that it became clear that we needed to revisit our analysis. It is important to note that on 18 September, the Libyans did not provide the video; they only provided their assessment of the video. Analysts refined their analysis, and on 22 September, CIA—in coordination with the Intelligence Community—published a joint piece with NCTC that assessed that the attacks were a deliberate assault by extremists influenced by events in Cairo, not that they grew spontaneously out of local protests.<sup>39</sup>

Once the video footage and FBI reporting from interviews of personnel on the ground in Benghazi during the attacks became available, the CIA changed its assessment. As explained in the bipartisan report issued by the House Permanent Select Committee on Intelligence:

Once the video footage became available on September 18, 2012, two days after Ambassador Rice spoke, and FBI reporting from interviews with U.S. officials on the ground began to be published on September 22, 2012, CIA changed its judgment and made it clear in a WIRE [World Intelligence Review electronic] that ran on September 24th that CIA now assessed that no protest had occurred outside the TMF [Temporary Mission Facility].<sup>40</sup>

On September 28, the Office of the Director of National Intelligence issued a statement reflecting this revised assessment. It stated:

In the immediate aftermath, there was information that led us to assess that the attack began spontaneously following protests earlier that day at our embassy in Cairo. We provided that initial assessment to Executive Branch officials and members of Congress, who used that information to discuss the attack publicly and provide updates as they became available. Throughout our investigation we continued to emphasize that information gathered was preliminary and evolving.

As we learned more about the attack, we revised our initial assessment to reflect new information indicating that it was a deliberate and organized terrorist attack carried out by extremists. It remains unclear if any group or person exercised overall command and control of the attack, and if extremist

group leaders directed their members to participate. However, we do assess that some of those involved were linked to groups affiliated with, or sympathetic to al-Qa'ida. We continue to make progress, but there remain many unanswered questions. As more information becomes available our analysis will continue to evolve and we will obtain a more complete understanding of the circumstances surrounding the terrorist attack.<sup>41</sup>

## 2. AMBASSADOR RICE'S STATEMENTS

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Ambassador Rice appeared on five Sunday morning talk shows on September 16, 2012, to discuss the Benghazi attacks and the ongoing protests over the Internet video throughout the region. None of the witnesses interviewed by the Select Committee provided any credible evidence that Ambassador Rice intentionally misrepresented facts or deliberately misled the American people about the Benghazi attacks.

During her transcribed interview with the Select Committee, Ambassador Rice explained the deep impact that the loss of their four colleagues in Benghazi had on her and her colleagues:

I would just like to say that what is most painful to me and my colleagues in the State Department is the loss of our four colleagues on that tragic day. And as I have said, in my case, I had a working relationship with and was very fond of Ambassador Stevens. And in all of our discussion today, I think we have [devoted] precious little attention to the import of that loss and to what could be done differently in the future to protect our diplomats and development workers as well as our military personnel in harm's way. And that's what I am most concerned about, and that's what I hope will come out of the work you have been doing.<sup>42</sup>

She also explained to the Select Committee that she relied on the most current assessment of the Intelligence Community:

Q: So as of the date that you spoke on the Sunday talk shows, September 16th, the Intelligence Committee's assessment remained that there had been a protest in Benghazi. Is that your understanding?

A: Yes, that is correct.

Q: And you relied on that assessment?

A: I did indeed.

Q: Did you have any reason to doubt that assessment by the intelligence community that had been shared in talking points with the Congress?

A: I had no reason to doubt that it was our current best assessment. I was aware that in these types of circumstances, as we gain more information, our understanding could change, which is why I tried to reinforce that

point as best I could on the Sunday shows. But I also understood it to be the intelligence community's current best assessment, as I stated, because it mirrored very closely the finished intelligence products that I had received. ...

Q: And departing from those talking points would have opened you up to potentially legitimate criticism both because the talking points were an accurate reflection of the other intelligence you were provided and because what the Intelligence Committee was—community was providing you was what you could say without compromising sources and methods or the FBI investigation.

A: That is correct.

Q: And the intelligence community would have been in the best position to be able to provide guidance as to what could be said without the compromise of intelligence sources.

A: Yes.<sup>43</sup>

Ambassador Rice's statements are supported by Director of National Intelligence James Clapper, who testified that Ambassador Rice relied on the best judgment of the IC at the time. For eight days after Ambassador Rice's statements on the Sunday shows, the IC held to its assessment that there had been a protest immediately preceding the attacks. As Director Clapper explained to the Senate Armed Services Committee:

I thought it was unfair because the hit she took, I didn't think that was appropriate. She was going on what we had given her, and that was our collective best judgment at the time as to what should have been said.<sup>44</sup>

Similarly, in an email reviewed by the Select Committee, an official in the Office of the Director of National Intelligence expressed the same sentiment shortly after Ambassador Rice appeared on the Sunday talk shows. That intelligence official stated: "As I read the laydown, her comments were consistent with our intel assessment at that time."<sup>45</sup>

In addition, one month after Ambassador Rice's statements, on October 10, 2012, Under Secretary of State for Management Patrick Kennedy publicly testified:

If any administration official, including any career official, were on television on Sunday, September 16th, they would have said what Ambassador Rice said. The information she had at that point from the intelligence community is the same that I had at that point.<sup>46</sup>

During his interview with the Select Committee, Under Secretary Kennedy reaffirmed this statement: "I responded that way because I know what intelligence I had been given."<sup>47</sup>

## TALKING POINTS AND OTHER PREPARATORY MATERIALS

In her transcribed interview, Ambassador Rice explained that she received an email from Mr. Rhodes on September 14, 2012, and had a preparatory call with him and others on Saturday, September 15, 2012. During this call, she was informed that she would soon receive a separate set of talking points prepared by the Intelligence Community for Congress relating specifically to Benghazi. She explained:

I don't recall us talking about the CIA talking points. I recall being reminded that they were forthcoming and that we would be relying on them because they had been prepared for Members of Congress and they were our best distillation of what we knew at the time. ... And so we didn't talk about Benghazi, in fact, on the phone call, as I remember. We just said that those were the points.<sup>48</sup>

Ambassador Rice explained how Mr. Rhodes described these talking points:

Q: And to the best of your recollection, what did he—how did he characterize the CIA talking points?

A: As being carefully vetted and cleared, drafted by the CIA, and provided—produced for the purpose of being provided to Members of Congress and, thus, what we would also utilize.

Q: So, as far as you were concerned or as far as you understood, the CIA talking points represented the best information about the attacks in Benghazi at the time.

A: Yes. That's how I—that's what I understood them to be, and that's, in fact, what I knew them to be, because they mirrored very precisely the intelligence that I had also received.<sup>49</sup>

Ambassador Rice explained why it would have been inappropriate to second-guess the Intelligence Community's assessment:

Because as a senior policymaker with no direct operational responsibility for what transpired in Benghazi, for me to go out and try to second guess the intelligence community or glean individual pieces of information and make my own judgments would have been to substitute my personal judgment for the best assessment of the intelligence community, which, by definition, brings together all of the information that is available, both open source and classified, and from that, the intelligence community's job is to distill their best judgment or assessment. And it would have been highly inappropriate for me to substitute my own for that or anybody else's.<sup>50</sup>

On February 2, 2016, the Select Committee conducted a transcribed interview with Mr. Rhodes, who corroborated Ambassador Rice's account:

- Q: So there was going to be a separate document that specifically addressed what had happened in Benghazi?
- A: Yes. That's my recollection.
- Q: And that accounting as to what had happened in Benghazi would be the talking points that were being prepared for the House Permanent Select Committee on Intelligence?
- A: Yes. And we—we indicated that Susan would be receiving those talking points separately for use with respect to our understanding what had transpired in Benghazi.
- Q: And why would you have wanted, or why would the decision have been made for the talking points with regard to Benghazi or what had happened in Benghazi to be the talking points that were being created for HPSCI?
- A: So my recollection is that the talking points that were requested by HPSCI were expressly requested to be usable in media appearances. And so therefore, the judgment was made that those talking points could also be used by administration officials since they were being prepared for public use. And so given that the process of completing those talking points was taking place essentially in the same timeframe as Susan's preparation, the determination was made to provide her with those points to be her prep material for what had taken place in Benghazi.
- Q: So certainly, your understanding was that the HPSCI talking points' purpose was for communication with the public?
- A: Yes. And my recollection is that the request that was made from HPSCI to the Intelligence Community made clear that that was one of the purposes of the points. It was so that those points could be used publicly.
- Q: And did you have any understanding of whether those talking points then that were being prepared for HPSCI would have been coordinated through the interagency, including the intelligence community?
- A: Those talking points would have been coordinated through the interagency given the different agencies involved in the events in Benghazi.
- Q: So certainly, in addition to being talking points that were expressly designed for communication with the public, it was your understanding they also were going to be talking points that were fully coordinated throughout the Intelligence Community?

A: Yes. That's my recollection.

Q: So in that regard, was it your assumption that they would reflect the best current assessment of the intelligence community at the time?

A: Yes. That was the purpose of the points.

Q: And that was the piece that was intended to guide Ambassador Rice's discussion specifically as to what happened in Benghazi on the Sunday talk shows?

A: Yes. Given that we had a process already underway to compile the best assessment of the intelligence community for public use at that time, it stood to reason that she should use those points in her appearances.<sup>51</sup>

Mr. Rhodes confirmed that on September 14, 2012, he created a document to help prepare Ambassador Rice for a wide range of issues she could be asked about on the Sunday shows. This document included "Goals," "Top-lines," and "Questions and Answers" that addressed the outgrowth of demonstrations and protests throughout the Middle East and North Africa region as well ongoing concerns regarding Iran's nuclear program. He explained the purpose of this document:

Q: Now, in addition to the talking points specific to Benghazi that the Ambassador was going to use to guide her, which were the HPSCI talking points, you also provided this, what is exhibit 5. And so what was the purpose of exhibit 5 as compared to the talking points related specifically to Benghazi?

A: My recollection is the purpose of this document would be to give Ambassador Rice a sense of the types of topics that are likely to come up on the Sunday shows, the types of messaging that the administration has been using on those topics, and some specific examples of questions that she would be likely to get on those Sunday shows based on the questions that we had been getting in daily press briefings over the course of the week.<sup>52</sup>

Mr. Rhodes explained:

A: The goals, I think, indicate what the purpose of appearing on the Sunday shows is. We are in a particular context. And at that time, the context was instability across the Middle East. It was unsettling to Americans at home, and raising questions about our response overseas. And again, the objective was very much to send a message that we were going to be able to manage this situation while answering the questions that flowed out of the events.

Q: And then with regard to the goals that you have discussed with my colleagues a little bit, the first one, first bullet says "to convey that the

United States is doing everything that we can to protect our people and facilities abroad.” Now, earlier in the day, you obviously indicated a number of times that kind of one of the principal and most important things was making sure people were safe. So was that, in fact, being done?

- A: Yes. And over the course of that week, the concern coming out of Benghazi, but also with the ongoing protests, was making sure we were doing everything we could to secure our embassies and our diplomatic facilities and our American citizens abroad. So that was the overarching concern that we had on our minds the whole week.
- Q: So in that regard, this was not creating some false narrative with that first bullet that you were doing everything you could to secure our people and facilities overseas?
- A: No. We saw that as our responsibility as the United States Government.
- Q: And then that second bullet that has been discussed, to underscore that these protests were rooted in an Internet video and not a broader failure of policy. That certainly was—and again, we are talking about the time period that’s agreed to in the scope—that certainly was the understanding and the belief of the administration at the time.
- A: Absolutely. And we were being regularly questioned as to whether or not these events across the Middle East represented a failure of policy. And so we were dealing with that series of questions at this time.
- Q: So in that regard, that was not the creation of any sort of false narrative?
- A: Absolutely not. That’s what we certainly believed.
- Q: And then to show that we will be resolute in bringing people who harm Americans to justice and standing steadfast through these protests. Now, earlier in the day you had indicated that one of the goals was to really send the strong message that no matter where any type of violence occurred, that America would not stand for it. Was that part of the goal here?
- A: Yes. It’s a statement of principle that would apply uniformly.
- Q: And to the extent there had been concern, a fair amount of concern in the run up to Friday, did that concern dissipate entirely by Sunday, that there could be ongoing unrest and potential violence and risk to the security of our personnel overseas?
- A: Absolutely not. You had had, again, very violent protests that had continued throughout that week. And there was not an indication at that

point, to my recollection, that the situation had sufficiently calmed across the region.

Q: So in the same way that some of the earlier statements were—I think I described them as forward leaning, and not necessarily backward leaning, this bullet also potentially was forward leaning in the same way?

A: It's a statement of principle that is meant to convey to Americans and people around the world that we will do whatever is necessary to protect our people.

Q: So in that regard it wasn't only talking about Benghazi?

A: Yeah, it was referring also broadly to the circumstances across the region, and laying down that marker that again, we will do whatever is necessary to protect the American people.

Q: So in that regard certainly bullet three was not the creation of a false narrative?

A: Absolutely not. And it's consistent with what we have said throughout our administration.

Q: And then, finally, the last one is just to reinforce the President and administration's strength and steadiness in dealing with difficult challenges. What was the kind of goal or purpose of sending that message?

A: Again, at a time when you have instability, and it appears that there are events that look like they are getting out of control, there are violent protests at our embassies, there is incitement against our personnel overseas, we have an interest, foreign policy interest in conveying that we are going to be able to manage that situation; we are going to be able to protect our people overseas; we are going to be able to respond to that incitement. So the objective was in this very uncertain period to convey a sense of strength and steadiness consistent with American foreign policy interests.

Q: You know, some have described this document, certainly when this select committee was established, some, in particular, pointed to this document as and described it as a, quote, "smoking gun," that there had somehow been a false narrative created, and that the administration, through Ambassador Rice, had intentionally lied to the American people. What is your response to that allegation?

A: My recollection of that week is that it was as painful and challenging a period of time as I have had in government. Having lost Americans overseas, including a person who I knew, having our embassies,

including places where I knew people who worked, under threat of violent protest, dealing with a degree of instability in the Middle East that showed no signs of dissipating, that's a circumstance that we were dealing with. And everything that we did this week was guided by trying to manage a very difficult and evolving situation. So, you know, I know that this is entirely consistent with how we do business on behalf of the American people, that our objectives here were rooted in the necessity of responding to what had taken place in Benghazi, but also trying to manage a very complex and evolving situation in the Middle East. And, you know, it's been deeply hurtful to have it suggested that we had another set of motivations. I will stop there.<sup>53</sup>

Mr. Rhodes explained why he prepared this document:

Again, I prepared these points on a Friday in which there were violent protests across the Middle East because of the video, a violent breach of our facility in Tunis, a violent breach of our facility at Khartoum, violence against an American restaurant in Lebanon, at the very least. So I very much was focused on the fact that there were ongoing protests, and one of the subjects that she was going to be asked about were those protests. So insofar as I'm referring to protests in the video, I'm referring to the many protests that were continuing to take place over the course of that week in response to the video.<sup>54</sup>

He also stated:

It was very much our belief at the time that the unrest in the region, from places as varied as Tunis, Egypt, Lebanon, Pakistan, Sudan was rooted in the video and people's efforts to incite protests and violence in response to the video.<sup>55</sup>

Mr. Rhodes distinguished between the document he compiled on September 14 to prepare Ambassador Rice and the talking points drafted by the Intelligence Community about Benghazi:

Q: With regard to exhibit No. 5, is it your testimony that the contents of exhibit 5 were not meant to explain the motive of the attackers in Benghazi, or to suggest that the video was a catalyst for those attacks?

A: The exhibit 5 is intended to prepare Ambassador Rice for the range of issues she's going to discuss on the Sunday shows. On the specific question of what happened in Benghazi, our expressed intent was to provide her with the HPSCI talking points to inform her as to the position of the intelligence community.<sup>56</sup>

The final, unclassified version of the CIA talking points prepared for HPSCI reads as follows:

—The currently available information suggests that the demonstrations in Benghazi

were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations.

—This assessment may change as additional information is collected and analyzed as currently available information continues to be evaluated.

—The investigation is ongoing and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths of US citizens.<sup>57</sup>

## AMBASSADOR RICE'S GENERAL PATTERN ON THE SUNDAY SHOWS

The statements Ambassador Rice made on the Sunday shows generally followed a pattern of: (1) first warning that the FBI investigation was still ongoing, (2) providing the Intelligence Community's assessment about the Benghazi attacks, and (3) returning to her first point by reminding viewers that the FBI investigation was still ongoing and that information was subject to change.

For example, in Ambassador Rice's interview on NBC's *Meet the Press*, she started her answer by warning that the FBI investigation was still ongoing:

First of all, there's an FBI investigation which is ongoing. And we look to that investigation to give us the definitive word as to what transpired.<sup>58</sup>

Second, Ambassador Rice repeated the language from the IC talking points, stating:

But putting together the best information that we have available to us today our current assessment is that what happened in Benghazi was in fact initially a spontaneous reaction to what had just transpired hours before in Cairo, almost a copycat of—of the demonstrations against our facility in Cairo, which were prompted, of course, by the video.<sup>59</sup>

Third, Ambassador Rice concluded by returning to her warning that the FBI investigation was still ongoing and would provide the definitive word on what transpired in Benghazi:

Obviously, that's—that's our best judgment now. We'll await the results of the investigation. And the President has been very clear—we'll work with the Libyan authorities to bring those responsible to justice.<sup>60</sup>

Ambassador Rice repeated this general pattern in other appearances that morning. For example, on ABC's *Meet the Press*, she first stated:

Well, Jake, first of all, it's important to know that there's an FBI investigation that has begun and will take some time to be completed. That will tell us with certainty what transpired.<sup>61</sup>

Second, she used the language from the Intelligence Community's talking points:

But our current best assessment, based on the information that we have at present, is that, in fact, what this began as, it was a spontaneous—not a premeditated—response to what had transpired in Cairo.<sup>62</sup>

Third, she ended her statement during the ABC interview by returning to her warning that the FBI was still investigating and that information was subject to change:

We'll wait to see exactly what the investigation finally confirms, but that's the best information we have at present.<sup>63</sup>

Similarly, Ambassador Rice first began her answer on CBS' *Face the Nation* by referring to the ongoing investigation:

A: First of all, very importantly, as you discussed with the President, there is a investigation that the United States Government will launch led by the FBI, that has begun and—

Q: But they are not there yet.

A: They are not on the ground yet, but they have already begun looking at all sorts of evidence of—of various sorts already available to them and to us. And they will get on the ground and continue the investigation. So we'll want to see the results of that investigation to draw any definitive conclusions.<sup>64</sup>

Second, Ambassador Rice tracked the talking points of the IC's current best assessment:

But based on the best information we have to date, what our assessment is as of the present is in fact what—it began spontaneously in Benghazi as a reaction to what had transpired some hours earlier in Cairo where, of course, as you know, there was a violent protest outside of our Embassy sparked by this hateful video.<sup>65</sup>

Third, she concluded by returning to her warning that information would further develop during the investigation:

Whether they were al Qaeda affiliates, whether they were Libyan-based extremists or al Qaeda itself I think is one of the things we'll have to determine.<sup>66</sup>

Ambassador Rice repeated the pattern on *Fox News*, first explaining that there was an ongoing FBI investigation:

Well, first of all, Chris, we are obviously investigating this very closely. The FBI has a lead in this investigation.<sup>67</sup>

Second, Ambassador Rice referred to the talking points provided by the Intelligence Community:

The information, the best information and the best assessment we have today is that in fact this was not a preplanned, premeditated attack. That what happened initially was that it was a spontaneous reaction to what had just transpired in Cairo as a consequence of the video.<sup>68</sup>

Third, she once again concluded by reiterating her initial caution that the FBI investigation was still ongoing:

Obviously, we will wait for the results of the investigation and we don't want to jump to conclusions before then.<sup>69</sup>

During Ambassador Rice's appearance on *CNN*, host Candy Crowley did not ask her about the Benghazi attacks specifically, but rather posed questions about the wider unrest in the region and whether any conclusions could be drawn about the United States' relationship with the Muslim world. In response to these broad questions, Ambassador Rice referenced the Benghazi attacks only briefly and did not follow her usual pattern of prefacing her statements with the status of the ongoing investigation as she did during her other four appearances on the Sunday talk shows.<sup>70</sup>

Ambassador Rice explained to the Select Committee why she started and finished by warning that the FBI investigation was ongoing and that information was subject to change:

Because I was very mindful that any such situations, particularly tragic events of this sort, that we typically learn more as time unfolds. We learn from our investigation, and I was mindful that what I was able to provide was purely the best assessment that we had at the time, and I wanted to convey that this could well change.<sup>71</sup>

Ambassador Rice explained that she attempted to provide the American people with the same information she received from the Intelligence Community:

Q: And so this was, once again, you trying to repeat your understanding of the intelligence community's best assessment at the time?

A: Yes, indeed. That's exactly what I was trying to do.

Q: Then you stated, quote: "Obviously, we will wait for the results of the investigation, and we don't want to jump to conclusions before then, but I do think it's important for the American people to know our" current best—or, I'm sorry—"our best current assessment," end quote.

A: Yes. What I tried to do in each appearance—and I think you've just reminded us that I did do in each appearance—was to start with a caveat and end with a caveat that indeed this information was only what we knew as of the day, and it was subject to change, and indeed to suggest that it was likely to change.<sup>72</sup>

The evidence demonstrates that Ambassador Rice was diligently trying to keep to the talking points provided by the IC while warning repeatedly that assessments could change. During an exchange with Ranking Member Cummings, Ambassador Rice addressed repeated Republican accusations that she “lied” during her appearances on the Sunday shows:

Q: Appearing on the Hugh Hewitt radio show on May 7, 2013, Chairman Gowdy said, and this is a quote, “We know that we were lied to. I think I can prove tomorrow that it was an intentional misrepresentation by Susan Rice and others,” end of quote. Now, that’s a pretty serious allegation. I would like to give you the opportunity to respond to this allegation directly. Did you lie to the American people or intentionally misrepresent the facts for political purposes on the Sunday talk shows following the attacks?

A: No, sir. I never lied to the American people, nor did I ever intentionally misrepresent the facts.

Q: Did you always try to ensure that the statements that you made about the Benghazi attacks were accurate?

A: Yes, sir, I tried my very best to make sure that my statements were accurate and to adhere as closely as I could to the relevant talking points and, at the same time, to caveat at every instance that the information I was providing was our current best assessment, that it was preliminary, that it could well change, and that we were awaiting the results of the FBI investigation to give us the definitive determination.

Q: Now, earlier, in answer to a few questions, I think once or twice, you may have said it may have been a misstatement or—and I am just wondering. I just want to go back to what you just said. Was there any time that you tried to misstate the facts as you knew them?

A: No, sir.

Q: Intentionally or unintentionally?

A: Neither. Neither intentionally nor unintentionally.

Q: Did you attempt to the best of your ability to follow the intelligence community’s talking points and press guidance that you understood to be the collective best assessment at the time of what had happened?

A: Yes, where it was relevant, I did.

Q: And would that be the normal way it would be done?

A: Yes, sir.

- Q: Did you deliberately downplay some facts or emphasize others in order to favor a particular political narrative?
- A: No, I did not.
- Q: Do you believe that you followed the guidance from the intelligence community as best as you could? And that your statements were consistent with the guidance from the intelligence community?
- A: I did my best to remain faithful to the guidance I received from the intelligence community.
- Q: Did you make every attempt to caveat your statements with the warning that they were subject to change from the ongoing investigation?
- A: Yes, indeed I did.
- Q: Similarly, on June 5, Ambassador, June 5, 2013, Senator and Presidential candidate Rand Paul appeared on FOX News and stated that you had, I quote, “directly and deliberately misled the public over Benghazi,” end of quote. Did you directly and deliberately mislead the public over Benghazi?
- A: I did not directly or deliberately mislead the public on Benghazi.
- Q: Were you aware of or involved in perpetuating any kind of an intentionally false or misleading narrative about the Benghazi attacks?
- A: No.
- Q: Some have argued that it was false because you should have known by that time that there had not been a protest. How would you respond to those critics?
- A: First of all, I did not know at the time that there had not been a protest. I was going off the best current assessment of the intelligence community. And the intelligence community subsequently made clear that they changed their assessment to conclude that there was not a protest or a demonstration several days after my appearance on the Sunday shows.
- Q: Now, going to May 2nd, 2014, Congressman Gosar on his Web site said that you were, and I quote, “sent out to lie about the causes of the attacks instead of Secretary Clinton,” end of quote. Did you go onto the Sunday talk shows to lie about the causes of the attacks?
- A: I did no such thing.

- Q: Did you go on the Sunday talk shows to somehow protect Secretary Clinton from making inaccurate statements about the attacks in Benghazi?
- A: I did not.
- Q: Did anyone ever pressure you to say anything about the Benghazi attacks that you believed to be false?
- A: Never.
- Q: Or misleading?
- A: Never.
- Q: Did anyone else working on any statement, talking points, or other remarks about the attacks ever tell you that they had been pressured into making changes that they believed to be false or misleading?
- A: No, sir.
- Q: Ambassador Rice, you know, you have a long, distinguished career in government. Surely, when you serve in high-level administration positions, you expect some sort of public scrutiny and criticism. We are very familiar with that. But this seems to go much further than that. Would you agree?
- A: Yes, sir.
- Q: And if you wouldn't mind sharing, tell us just how have these accusations affected you personally?
- A: I think you can imagine that when you are a public servant trying to do your best for the people of this country and our policies around the world, to have your integrity impugned is painful. It's painful to me. It's painful to the people who love me.
- Q: Again, I thank you for your service. And I thank you for—I use a statement that I say to people—thank you for being you. And, you know, hopefully this all will come to an end. And there is one thing that my mother, only had a third grade education and former sharecropper, used to say: It's hard to get a reputation back. But I hope that history will look back on this and your reputation will—history will see your reputation for exactly what it is. Thank you very much. And that's a good thing, by the way.
- A: Thank you, sir.<sup>73</sup>

## AMBASSADOR RICE'S STATEMENTS AND THE TALKING POINTS

Throughout her interview with the Select Committee, Ambassador Rice acknowledged that her statements were not always perfectly matched to the Intelligence Community's talking points and that in some instances she could have been more precise in her language or that she misspoke.

For example, Ambassador Rice acknowledged during her interview with the Select Committee that she incorrectly stated during her appearance on *Fox News* that the FBI has "a" lead in the investigation when she meant that the FBI had "the" lead in the investigation.<sup>74</sup>

Ambassador Rice also acknowledged to the Select Committee that she incorrectly used the term "consulate" during her appearances when the facility in Benghazi was a temporary diplomatic facility rather than an official U.S. consulate.<sup>75</sup>

Ambassador Rice also explained to the Select Committee that she used the term "extremists" rather than "terrorists" during her appearance on NBC and other programs because that was the term used in the Intelligence Community's talking points:

Q: You continue to call these, quote, "opportunistic extremist elements came to the consulate as this was unfolding." Does that match the HPSCI talking point that, quote, "there are indications that extremists participated in the violent demonstration," end quote?

A: Yes.

Q: And we've been told by many individuals in the national security field and at the CIA that the term "extremist" and "terrorist" are often used interchangeably. Is that also your understanding?

A: They are often used interchangeably, and indeed, in the materials prepared and in the talking points, that's the term that's used.

Q: So the HPSCI talking points that you were given used the word "extremist"?

A: Yes.

Q: And did you use the word "extremist" because that was the language in the HPSCI talking points?

A: Yes.

Q: Is it fair to conclude that you would have assented to use whatever language had been cleared for release by the intelligence community?

A: Yes.

Q: So if the cleared language in the HPSCI points had said “terrorist,” is it fair to conclude that you would have used the word “terrorist”?

A: Yes, of course.

Q: And if the HPSCI talking points had said “Ansar al Sharia” or “Al Qaeda affiliates,” would you have used that cleared language?

A: Yes.<sup>76</sup>

Ambassador Rice explained to the Select Committee that she attempted to be consistent with the talking points even when she did not use their exact wording:

Q: To the extent that you used slightly different words—for example, you called it “a response” instead of saying it was “inspired by” in this particular instance, and in other instances, you also used slightly different wordings—did you view your language as being synonymous and consistent with the HPSCI talking points?

A: That was my intent, and that was my sole—my sole effort was to be consistent with the talking points.<sup>77</sup>

Ambassador Rice could not recall the exact basis for certain statements made more than three years earlier. For example, she could not recall the specific basis for her statement on CBS that FBI agents “are not on the ground yet but they have already begun looking at all sorts of evidence.”<sup>78</sup> Although Ambassador Rice could not recall the specific basis for her statement, the fact she referenced was correct. On September 15 and 16, the FBI was already in Germany interviewing evacuees from Benghazi.<sup>79</sup>

During her appearances, Ambassador Rice sometimes used the phrase “in fact,” and Republicans have pointed to her use of that phrase to argue that her statements were intended to mislead the public. Ambassador Rice explained to the Select Committee that she did not mean the words “in fact” to negate her repeated caveats that she was providing the Intelligence Community’s best assessment at the time, but that this assessment could change:

Q: And as you go on throughout that sentence, when you say “in fact,” is that intended to negate the concept that this is just the current best assessment and that it was subject to change?

A: It was not intended to negate that.<sup>80</sup>

As previously described, Matt Olsen, the Director of the National Counterterrorism Center (NCTC) at the time, reviewed and concurred with the talking points provided to Ambassador Rice. During his interview with the Select Committee, he had the following exchange:

Q: And you had approved, or at least coordinated on those—and essentially, approved those talking points, is that right? Because here it says, “Michael, this looks good to me.”

A: Yes. So in saying “this looks good to me,” I had concurred with those points that he sent around.

Q: So you thought those points at the time he [CIA Deputy Director Michael Morell] sent them to you were accurate?

A: Yes.

Q: And you thought they were consistent with the available intelligence at that time?

A: Yes.

Q: And did you think that they were an accurate representation of the Intelligence Community’s best assessment of the intelligence at that time?

A: Yes, yes.

Q: To the extent that it could be said publicly?

A: To the extent that it could be publicly. And, again, there is certainly room for different points to be made. These could have been expressed in a number of different ways, but the gist, I thought, was accurate and consistent. And you know, I should add, if this came to me from an NCTC analyst or someone who worked for me, I might have taken a different—I thought these were accurate, but I would have maybe taken a harder look at them and maybe felt more empowered to edit them. ... For the purpose that I was looking at them, I was satisfied that I would concur with what they said.<sup>81</sup>

Director Olsen explained that he would have been comfortable using the CIA talking points to speak publicly about the Benghazi attacks:

Q: I guess, if you had been handed these talking points as an administration official—as Susan Rice was—would you have felt comfortable talking off of these talking points?

A: Yes, certainly. Coming from [CIA Deputy Director] Morell, coming from—if I knew they came from Michael Morell and I knew that others had looked at them, that would give me more confidence—that would give me confidence if I were a policymaker, whether in the Executive Branch or Congress, relying on these as a basis for a public statement, yes.<sup>82</sup>

Director Olsen stated that when he read the transcript of Ambassador Rice’s statements on the Sunday shows, he believed her statements were generally accurate and consistent with the

intelligence assessments at the time, but that her demeanor and language suggested a degree of certainty that was more emphatic than the intelligence. He stated:

I remember thinking that what she said was accurate, given the information that we were putting out in our analysis. What I remember, though, is also thinking that she in some ways was more unequivocal about what she was saying than we were being. So it was more almost the demeanor and sort of the way in which she phrased her comments on the Sunday shows that I thought was, again, more certain than we felt the information supported.<sup>83</sup>

He described these differences as “small,” such as her use of the phrase “in fact”:

I do think that the reason I think there is, to a certain degree, Ambassador Rice was more emphatic—and it is perhaps a small point—but, using terms like our best information is that in fact what began as a spontaneous, I think that suggests a degree of certainty that we did not necessarily have in the IC about what happened. When we say “the currently available information”—when Michael said—and I agree “the current available information suggests that the demonstrations in Benghazi were spontaneously inspired,” and Ambassador Rice talks about “our best information is in fact what began,” it is a slight difference in emphasis and tone that I think was beyond where we were in the intelligence community. A small difference. But the other areas is to, I think, to suggest here that it was a small number of people who came to the embassy. I don’t know if we said how many people or what that meant or that they wanted to replicate the challenge in Cairo. That is somewhat of I think—that goes beyond what we said—that they were replicating what we saw, that we talked about that they were inspired by the protests. Again, I think small differences—small level in terms of—more in terms of how she expressed those same points, but that is what has led me to conclude that there are these slight differences in how she explained the intelligence, versus what we were saying inside of the intelligence community.<sup>84</sup>

Despite these small differences, Director Olsen stated that he believed Ambassador Rice’s statements on the Sunday shows conveyed facts that were consistent with the intelligence assessment at the time:

Q: Do you know if all of her comments were consistent with the intel assessment? Just some of the comments? I mean, did you have any sense of the accuracy of her statements at that point?

A: Yeah.

Q: This was 11 days after she went on TV?

A: Yeah. My sense is that her comments were consistent with our intel assessment at that time. So I agree with [DNI Deputy Director] Cardillo on that point, that her comments were consistent with what we were assessing at that time. Again, I had earlier mentioned that I thought she

was overly emphatic and certain about things that I was more equivocal about. **But in terms of the facts that she conveyed, my sense was that they were fully consistent with what we were assessing at the time.**<sup>85</sup>

## SENIOR STAFF FOR AMBASSADOR RICE

On February 11, 2016, the Select Committee conducted a transcribed interview of Ambassador Rice's spokeswoman at the U.S. permanent mission to the United Nations, who staffed Ambassador Rice before and during the Sunday shows and who corroborated the accounts of Ambassador Rice and Mr. Rhodes.

Shortly after this interview occurred, Chairman Gowdy began withholding from Democratic Select Committee Members copies of interview transcripts. As a result, Democratic staff was forced to review this transcript in the Republican offices while being monitored by a Republican staffer, and had to copy down by hand the following excerpts of the interview:

- Q: In your list of areas where you were attempting to collect the latest information, you left Benghazi out. Was that intentional, or were you just giving me some examples?
- A: I don't recall preparing information about Benghazi. What I do recall is understanding that we would have access to talking points that would be provided by the intelligence community that were unclassified and consistent with our latest understanding of what had transpired in Benghazi.
- ...
- Q: Okay. So if I understand you correctly, you were trying to collect the latest information on these other areas but you did not make a similar effort for Benghazi because you knew that these talking points were eventually going to be coming your way. Is that fair?
- A: That's fair. And I would add that the premise for why the administration, specifically Ambassador Rice, was doing the Sunday talk shows was because, at the moment, there were attacks happening across the Islamic world on our diplomatic facilities, and we were attempting to make sense to the American people what was happening in the region writ large. Benghazi was obviously one piece of that, but Benghazi was not the focus of the Sunday shows.
- Q: And why do you say that? I mean, in my mind, if four Americans had died, in my mind, Benghazi would absolutely be a focus of the Sunday talk shows because of that, but apparently not in yours.
- A: Well, I don't control the focus of any Sunday show interview, but I recall receiving the promos for the Sunday shows that were largely focused on what was happening writ large. Because, at the time, it was unclear

whether there would be additional attacks against diplomatic facilities that could result in the deaths of additional American personnel.<sup>86</sup>

Ambassador Rice's spokeswoman confirmed that she believed Ambassador Rice relied on the IC's talking points:

Q: So was it your understanding that when discussing the Benghazi attacks on those various Sunday morning shows on the 16th of September that it was Ambassador Rice's intention to communicate the information that's contained in these talking points to the best of her ability?

A: Yes.

Q: And is it fair to say that she was doing her best to adhere to the language and meaning of these intelligence community talking points as closely as possible when she was discussing Benghazi on those shows?

A: Yes.

Q: And from what you recall, did she do this?

A: Yes.<sup>87</sup>

She also addressed the allegations that Ambassador Rice or others misrepresented the facts regarding the attacks:

Q: Were you at all involved in any plan to deliberately cause Ambassador Rice to misrepresent the facts to the American people for political purposes on the Sunday morning talk shows following the attacks?

A: I was not.

Q: Was it ever your sense that statements Ambassador Rice made on the Sunday talk shows were meant to deliberately mislead the American people about the Benghazi attacks for political purposes?

A: No.

Q: Is it your understanding that Ambassador Rice, to the best of her ability, attempted to follow the intelligence community's talking points and press guidance that she understood to be the collective best assessment at the time of what had taken place in Benghazi on September 11, 2012?

A: Yes.

Q: Do you believe Ambassador Rice at any point during her appearances on the Sunday talk shows or elsewhere with respect to the Benghazi attacks deliberately downplayed some facts or emphasized others in order to favor a particular political narrative?

A: No.

Q: Were you aware or involved in perpetuating any kind of intentionally false or misleading narrative about the Benghazi attacks?

A: No, I was not.

Q: Did anyone ever pressure you to say anything about the Benghazi attacks that you believe to be false or inaccurate?

A: No.

Q: Did anyone else working on any statement, talking points, or other remarks about the attacks ever tell you that they had been pressured into making charges that they believed to be false?

A: No.

Q: What's your response to this general allegation or these set of allegations that I've just enumerated with respect to that there was intentionally misleading by the Ambassador or others working for her to deliberately mislead the American people, if you have any response?

A: It's frustrating. And I think those of us who give our lives to public service expect more. And I also think it does a disservice to our colleagues whose lives were lost to perpetuate conspiracy theories.<sup>88</sup> During his interview with the Select Committee, Ambassador Rice's Deputy similarly stated:

Q: And so was it your understanding that what Ambassador Rice was seeking to do was to convey to the American people and the world the best available information at the time?

A: Yes, that was her approach and the approach of the government.

Q: And with the understanding that that information might, as more facts developed, actually change?

A: Correct.<sup>89</sup>

## **NATIONAL SECURITY COUNCIL ASSISTANT PRESS SECRETARY**

On December 18, 2015, the Select Committee conducted a transcribed interview of National Security Council's Assistant Press Secretary Bernadette Meehan, a career Foreign Service Officer at the State Department who was detailed to the National Security Council. Ms. Meehan vehemently denied the allegations of a false narrative:

Q: In any of the statements and the talking points related to the attacks in Benghazi that you cleared on or drafted, did you ever intentionally insert information that you knew to be inaccurate or misleading?

A: No.

Q: Were you ever asked or ordered to intentionally insert information that you thought would be inaccurate or misleading?

A: No.

Q: Did you ever remove any accurate information that you knew caused the remaining information to be inaccurate or misleading?

A: No.

Q: Were you ever asked or ordered to remove any inaccurate information that you knew caused the remaining information to be inaccurate or misleading?

A: No.

Q: It's been alleged that the administration created a false narrative, that the YouTube video mocking the Prophet Mohammed played a role in the attack in Benghazi. What's your response to that allegation? Did the administration create a false narrative?

A: No, absolutely not. I can say that, from my time working there, you know, this was a situation where you had a lot of information coming in; there were a lot of emotions. You had had a large demonstration and penetration of the compound wall in Cairo. As the days went on, there were, as I said, violent attacks against multiple other diplomatic facilities in the region. And this was a group of people throughout the interagency, across multiple agencies, doing their best to provide accurate information, updating that information as new information became available. And to the extent that there were comments that needed to be updated based on new information, that was a result of the situation and certainly not any deliberate attempt to mislead. Nothing could be further from the truth, in fact, based on what I saw.

Q: And with specific respect to Ben Rhodes and his role in messaging around the attack, there have been allegations that he crafted a false narrative or tried to mislead the American public. From your communications with him the night of the attack and the days following, can you speak to that?

A: Sure. I would say, as a general matter, I've worked for Ben for 3 years and have never, in any experience on any issue I've worked on, had him

ask me to do anything other than produce accurate, factual information. I can also say that, specific to Benghazi, the information that was provided regarding the assessment of what had occurred in Benghazi was information that was provided by the interagency, specifically the intelligence community, as a result of their efforts. What information they put into that I can't speak to, but Ben Rhodes was not the creator or the origin of that information. So any allegation that Ben was creating a narrative that was false or misleading, it just doesn't hold up.<sup>90</sup>

## STATE DEPARTMENT STAFF INTERVIEWS DEBUNK CLAIMS

As evidence of a false narrative, Republicans have pointed to an email chain of lower-level State Department press and policy staff in the Near Eastern Affairs (NEA) Bureau in which three employees argued after learning of Ambassador Rice's statements on the Sunday shows that she was "off the reservation."<sup>91</sup> During the Select Committee's October 22, 2015, hearing with Secretary Clinton, Rep. Jordan alleged:

Everything points to a terrorist attack. We just heard from Mr. Pompeo about the long history of terrorist incidents, terrorist violence in the country. And yet, 5 days later, Susan Rice goes on five TV shows and she says this: "Benghazi was a spontaneous reaction as a consequence of a video," a statement we all know is false. But don't take my word for it. Here is what others have said: "Rice was off the reservation, off the reservation on five networks. White House worried about the politics." Republicans didn't make those statements. They were made by the people who worked for you in the Near Eastern Affairs Bureau, the actual experts on Libya in the State Department. So if there is no evidence for a video-inspired protest, then where did the false narrative start? It started with you, Madam Secretary.<sup>92</sup>

However, before Rep. Jordan made this statement, the Select Committee had already interviewed the individuals who had suggested that Ambassador Rice was "off the reservation," and they acknowledged that they were not aware that Ambassador Rice was relying on the talking points provided by the Intelligence Community.<sup>93</sup>

For example, one of the officials had the following exchange with the Select Committee:

A: I didn't have access to whatever Ambassador Rice knew. And so, you know, had this exchange gone on further, it might have included me saying, "But I don't know what they discussed." You know, I wasn't in—she's a member of the Cabinet, as the U.N. Ambassador.

Q: Right.

A: So I don't know what she knows. And, at this stage, you know, there were lots of things happening that were completely above my pay grade and out of my line of sight. ...

A: So I guess I just—I want to make sure that – you know, I’m expressing a personal opinion about a set of talking points, and that opinion is based on what I knew at the time, which even then and today I recognize might not have been the entire picture. So I just want to be clear about that.<sup>94</sup>

The Select Committee had also already interviewed the NEA Communications Officer who wrote in his email: “WH very worried about the politics. This was all their doing.”<sup>95</sup> He explained to the Select Committee that he was also unaware that the talking points used by Ambassador Rice were generated by the IC:

The second sentence, this was all their doing, I think I was referring to what I thought at the time was that the talking points had come from the NSS [National Security Staff] or the White House.<sup>96</sup>

He also had the following exchange:

Q: And given all that scrutiny, I think it’s just important for us to ask, from your perspective, did you ever get a sense that Ms. Nuland or anyone in her press shop—so I think you said Bureau of Public Affairs, is that right?

A: Yes.

Q: Was trying to conceal facts about the Benghazi attacks for political advantage?

A: No.

Q: Did you get a sense that Ms. Nuland or anyone in the Office of Public Affairs, Bureau of Public Affairs—

A: The Bureau of Public Affairs.

Q: —was concealing the truth in order to avoid embarrassment or to perpetuate a false narrative about the attacks?

A: No.

Q: Turning to the National Security Staff, you indicated [NSC Assistant Press Secretary] had, to your knowledge, potentially been involved?

A: Yes.

Q: Did you ever get the sense that [NSC Assistant Press Secretary] or anyone else within, of her colleagues, were trying to conceal facts about the Benghazi attacks for political advantage?

A: No.

Q: Did you ever get a sense that [NSC Assistant Press Secretary] or anyone in her—any of her colleagues were concealing the truth in order to avoid embarrassment or to perpetuate a false narrative about the attacks?

A: No.

Q: And then, with regard to within your bureau itself, even though you were not the lead on it, did you ever get the sense – did you, yourself, or any of your colleagues, to the best of your knowledge, try to conceal facts for political advantage?

A: No.

Q: Did you try to conceal the truth in order to avoid embarrassment or to perpetuate a false narrative about the attacks?

A: No.

Q: Were you ever pressured to conceal facts about the Benghazi attacks?

A: No.

Q: Were you ever asked to conceal the truth or change the story or perpetuate a narrative about the Benghazi attacks?

A: No.

Q: Do you have any reason to believe that Ms. Nuland, [NSC Assistant Press Secretary], anyone in their respective press shops or any of your colleagues and yourself were doing anything other than their best, good-faith effort to, as quickly as possible and as accurately as possible, get to the truth of what happened in Benghazi?

A: We were all doing the best that we could under difficult circumstances.<sup>97</sup>

After Rep. Jordan’s public statements at the hearing with Secretary Clinton, the Select Committee interviewed two more individuals on the email chain, and they both confirmed that they were not aware at the time that Ambassador Rice was using IC-cleared talking points to prepare for her appearances on the shows.

For example, the Libya Desk Officer in the NEA Bureau explained that she made the “off the reservation” comment because she personally was “quite certain that there had not been demonstrations.” She explained:

I at no time during that evening thought that there had been a protest because I thought that if there had been a protest Ambassador Stevens would have told us, and so we would have known that there was a protest.<sup>98</sup>

However, the Libya Desk Officer stated that she had no involvement in preparing Ambassador Rice for the talk shows or developing the IC's talking points:

For the specific talking points that Ambassador Rice used on Sunday, I was not involved in the development of those talking points. ... I had no information about those talking points.<sup>99</sup>

The Committee also spoke with witnesses who expressed surprise or disagreement with Ambassador Rice's statements on the Sunday talk shows because they did not comport with their own personal beliefs about what had happened during the Benghazi attacks or because they disagreed with her word choice during the interviews. However, none of these witnesses provided any evidence that Ambassador Rice deliberately misled the American people on the Sunday talk shows. None had any personal knowledge about how Ambassador Rice prepared for those talk shows, and none knew she was relying on the Intelligence Community's talking points.

As described above, the former Director of the National Counterterrorism Center, Matt Olsen, told the Select Committee that he thought Ambassador Rice's demeanor and language on the shows suggested a degree of certainty that was more emphatic than the intelligence suggested, describing these as "small differences." Mr. Olsen had concurred with the CIA's talking points at the time and had not been involved in the preparations for Ambassador Rice's appearances on September 16, 2012. In addition, Director Olsen acknowledged that the facts Ambassador Rice conveyed were consistent with the intelligence assessments at the time.

In addition, the former head of the Defense Intelligence Agency, Lieutenant General Michael Flynn, who serves as an advisor to Republican presidential nominee Donald Trump, stated during his interview with the Select Committee that he was "surprised" with Ambassador Rice's statements on the Sunday shows and thought at the time, "wow, that's not the whole story."<sup>100</sup>

Lieutenant General Flynn was not concerned that "what she actually said was inaccurate." Instead, he suggested that it was an "error of omission" and that Ambassador Rice should have provided more information about the attacks. He had this exchange:

Q: And then just to be clear, so your concern with what she said was not that what she actually said was inaccurate, it was an error of omission of sorts?

A: Yeah. I mean, I think so. I think that's probably more correct.<sup>101</sup>

Specifically, Lieutenant General Flynn said Ambassador Rice should have explained that "there was elements of a terrorist organization associated with al-Qaida that were part of this, we know that we are—you know, [REDACTED]. So we know these things."<sup>102</sup>

During his interview with the Select Committee, Lieutenant General Flynn said he believed Ambassador Rice should have provided this additional context publicly because he believed it was not classified. However, the Intelligence Community determined that the

additional information he cited was in fact classified and redacted this portion of his interview transcript as a result.

## ENDNOTES

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- <sup>2</sup> *The O'Reilly Factor*, Fox News (May 8, 2013).
- <sup>3</sup> *Fox & Friends*, Fox News (Feb. 26, 2014).
- <sup>4</sup> House Permanent Select Committee on Intelligence, *Hearing on the Benghazi Talking Points and Michael J. Morell's Role in Shaping the Administration's Narrative*, 113th Cong. (Apr. 2, 2014) (online at [www.c-span.org/video/?318648-1/benghazi-obama-administration](http://www.c-span.org/video/?318648-1/benghazi-obama-administration)).
- <sup>5</sup> *Sunday Morning Futures*, Fox News (May 11, 2014).
- <sup>6</sup> Select Committee on Benghazi, *Hearing 4: Former Secretary of State Hillary Clinton* (Oct. 22, 2015).
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- <sup>9</sup> Email from Operations Center to State Department Officials, *Update 2: Ansar al-Sharia Claims Responsibility for Benghazi Attack* (Sept. 11, 2012) (C05272001-MOU).
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- <sup>12</sup> *Id.*
- <sup>13</sup> State Department, Press Statement from Secretary of State Hillary Rodham Clinton, *Statement on the Attack in Benghazi* (Sept. 11, 2012) (online at [www.state.gov/secretary/20092013clinton/rm/2012/09/197628.htm](http://www.state.gov/secretary/20092013clinton/rm/2012/09/197628.htm)) (emphasis added).
- <sup>14</sup> Select Committee on Benghazi, *Hearing 4: Former Secretary of State Hillary Clinton* (Oct. 22, 2015).
- <sup>15</sup> Select Committee on Benghazi, Interview of Jacob Sullivan (Sept. 5, 2015).
- <sup>16</sup> *Id.*
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- <sup>18</sup> *Id.*
- <sup>19</sup> House Committee on Oversight and Government Reform, Interview of Victoria Nuland (Aug. 28, 2013) (Ms. Nuland was not re-interviewed by the Select Committee).
- <sup>20</sup> *Id.*
- <sup>21</sup> *Id.*
- <sup>22</sup> *Id.*
- <sup>23</sup> Email from Secretary Clinton to Chelsea Clinton (Diane Reynolds), *Re: I'm In My Office* (Sept. 11, 2012) (STATE-SCB0078856-MOU).
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<sup>33</sup> House Permanent Select Committee on Intelligence, Written Statement of Michael Morell, Deputy Director of the CIA, *Hearing on the Benghazi Talking Points and Michael J. Morell's Role in Shaping the Administration's Narrative* (Apr. 2, 2014) (online at <https://intelligence.house.gov/sites/intelligence.house.gov/files/documents/MorellSFR04022014.pdf>).

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<sup>35</sup> *Id.*

<sup>36</sup> Secretary of State Hillary Rodham Clinton, *Remarks at the Transfer of Remains Ceremony to Honor Those Lost in Attacks in Benghazi, Libya* (Sept. 14, 2012) (online at [www.state.gov/secretary/20092013clinton/rm/2012/09/197780.htm](http://www.state.gov/secretary/20092013clinton/rm/2012/09/197780.htm)).

<sup>37</sup> Select Committee on Benghazi, *Hearing 4: Former Secretary of State Hillary Clinton* (Oct. 22, 2015).

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<sup>46</sup> House Committee on Government and Oversight Reform, *Hearing on The Security Failures of Benghazi*, 112th Cong. (Oct. 10, 2012) (online at [www.gpo.gov/fdsys/pkg/CHRG-112hhrg79871/pdf/CHRG-112hhrg79871.pdf](http://www.gpo.gov/fdsys/pkg/CHRG-112hhrg79871/pdf/CHRG-112hhrg79871.pdf)).

<sup>47</sup> Select Committee on Benghazi, Interview of Under Secretary for Management Patrick Kennedy (Feb. 3, 2016).

<sup>48</sup> Select Committee on Benghazi, Interview of Ambassador Susan Rice (Feb. 2, 2016).

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<sup>56</sup> *Id.*

<sup>57</sup> Senate Select Committee on Intelligence, *Review of the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012*, 113th Cong. (2014) (S. Report 113-134) (online at [www.congress.gov/113/crpt/srpt134/CRPT-113srpt134.pdf](http://www.congress.gov/113/crpt/srpt134/CRPT-113srpt134.pdf)).

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<sup>60</sup> *Id.*

<sup>61</sup> *This Week*, ABC News (Sept. 16, 2012) (online at <http://abcnews.go.com/Politics/week-transcript-us-ambassador-united-nations-susan-rice/story?id=17240933>).

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- <sup>70</sup> *State of the Union with Candy Crowley*, CNN (Sept. 16, 2012) (online at <http://transcripts.cnn.com/TRANSCRIPTS/120916/sotu.01.html>)
- <sup>71</sup> Select Committee on Benghazi, Interview of Ambassador Susan Rice (Feb. 2, 2016).
- <sup>72</sup> *Id.*
- <sup>73</sup> *Id.*
- <sup>74</sup> *Id.*
- <sup>75</sup> *Id.*
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- <sup>77</sup> *Id.*
- <sup>78</sup> *Id.*
- <sup>79</sup> Senate Committee on Foreign Relations, *Hearing on Nomination of John F. Kerry to be Secretary of State* (Jan. 24, 2013).
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- <sup>82</sup> *Id.*
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- <sup>86</sup> Select Committee on Benghazi, Interview of the Spokeswoman for the Permanent U.S. Ambassador to the United Nations (Feb. 11, 2016).
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- <sup>88</sup> *Id.*
- <sup>89</sup> Select Committee on Benghazi, Interview of Deputy to the U.S. Permanent Representative to the United Nations (Aug. 25, 2015).
- <sup>90</sup> Select Committee on Benghazi, Interview of National Security Council Assistant Press Secretary Bernadette Meehan (Dec. 18, 2015).
- <sup>91</sup> Two individuals, the Libya Desk Officer and the Bureau of Near Eastern Affairs Spokesperson, used the words “off the reservation,” while the NEA Communications Officer agreed, stating “Yup.” Email from Bureau of Near Eastern Affairs Communications Officer to State Department Officials, *RE: Libya PG* (Sept. 17, 2012) (C05580618).
- <sup>92</sup> Select Committee on Benghazi, *Hearing 4: Former Secretary of State Hillary Clinton* (Oct. 22, 2015).
- <sup>93</sup> Select Committee on Benghazi, Interview of Bureau of Near Eastern Affairs Communications Officer (July 29, 2015); Select Committee on Benghazi, Interview of Bureau of Near Eastern Affairs Spokesperson (Oct. 9, 2015).
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- <sup>95</sup> Email from Bureau of Near Eastern Affairs Communications Officer to State Department Officials, *RE: Libya PG* (Sept. 17, 2012) (C05580618).
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- <sup>97</sup> *Id.*
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<sup>100</sup> *Gen. Michael Flynn, Trump Military Adviser, Joins Drone Aviation*, Newsmax (May 4, 2016) (online at [www.newsmax.com/politics/general-flynn-trump-adviser/2016/05/04/id/727109/](http://www.newsmax.com/politics/general-flynn-trump-adviser/2016/05/04/id/727109/)). Select Committee on Benghazi, Interview of Lieutenant General Michael Flynn (Sept. 29, 2015).

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## SELECT COMMITTEE SQUANDERED MILLIONS OF DOLLARS IN A PARTISAN EFFORT TO ATTACK A PRESIDENTIAL CANDIDATE

As one of the longest and most partisan congressional investigations in history, the Select Committee's actions serve as a case study in how not to conduct a credible, legitimate investigation.

The Select Committee broke the promise it made to the American people—to address the attacks in Benghazi in a fair and balanced manner that would lead to improved security for Americans serving overseas.

The abuse of millions of dollars in taxpayer funds for partisan purposes—to influence a Presidential election—discredits the House of Representatives. It is a disservice to the American public, the men and women who serve our nation, and the families of those who were killed during the attacks.

In order to create a historical record for Congress to consult before establishing any future select committees, the abusive and improper conduct of Republicans on the Benghazi Select Committee is set forth in the examples below, from A to Z.

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## A. REPUBLICANS ADMITTED THAT THEIR PURPOSE IN ESTABLISHING THE SELECT COMMITTEE WAS TO ATTACK SECRETARY CLINTON’S CANDIDACY FOR PRESIDENT.

On September 29, 2015, Majority Leader Kevin McCarthy—the second highest-ranking Republican in the House of Representatives—boasted on *Fox News* that the purpose of the Select Committee was to damage Secretary Clinton’s presidential prospects by dragging down her poll numbers:

Everybody thought Hillary Clinton was unbeatable, right? But we put together a Benghazi special committee. A select committee. What are her numbers today? Her numbers are dropping. Why? Because she’s untrustable. But no one would have known that any of that had happened had we not fought to make that happen.<sup>1</sup>

Two weeks later, Republican House Member Richard Hanna admitted during an interview that House Republicans were spending millions of taxpayer dollars on a Select Committee “designed to go after” Secretary Clinton:

Kevin McCarthy basically blew himself up with that comment over the Benghazi Committee. Sometimes the biggest sin you can commit in D.C. is to tell the truth. This may not be politically correct, but I think that there was a big part of this investigation that was designed to go after people and an individual, Hillary Clinton. ... I think that’s the way Washington works. But you’d like to expect more from a committee that’s spent millions of dollars and tons of time.<sup>2</sup>

The same week, a self-described “conservative Republican,” Major Bradley Podliska, alleged that he was fired from Chairman Gowdy’s staff in part because he refused to go along with the Select Committee’s “hyper focus on Hillary Clinton.”<sup>3</sup> He reported that “non-partisan investigative work conflicted with the interests of the Republican leadership, who focused their investigation primarily on Secretary Clinton and her aides.”<sup>4</sup>

Major Podliska, who served as a military reservist, filed suit against the Committee claiming that he was fired for not going along with targeting Secretary Clinton and for fulfilling his statutorily-protected military service.<sup>5</sup> When the Committee asserted constitutional Speech or Debate Clause protection to rebut his first claim, he revised his complaint to leave only his claim about discrimination. He never withdrew his public allegation that he was fired in part for not going along with the Select Committee’s “hyper focus” on Secretary Clinton.<sup>6</sup>

Conservative commentators have acknowledged the politically motivated campaign against Secretary Clinton. For example, Bill O’Reilly of *Fox News* stated: “[I]f you think those

guys, those Republicans on that panel don't want to bring down Hillary Clinton, you're six-years-old. Because they do."<sup>7</sup>

The American public recognizes the political motivation underlying the Select Committee. A *CNN/ORC* poll released on October 22, 2015, found that 72% of Americans see the Select Committee as mostly using its investigative mission for political gain, and 49% of Republicans said the Select Committee is trying to score political points.<sup>8</sup>

## **B. REPUBLICANS TARGETED SECRETARY CLINTON FROM THE BEGINNING.**

On September 18, 2014, an anti-Clinton group known as Stop Hillary PAC delivered a petition with approximately 264,000 signatures urging Chairman Gowdy “to subpoena Hillary in order to uncover the truth about Benghazi and subsequent cover up by the then Secretary of State and President Barack Obama.”<sup>9</sup> The group describes itself as “created for one reason only—to ensure Hillary Clinton never becomes President of the United States.”<sup>10</sup>

The group ran a highly offensive campaign attack ad using an image of Ambassador Stevens’ grave without his family’s consent to exploit the deaths of the four Americans killed in Benghazi.<sup>11</sup>

The treasurer of Stop Hillary PAC previously served as the treasurer of Chairman Gowdy’s leadership PAC.<sup>12</sup>

One day after receiving the petitions, Chairman Gowdy identified Secretary Clinton as one of the first witnesses he wanted to testify before the Select Committee. Ultimately, he asked Ranking Member Cummings to contact Secretary Clinton on behalf of the Select Committee to secure a date for her testimony. Secretary Clinton immediately agreed to cooperate, indicating her willingness to testify as early as December 2014. Ranking Member Cummings informed Chairman Gowdy of this fact, and Secretary Clinton’s attorney confirmed her willingness to testify as early as December during a joint call with Republican and Democratic staff.<sup>13</sup>

Chairman Gowdy did not hold the hearing with Secretary Clinton until ten months later, when he called her to testify as the sole witness at the Select Committee’s fourth and final hearing on October 22, 2015.

## C. REPUBLICANS PROCEEDED WITH NO SELECT COMMITTEE RULES.

A week after the Select Committee was established, Chairman Gowdy predicted, “if we overplay our hand or if we engage in a process that is not fair according to the American people, we will be punished as we should be for that.”<sup>14</sup>

Select Committee Democrats sought to have Committee rules and a fair, bipartisan process from the outset. On May 21, 2014, Democratic appointees to the Select Committee held a press conference during which Ranking Member Cummings expressed his profound concern with draft rules proposed by then-Speaker John Boehner. He stated: “I also do not believe the Select Committee rules proposed by the Speaker are fair, open, or designed to conduct a neutral, reasoned, fact-based inquiry.”<sup>15</sup>

In expressing his concerns, Ranking Member Cummings described the previous abuses of Republicans investigating the attacks in Benghazi, including those on the Committee on Oversight and Government Reform:

They have issued unilateral subpoenas, they have made unsubstantiated accusations with no evidence to back them up, and they have released selective excerpts of documents and transcripts that distort the truth. They falsely accused Secretary of State of misleading Congress about reducing security in Benghazi—a claim the *Washington Post* Fact Checker gave Four Pinocchios.<sup>16</sup>

On November 24, 2014, Ranking Member Cummings spoke with Chairman Gowdy to express concerns regarding the increasingly partisan direction of the Select Committee’s investigation and to request the Committee adopt rules “to ensure that all Members—both Republicans and Democrats—are able to participate fully in this investigation.”<sup>17</sup>

In response, Chairman Gowdy told Ranking Member Cummings that he wanted to work together and asked for proposed rules that the Select Committee could consider.<sup>18</sup>

The next day, Ranking Member Cummings sent a letter to Chairman Gowdy along with a proposed rules package that was designed to “ensure a more transparent, fair, and bipartisan process that the American people deserve.” The proposal sought equal access to documents, fair selection of hearing witnesses, and bipartisan questioning of potential witnesses. The letter stated:

[T]o conduct the credible and bipartisan investigation that has been promised to the American people, we should pursue evidence together. Regardless of whether it supports allegations or disproves them, we should follow the bipartisan example of the House Intelligence Committee and share the complete truth with the public we serve.<sup>19</sup>

These basic rules would have allowed Democrats to meaningfully participate in all the Committee's investigative activities. However, Chairman Gowdy rejected these Democratic proposals.

Ultimately, Chairman Gowdy never adopted any rules for the Select Committee, including those proposed by Speaker Boehner, by Democrats, or by anyone else.

## **D. REPUBLICANS PROCEEDED WITH AN UNLIMITED TIMELINE AND BUDGET.**

The Select Committee was created by House Resolution 567 on May 8, 2014, without any time limit, target date for its report, or budget.<sup>20</sup> Nearly eight months after it was created, the Select Committee was reauthorized as part of a must-pass rules package for the 114th Congress on January 6, 2015.<sup>21</sup>

The Select Committee's extension was included in a bill that also required new Members to complete mandatory ethics training within 60 days and prohibited lobbyists who are former Members from using the Members' gym.<sup>22</sup> There was no meaningful opportunity to debate the provision to extend the Select Committee, nor was any update provided to House Members on the progress of the Select Committee. No Democratic Members of the House voted in favor of reauthorizing the Select Committee.<sup>23</sup>

On February 6, 2015, the Democratic Members of the Select Committee sent a letter to the Committee on House Administration expressing concern over the irregular and secretive funding process for the Select Committee. The letter stated:

After already spending more than eight months and nearly \$1.8 million on the Benghazi Select Committee, there should now be an opportunity to have a public debate about the amount of additional time and money this Congress plans to spend on its eighth investigation into the attacks in Benghazi. Since House Republicans reauthorized the Select Committee with yet another blank check, we ask that you include the Select Committee in your public hearings to discuss—in a transparent way—the expected costs to the American public and how Congress intends to pay for those costs.<sup>24</sup>

That request was never granted, and Republicans have continued to fund the Select Committee without any public debate or accountability. To date, the Select Committee has spent more than \$7 million in taxpayer funds over its more than two years.

## E. REPUBLICANS REFUSED TO DEFINE THE SCOPE OF THEIR INVESTIGATION OR IDENTIFY THE QUESTIONS THE SELECT COMMITTEE WAS TRYING TO ANSWER.

When the Select Committee was established, House Speaker John Boehner explained that a Select Committee was needed because “there are so many unanswered questions” about the attacks.<sup>25</sup>

However, seven prior congressional investigations and the independent Accountability Review Board (ARB) had already interviewed dozens of witnesses, reviewed tens of thousands of pages of documents, conducted numerous briefings, and held multiple hearings. These investigations resulted in nine classified and unclassified reports, and the Select Committee had access to their materials, including interview transcripts and thousands of pages of documents.<sup>26</sup>

In order to ensure that the Select Committee was efficient with its time and taxpayer funds, Democrats spent the first two months of this investigation reviewing these materials and then released a website on September 16, 2014, entitled *Benghazi on the Record*.

The website includes an interactive *Asked and Answered Database* of more than 200 questions and statements by Members of Congress that were addressed in previous investigative reports, interviews, and hearings. The database links to original sources, and is searchable by keyword, date, and Member of Congress.<sup>27</sup>

Democrats also released a 133-page *Compendium of Investigative Resources* that addressed each question in greater detail based on the wide range of existing investigative resources, including reports, interview transcripts, and hearing testimony.

As Ranking Member Cummings stated at the time:

My hope is that our efforts here—with *Benghazi on the Record*—will help the Select Committee define its scope. We need to make full use of all the extensive investigations that have come before us. We need to avoid duplication, conserve taxpayer dollars, and help improve the security of U.S. facilities and personnel around the world.<sup>28</sup>

On November 11, 2014, Chairman Gowdy appeared on *Fox News* and stated: “We have a very robust investigative plan that will kick off in December.”<sup>29</sup> However, as Ranking Member Cummings wrote in a December 2, 2014, letter to the Chairman, the Republican plan simply “revisited many questions that other congressional investigations have already answered.”<sup>30</sup>

On December 10, 2014, Democrats held a lengthy meeting with Chairman Gowdy prior to the Select Committee’s hearing on that day to discuss their concerns and the path forward. As a result of that meeting, Chairman Gowdy agreed to narrow the scope of the Select Committee’s

work and adopt official rules. Ranking Member Cummings noted this agreement during the hearing:

I appreciate you, Mr. Chairman, for our discussion where you have agreed—by the end of the year—to give us a scope as to exactly what we will be looking at. And hopefully we will be able to come to conclusions about what we agree on, so that we can focus on the things that we still need to investigate.<sup>31</sup>

On December 31, 2014, Republicans provided Democrats with their investigative plan to hold 11 hearings between January and October 2015 on a variety of topics relating to the Benghazi attacks.<sup>32</sup> However, that plan was never adopted by the Committee and was quickly abandoned by Republicans.

On January 26, 2015, Chairman Gowdy asserted that the *Benghazi on the Record* website “instantly prejudged facts that are not yet in evidence,” when it did exactly the opposite, compiling the evidence that had already been collected by the previous investigations and had become part of the Select Committee’s record through its authorizing resolution.<sup>33</sup> Chairman Gowdy refused to narrow the Select Committee’s scope in any way, explaining: “Given the gravity of the issues at hand, I am willing to risk answering the same question twice rather than not answering it once.”<sup>34</sup>

## F. REPUBLICANS ABANDONED THEIR OWN HEARING PLAN TO FOCUS ON SECRETARY CLINTON.

On December 31, 2014, Republicans provided Democrats with their plan to hold 11 hearings between January and October 2015 on a variety of topics relating to the Benghazi attacks.<sup>35</sup> The planned hearings included testimony not only from Secretary Clinton, but also from the Secretary of Defense and the Deputy Director of the CIA, as well as numerous other officials with information about the response to the attacks in Benghazi.

Month	Planned Republican Hearings for 2015
<b>January</b>	State Department eyewitnesses to the attacks to address the question of what happened in Benghazi
<b>February</b>	Non-State Department eyewitnesses to the attacks to address the question of what happened in Benghazi
	Status of document productions (if needed)
<b>March</b>	State Department witnesses to address the question of “Why were we in Libya?”
<b>April</b>	Former Defense Secretary Robert Gates and Secretary Leon Panetta as witnesses to address the question of “Why were we in Libya?”

<b>May</b>	Secretary Clinton as the witness to address the question of “How did we respond?”
	Potential hearing with Raymond Maxwell
<b>June</b>	Former Deputy Director of the CIA Michael Morrell as the witness to address intelligence matters related to Libya, specifically about what was said after the attacks
<b>July</b>	Former U.N. Ambassador Susan Rice as the witness to address the motivation of the attackers, as well as what was said after the attacks
<b>September</b>	The State Department’s implementation of the ARB recommendations, which would be a final hearing to address what has been fixed since the attacks
<b>October</b>	To address oversight recommendations, specifically to examine what should be fixed in the future

Instead of following through on this plan, Chairman Gowdy abandoned it after the *New York Times* published a report about Secretary Clinton’s emails in early March 2015. Over the following nine months, 22 of the 27 press releases appearing on the Select Committee’s Majority webpage focused on Secretary Clinton.

As a result, during its more than two years, the Select Committee held a total of four hearings, with two coming at the request of Democrats:

- (1) September 2014 hearing on ARB recommendations (suggested by Democrats);
- (2) December 2014 hearing on securing U.S. diplomatic facilities and personnel (suggested by Democrats);
- (3) January 2015 hearing on outstanding document requests; and
- (4) October 2015 hearing with Secretary Clinton.

The Select Committee has failed to hold a single public hearing in the eight months since its October 22, 2015 hearing with Secretary Clinton.

## **G. REPUBLICANS EXCLUDED DEMOCRATS FROM INTERVIEWS AND CONCEALED EXCULPATORY EVIDENCE.**

On November 24, 2014, Ranking Member Cummings wrote to Chairman Gowdy to express concern that the Select Committee was not living up to the pledges of the Chairman and then-House Speaker Boehner to run the investigation in a transparent and bipartisan manner that the American people could be proud of. He wrote:

Democratic Members and staff have now been excluded from at least five witness interviews that I am aware of, and the significance of these interviews was downplayed after a key witness failed to corroborate allegations we are investigating.<sup>36</sup>

On September 15, 2014, an article in *The Daily Signal* reported that Raymond Maxwell, the former Deputy Assistant Secretary of State for Maghreb Affairs, had come forward with “a startling allegation.”<sup>37</sup> Specifically, the report claimed that “Hillary Clinton confidants were part of an operation to ‘separate’ damaging documents before they were turned over to the Accountability Review Board.”<sup>38</sup> The article identified the confidants as Chief of Staff Cheryl Mills and Deputy Chief of Staff Jacob Sullivan.<sup>39</sup>

According to this account, employees were instructed to review documents and “pull out anything” that might put senior officials “in a bad light.” The article also stated that Mr. Maxwell said that he “couldn’t help but wonder if the ARB—perhaps unknowingly—had received from his bureau a scrubbed set of documents with the most damaging material missing.”<sup>40</sup>

The report also described an incident in which Ms. Mills and Mr. Sullivan allegedly checked in on the operation and came into contact with Mr. Maxwell:

“When Cheryl saw me, she snapped, ‘Who are you?’” Maxwell says. “Jake explained, ‘That’s Ray Maxwell, an NEA deputy assistant secretary.’ She conceded, ‘Well, OK.’”<sup>41</sup>

Several conservative press outlets immediately seized on *The Daily Signal*’s report to claim that former aides to Secretary Clinton ordered the destruction of documents to prevent Congress and the ARB from ever seeing them.<sup>42</sup>

On October 17, 2014, Chairman Gowdy was interviewed on *Fox News* by Greta Van Susteren, who asked if he believed Mr. Maxwell’s allegation that “documents were tossed out.” In response, the Chairman stated:

What you would do is what I’m going to do Greta, and that is, give Mr. Maxwell an opportunity to say what he perceived to happen and he’s going to have to give us the names of the other people who were involved and then we’re going to give them an opportunity to say whether or not they have a different perspective. It’s going to be an investigation. And if there is a dispute as to what happened then we’ll let your audience decide who has more credibility.<sup>43</sup>

At the time Chairman Gowdy made this statement, however, his staff had already interviewed Mr. Maxwell without including, inviting, or even notifying Democratic Members or staff. Mr. Maxwell apparently identified for Republican staff a second witness that he claimed was present during this document review at the State Department. Mr. Maxwell identified this person as someone who could corroborate his allegations and someone he believed to be credible.

Then, on October 16—one day before Chairman Gowdy appeared on *Fox News*—his staff interviewed this second witness, again without including Democrats. However, this second witness did not substantiate Mr. Maxwell’s claims. To the contrary, he did not recall ever having been in the document review session Mr. Maxwell described, he said he was never instructed to flag information in documents that might be unfavorable to the Department, and he testified that he never engaged in or was aware of any destruction of documents.

Democrats did not discover any of this information from Chairman Gowdy or his staff, but from the witnesses themselves. When Democratic staff inquired with Republican staff about what they learned from the witness identified by Mr. Maxwell, they stated that the witness did work at the State Department during this period. Beyond that, however, they reported: “We learned nothing else of note in our discussion, so we don’t plan to conduct any additional follow up.”<sup>44</sup>

Ranking Member Cummings explained his concerns with that approach:

I am sure you understand—as a former prosecutor—that evaluating the credibility of witnesses and their allegations depends on whether the information they provide can be corroborated. Although your staff stated that they learned nothing “of note,” in fact they learned that this claim was not substantiated by a key witness. If our goal is the truth and not a preconceived political narrative, these interviews should have been conducted jointly, with both Democrats and Republicans present.<sup>45</sup>

Ranking Member Cummings requested that “the Committee hold a vote in December to adopt Committee rules to ensure that all Members—both Republicans and Democrats—are able to participate fully in this investigation, including in witness meetings and interviews.”<sup>46</sup> He also suggested that the Select Committee follow the bipartisan example of the House Permanent Select Committee on Intelligence (HPSCI), pursuing evidence together and sharing the complete truth with the American public when that evidence disproves allegations.

Not only did the Select Committee fail to vote on rules in December 2014, but they continued to investigate those claims that had already been repeatedly debunked, such as the allegation that U.S. had been using the facilities in Benghazi to illegally transfer weapons from Libya to Syria. On January 23, 2015, Ranking Member Cummings expressed concern again about this practice:

I have recently learned that you have chosen to disregard the statements of someone who has firsthand information relevant to allegations that you continue to investigate and discuss publicly. Among other things, she has confirmed—based on her expertise and personal experience in Benghazi in the time period immediately before the attacks—that there was no illegal transfer of weapons from Libya to Syria. In fact, she said that the bipartisan report of the House Permanent Select Committee on Intelligence (HPSCI) should have been stronger in its language making this point. In its report, HPSCI concluded that “eyewitness testimony and thousands of pages of CIA cables and emails that the Committee reviewed provide no support for this allegation.” Instead of crediting her testimony to help put this previously

investigated and debunked allegation to rest, you followed up your private, Republican-only interview of this witness by requesting a broad set of documents from the State Department on this debunked allegation.<sup>47</sup>

This one-sided process—in which Republicans selectively informed Democrats of witness interviews only after-the-fact and when they deemed appropriate—impaired the efforts of Committee Members seeking the truth.

## H. REPUBLICANS SELECTIVELY RELEASED SIDNEY BLUMENTHAL’S EMAILS AFTER PROCLAIMING THAT “SERIOUS INVESTIGATIONS” DO NOT MAKE SELECTIVE RELEASES.

In May 2015, Chairman Gowdy issued an interim report of the Select Committee’s work, asserting that “serious investigations do not leak information or make selective releases of information without full and proper context.”<sup>48</sup>

Yet, on June 22, 2015, Chairman Gowdy took the highly unusual step of publicly releasing emails the Select Committee obtained from Sidney Blumenthal relating to his interactions with Secretary Clinton.<sup>49</sup> There was no Committee debate or vote on the decision to release these materials. Because this was the Committee’s only official release of any emails during its entire tenure, the release appeared to target Secretary Clinton for political reasons.

Four days earlier, on June 18, 2015, *Politico* ran a front-page story entitled, “Benghazi Panel Probes Sidney Blumenthal’s Work for David Brock.” A Member of the Select Committee, a staffer on the Select Committee, or someone who had been given access to the Select Committee’s documents, inaccurately described Mr. Blumenthal’s email exchanges with Secretary Clinton.

The source for this story appeared to be attempting to support a political attack that many Republicans had been making against Secretary Clinton, Mr. Blumenthal, Media Matters, and the White House. Unfortunately, the *Politico* reporter apparently relied only on “a source who has reviewed the email exchange” when she reported the following:

While still secretary of state, Clinton emailed back and forth with Blumenthal about efforts by one of the groups, Media Matters, to neutralize criticism of her handling of the deadly assault on the U.S. consulate in Benghazi, Libya, sources tell POLITICO.

“Got all this done. ... Complete refutation on Libya smear,” Blumenthal wrote to Clinton in an Oct. 10, 2012, email into which he had pasted links to four Media Matters posts criticizing Fox News and Republicans for politicizing the Benghazi attacks and challenging claims of lax security around the U.S.

diplomatic compound in Benghazi, according to a source who has reviewed the email exchange. Blumenthal signed off the email to Clinton by suggesting that one of her top aides, Philippe Reines, “can circulate these links,” according to the source. Clinton responded: “Thanks, I’m pushing to WH,” according to the source.

The emails were not included in documents originally turned over by the State Department.<sup>50</sup>

The release of the emails quoted in the story demonstrated the following inaccurate leaks:

- First, the source claimed that Secretary Clinton wrote “Thanks, I’m pushing to WH” in response to an email from Mr. Blumenthal on October 10. In fact, she did not make that statement in response to that email. Secretary Clinton was responding to a completely different email more than a week earlier, on October 1.
- Second, the source claimed that Secretary Clinton was responding to a suggestion from Mr. Blumenthal that Philippe Reines circulate links to four Media Matters articles that refuted the way the “right-wing media” was covering Republican statements about the Benghazi attacks. In fact, Secretary Clinton was responding to an email from Mr. Blumenthal forwarding an article from *Salon.com* reporting that Republicans were planning to claim inaccurately during the presidential debates that the White House had advance knowledge about the Benghazi attacks and failed to act on it. The article included no reference to Mr. Reines at all.
- Third, the source claimed that the email from Secretary Clinton with the remark, “Thanks, I’m pushing to WH” was not turned over by the State Department. In fact, that email was turned over to the Select Committee by the State Department on February 13, 2015, marked with Bates number STATE-SCB0045548-SCB0045550. At the time the *Politico* article was published, the Select Committee had had that email for four months.<sup>51</sup>

The source apparently took an email that was produced to the Select Committee in February, isolated Secretary Clinton’s statement about the White House, removed it from the original email exchange about the presidential debates, and then added it to a different email exchange involving Media Matters. The source then apparently misrepresented that the State Department had withheld this new hybrid document from the Select Committee.

It appears that this source fed *Politico* an inaccurate characterization of these emails and that *Politico* accepted this mischaracterization without obtaining the emails themselves. *Politico* was forced to correct its front-page story.<sup>52</sup>

Democrats raised concerns about these anonymous, inaccurate leaks, but Chairman Gowdy refused to investigate or condemn them.<sup>53</sup> Democrats also objected to the selective release of Mr. Blumenthal’s emails because Republicans refused to release the transcript of his deposition at the same time, as described below.

## I. REPUBLICANS SUBPOENAED SIDNEY BLUMENTHAL TO CONDUCT POLITICAL OPPOSITION RESEARCH THAT HAS NOTHING TO DO WITH THE ATTACKS IN BENGHAZI.

Sidney Blumenthal has been a friend and informal aide to President Bill Clinton and Secretary Clinton for more than 20 years and served in the White House from 1997-2001.<sup>54</sup> Chairman Gowdy acknowledged that Committee Republicans “never expected” Mr. Blumenthal to provide information about the attacks in Benghazi. He wrote:

The Committee never expected Witness Blumenthal to be able to answer questions about the attacks in Benghazi, Libya since Witness Blumenthal was (1) not in Libya at the time of the attacks, (2) has never been to Libya, (3) did not collect any of the data passed on to Secretary of State Clinton, (4) did not evaluate the reliability or accuracy of any information he passed on to Secretary Clinton and (5) was dealing with information gatherers who may have had a financial interest in Libya.<sup>55</sup>

Despite these facts, Chairman Gowdy issued a subpoena on May 19, 2015, to compel Mr. Blumenthal to appear before the Select Committee for a deposition. He issued this subpoena unilaterally—without any debate or vote by Select Committee Members—and he sent two armed U.S. Marshals to serve this subpoena on Mr. Blumenthal’s wife without ever sending him a letter requesting that he participate in a voluntary interview, which he would have accepted.<sup>56</sup>

Chairman Gowdy also took this action just weeks after claiming he would not subpoena a cooperative witness, stating: “[I]t just seems a little heavy-handed, to slap a subpoena on a former cabinet-level official, regardless of which party. If they are willing to come, then work with them on the date.”<sup>57</sup>

During Mr. Blumenthal’s deposition on June 16, 2015, Republicans spent nearly nine hours asking hundreds of questions completely unrelated to the attacks in Benghazi. These included more than 270 questions about Mr. Blumenthal’s alleged business activities in Libya, 160 questions about Mr. Blumenthal’s relationship and communications with Secretary Clinton, more than 50 questions about the Clinton Foundation, and 45 questions on Media Matters, its founder David Brock, and affiliated entities.<sup>58</sup>

By contrast, Republicans asked fewer than 20 questions about the Benghazi attacks, four questions on security in Benghazi, and no questions at all on the Benghazi Special Mission, Ambassador Stevens, or other personnel in Benghazi.<sup>59</sup>

Since Republicans conducted Mr. Blumenthal’s interview as a deposition, House Rules allowed Republicans to block the release of his transcript. Republicans refused multiple requests by Democrats to release Mr. Blumenthal’s deposition transcript to allow the public to see how they asked questions that were completely unrelated to Benghazi, but that were designed to attack Secretary Clinton for political reasons.

After more than 100 days of ignoring Democratic calls to release Mr. Blumenthal's transcript, Democratic Members forced a vote on the release of the full transcript at the October 22, 2015 hearing with Secretary Clinton, and Republicans officially voted to block its public release.<sup>60</sup>

If released, the transcript would show that Republicans asked Mr. Blumenthal questions about his relationship with Media Matters, David Brock, and Correct the Record:\*

[REDACTED]

---

\* [redacted due to Chairman Gowdy's refusal to allow release of transcript].



[REDACTED]

[REDACTED] 61

Republican Select Committee Member Mike Pompeo had the following exchange about Correct the Record:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 62\*

**J. REPUBLICANS BLOCKED THE RELEASE OF SIDNEY BLUMENTHAL’S DEPOSITION TRANSCRIPT SHOWING NUMEROUS QUESTIONS ABOUT THE CLINTON FOUNDATION.**

On October 18, 2015, Chairman Gowdy appeared on CBS’ *Face the Nation* and stated that he had “zero interest” in the Clinton Foundation and other topics related to Secretary Clinton. He stated:

There are other folks who may have equities in her e-mails and there may be other entities who are evaluating her e-mails. But my interest in them is solely

\_\_\_\_\_

\* [redacted due to Chairman Gowdy’s refusal to allow release of transcript].





[REDACTED]

Republican Select Committee Member Peter Roskam also asked about the Clinton Foundation:

[REDACTED]

\* [redacted due to Chairman Gowdy’s refusal to allow release of transcript].

[REDACTED]

66\*

\* [redacted due to Chairman Gowdy's refusal to allow release of transcript].

## **K. REPUBLICANS LEAKED INACCURATE INFORMATION ABOUT CHERYL MILLS' INTERVIEW, FORCING DEMOCRATS TO RELEASE HER TRANSCRIPT TO CORRECT THE PUBLIC RECORD.**

Shortly after former Secretary Clinton's Chief of Staff Cheryl Mills completed her interview with the Select Committee on September 3, 2015, Republicans began leaking inaccurate information about the interview.

On the same day as the interview, *Politico* published an article on the front page of its website entitled, "What Cheryl Mills Told Benghazi Investigators." The report relied on multiple "GOP" and "Republican" sources and claimed that "one of the biggest surprises" was that Ms. Mills "reviewed and made suggestions for changes" to the Accountability Review Board (ARB) report. According to "a separate, GOP source," this purportedly new finding was "raising alarms on the right" and "call[s] into question the 'independence'" of the ARB's conclusions.<sup>67</sup>

Republican Select Committee Member Jim Jordan echoed these inaccurate allegations, claiming that Ms. Mills "controlled the entire ARB process."<sup>68</sup>

This accusation had already been debunked two years earlier. Ambassador Thomas Pickering, the Chairman of the ARB who served with distinction under six Republican and Democratic Presidents, testified before the House Committee on Oversight and Government Reform that "while the ARB considered some of Ms. Mills' thoughts about the report, neither Secretary Clinton nor Ms. Mills tried to influence the outcome of the ARB's findings in any way and had no editing rights." He explained that the ARB provided a draft of its report to the Secretary's office to ensure "the accuracy and the focus of our recommendations" before they were released.<sup>69</sup>

On this point, the State Department Inspector General issued a report in September 2014 concluding:

ARB members were conscious of the need to protect their impartiality by limiting their contact with senior managers of the Department during the process. Former members unanimously told OIG team that they encountered no attempts to impede, influence, or interfere with their work at any time or on any level.<sup>70</sup>

Ms. Mills corroborated Ambassador Pickering's testimony and the Inspector General's conclusions during her interview with the Select Committee:

Q: Did you ever, in that process, attempt to exert influence over the direction of the ARB's investigation?

A: No.

Q: Did you ever try to—did Secretary Clinton ever try to exert influence over the direction of their investigation?

A: No.<sup>71</sup>

Ms. Mills explained that Secretary Clinton’s objective was to select ARB members “who could give hard medicine if that was what was needed.” She added that the team “would speak whatever were their truths or observations to the Department so that we could learn whatever lessons we needed to learn.”<sup>72</sup>

The same September 3, 2015 *Politico* story also inaccurately suggested that Ms. Mills questioned the accuracy of Ambassador Susan Rice’s public statements on the Sunday talk shows after the attacks in Benghazi. The article stated: “according to a separate Republican source, she said she didn’t know why Rice went on TV to make such claims.”<sup>73</sup>

During her interview, Ms. Mills made clear that she never questioned the accuracy of Ambassador Rice’s statements. Instead, she explained that she did not participate in Ambassador Rice’s preparation for the interviews:

I don’t know the answer to that question. I know that she had received preparation materials and points, and I’m assuming that that’s how she relied on them and she relied on them to relate what she related on the program. But I don’t know, because I didn’t participate in her prep or in the materials for her prep.<sup>74</sup>

In order to correct the public record after these selective and inaccurate leaks, the Democratic Members of the Select Committee released the full transcript of the interview of Ms. Mills on October 21, 2015.<sup>75</sup> Democrats explained:

We do not take this action lightly. We have held off on taking such action for more than a year, but we will no longer sit and watch selective, out-of-context leaks continue to mischaracterize the testimony the Select Committee has received.<sup>76</sup>

## **L. REPUBLICANS BEGAN WITHHOLDING INTERVIEW TRANSCRIPTS IN VIOLATION OF HOUSE RULES TO RETALIATE AGAINST DEMOCRATIC EFFORTS TO CORRECT THE PUBLIC RECORD.**

In apparent retaliation for Democrats’ decision to release the full transcript of the Select Committee’s interview of Cheryl Mills to correct the public record, Republicans began withholding copies of Committee interview transcripts from Democratic Members and staff in

February 2016. This retaliation violated House Rules and made it exceedingly difficult for Democrats to use those transcripts in this report.

House Rules require that Democratic Members and staff “shall be accorded equitable treatment with respect to ... the accessibility of committee records.”<sup>77</sup> Prior to February, the Select Committee had followed the agreed-upon practice—which is also the practice in other committees where transcribed interviews are conducted—for House stenographers to deliver duplicate copies of transcripts to the Republican offices, and for the Republican staff to forward Democrats their copy.

In February, Republican staff began restricting access of Democratic staff to reviewing only paper copies of the transcripts, during designated times determined by Republican staff, and often in Republican’s office space with Republican staff monitoring them. However, Republicans did not impose the same restrictions on their own staff, who had access to electronic copies of the transcripts at any time at their computers.

Republicans’ refusal to provide Democrats with copies of these transcripts impaired Democrats’ ability to conduct their work, including preparing the Democratic Views to the Select Committee’s final report.

Republican staff repeatedly denied Democratic staff requests to review transcripts at times requested by Democratic staff. In those instances when Democratic staff members were permitted to review transcripts, they were forced to copy, sometimes by hand, notes and quotations from the transcripts. This process was tedious, time consuming, and a waste of taxpayer resources.

In a March 16, 2016, letter, Chairman Gowdy explained that he was withholding those interview transcripts from Democrats because he feared that Democrats might release more of them in response to his own unilateral releases. He wrote: “Committee transcripts will not leave the Majority’s control due to the Minority’s stated intention to release them at will.”<sup>78</sup>

Some of these transcripts being withheld refute Republican narratives or counter accusations against key administration officials.

For example, Republicans have withheld a copy of the transcript of the Committee’s interview with former CIA Director Petraeus during which he told the Committee that to this day, he is still unable to determine definitively whether a protest preceded the attacks in Benghazi. He stated:

And to be perfectly candid with you, I’m still not absolutely certain what absolutely took place, whether it was a mix of people that are demonstrating with attackers in there, whether this is an organized demonstration to launch an attack, whether—because you’ll recall, there’s a lot of SIGINT [signal intelligence] that we uncovered that very clearly seemed to indicate that there was a protest and it grew out of the protest.<sup>79</sup>

He also explained:

And there is a video of what took place. And they are just basically milling around out there. So if this is an attack, you know, maybe they rehearsed it to look like a protest, but maybe it was actually a mix. And so, again, I'm still not completely set in my own mind of what—and to be candid with you, I am not sure that the amount of scrutiny spent on this has been in the least bit worth it.<sup>80</sup>

Republicans also withheld a copy of the transcript of the Committee's interview with Ambassador Rice's former spokeswoman with the U.S. delegation to the United Nations, who played a key role in preparing Ambassador Rice for the Sunday shows and staffed her at those shows. That staffer corroborated Ambassador Rice's testimony to the Select Committee, and refuted Republican allegations that Ambassador Rice or others tried to lie or mislead the American public about the attacks. In that withheld transcript, she explained:

Q: Were you at all involved in any plan to deliberately cause Ambassador Rice to misrepresent the facts to the American people for political purposes on the Sunday morning talk shows following the attacks?

A: I was not....

Q: What's your response to this general allegation or these set of allegations that I've just enumerated with respect to that there was intentionally misleading by the Ambassador or others working for her to deliberately mislead the American people, if you have any response?

A: It's frustrating. And I think those of us who give our lives to public service expect more. And I also think it does a disservice to our colleagues whose lives were lost to perpetuate conspiracy theories.<sup>81</sup>

Republicans also withheld a copy of the transcript of the interview of Raymond Maxwell, the former Deputy Assistant Secretary of State for Maghreb Affairs, who had alleged in the press that Secretary Clinton's confidants directed an operation to "scrub" damaging documents before they were turned over to the ARB. In that interview, Mr. Maxwell admitted that he had no firsthand evidence that anybody had actually removed, scrubbed, or destroyed any documents.<sup>82</sup> During that interview, Mr. Maxwell was asked about the fact that he had previously claimed to the Select Committee that another individual, whom he thought was an "intern," could corroborate his allegations, but that when contacted, the other individual said that he could not. When asked about this discrepancy, Mr. Maxwell explained that perhaps he had been mistaken about who was there, including the gender of that individual:

A: I thought it was [the original individual he named], but it may have been that woman who was also an intern. I remember—I recall an intern being there with [the Deputy Office Director]. And over time, memory fades.

Q: So you're not sure as you sit here today whether it was a male or female who was the intern?

A: If it wasn't [the original individual he named], it would've been a female. And I don't remember her name.<sup>83</sup>

Preserving Republicans' ability to unilaterally release selective information while trying to muzzle those who disagree with them is an abuse of the authority of the Select Committee, a violation of House Rules, and a distortion of the search for truth.

## **M. REPUBLICANS INACCURATELY ACCUSED SECRETARY CLINTON OF COMPROMISING A COVERT CIA SOURCE.**

On October 7, 2015, shortly after the public firestorm caused by Republican Majority Leader Kevin McCarthy's stark admission that Republicans were using millions of taxpayer dollars to damage Secretary Clinton's bid for President, Chairman Gowdy made an extremely serious allegation that Secretary Clinton endangered a CIA source by forwarding an email that contained this individual's name. He claimed:

This information, the name of a human source, is some of the most protected information in our intelligence community, the release of which could jeopardize not only national security but human lives. Armed with that information, Secretary Clinton forwarded the email to a colleague-debunking her claim that she never sent any classified information from her private email address.<sup>84</sup>

For dramatic emphasis, Chairman Gowdy added his own redaction over the name of the individual and inserted the words, "redacted due to sources and methods."

In fact, there was no classified information in question. The CIA confirmed this with both Republican and Democratic Select Committee staff:

[T]he State Department consulted with the CIA on this production, the CIA reviewed these documents, and the CIA made no redactions to protect classified information.<sup>85</sup>

The State Department also explained that the agency had redacted the individual's name in other instances to protect the individual's privacy, not for national security reasons.<sup>86</sup>

Although Chairman Gowdy continued to insist the name was sensitive enough to be considered a security breach, his staff accidentally revealed the name by posting an unredacted copy of the document on the Select Committee's website.<sup>87</sup>

## **N. REPUBLICANS HELD AN 11-HOUR HEARING WITH SECRETARY CLINTON THAT WAS WIDELY CONDEMNED EVEN BY CONSERVATIVE COMMENTATORS.**

The culmination of Republican efforts to target Secretary Clinton was the 11-hour hearing the Select Committee held with her on October 22, 2015. Despite three full rounds of extended questioning by all 12 Select Committee Members, the only clear takeaway from the hearing was the Republicans' partisan zeal to harm Secretary Clinton politically, rather than a neutral and dispassionate effort to obtain the facts.

Chairman Gowdy invited only Secretary Clinton to testify at the hearing, despite the fact that the Defense Department and the Intelligence Community also played key roles in the response to the attacks, and despite the fact that his own hearing plan called for public testimony from those agencies. As Ranking Member Cummings pointed out during the hearing:

Since January, Republicans have canceled every single hearing on our schedule for the entire year—except for this one with Secretary Clinton. They also canceled numerous interviews that they had planned with Defense Department and CIA officials.

Instead of doing what they said they were going to do, Republicans zeroed in on Secretary Clinton, her speechwriters, her IT staffers, and her campaign officials. This is what Republicans did—not Democrats. ...

Madam Secretary, you are sitting here by yourself. The Secretary of Defense is not on your left, and the Director of the CIA is not on your right. That's because Republicans abandoned their own plans to question those top officials.

During the hearing, Chairman Gowdy devoted an entire line of questioning to Sidney Blumenthal and his name was invoked more than 45 times by Republican Select Committee Members.<sup>88</sup>

The Select Committee's hearing with Secretary Clinton was widely condemned, even by many Republicans.

Presumptive Republican presidential nominee Donald Trump called the hearing a "total disaster" that "was not good for Republicans and for the country." He also tweeted: "Face it, Trey Gowdy failed miserably on Benghazi." He then referred to the Chairman as "Benghazi loser Gowdy."<sup>89</sup>

Conservative commentator Ann Coulter called the investigation a "big fat flop" and conservative columnist Charles Krauthammer asked, "[h]ow could the Republicans have blown it so badly?"<sup>90</sup>

Conservative blogger Erick Erickson of *RedState.com* called the hearing a “carnival road show” and a “waste of time because everything about it is politicized and nothing is going to happen. There will be no scalp collection.”<sup>91</sup>

Former Republican Congressman Joe Scarborough called the hearing “a very bad day for Trey Gowdy and the Republicans.”<sup>92</sup>

Conservative columnist Stephen Hayes of *The Weekly Standard* expressed admiration for Secretary Clinton in the face of Republican attacks:

And it must be said: She was impressive. Clinton was unflappable even as some Republicans on the panel took gratuitous shots at her, spun personal theories about her motives, and even questioned whether she cared about the fate of the survivors of the attacks.<sup>93</sup>

Following the hearing, the *New York Times* Editorial Board described the Select Committee’s investigation as a “wasteful and counterproductive exercise that accomplished nothing.”<sup>94</sup>

The *Washington Post* Editorial Board called the hearing “unfortunate,” arguing that the Select Committee had “further discredited itself . . . as its Republican members attempted to fuel largely insubstantial suspicions about Hillary Clinton’s role in the 2012 Benghazi attacks.”<sup>95</sup>

*CNN* reported that it “did not appear to include any major new revelations on what happened in Benghazi or Washington on the night of the attack,” but instead highlighted “the extent to which partisanship has shaped the investigation.”<sup>96</sup>

When asked by a reporter after the hearing about what new information the hearing had uncovered, Chairman Gowdy was unable to point to any new information that came to light:

I think some of Jimmy Jordan’s questioning—well, when you say new today, we knew some of that already. We knew about the emails. In terms of her testimony? I don’t know that she testified that much differently today than she has the previous time she testified.<sup>97</sup>

Within 24 hours of receiving some of this withering criticism—but 533 days after the Committee was established—Chairman Gowdy finally invited former Secretary of Defense Leon Panetta and former CIA Director David Petraeus to appear before the Committee in private, closed-door interviews.<sup>98</sup>

## O. REPUBLICANS INACCURATELY INFLATED THEIR INTERVIEW NUMBERS TO COUNTER CRITICISM OF THEIR GLACIAL PACE.

On October 7, 2015, Chairman Gowdy claimed in a letter that the Select Committee “interviewed over 50 witnesses to date who have never before been interviewed.”<sup>99</sup> He also claimed on MSNBC’s *Morning Joe* that the Select Committee had spoken to seven new eyewitnesses.<sup>100</sup>

The *Washington Post* Fact Checker awarded these claims “Two Pinocchios,” concluding:

The numbers game is important to Republicans because they use the figure to justify how the Select Committee is necessary and breaking new ground. But there is a bit less here than meets the eye, especially if the interviews already conducted by the ARB are included. ... there’s little reason to hype the numbers and better to remain as precise as possible.<sup>101</sup>

The Fact Checker reported that a Select Committee spokesperson admitted that the 50-never-before-interviewed figure was a “staff error” and that the numbers Chairman Gowdy used on national television were “also a misstatement.”<sup>102</sup>

The Select Committee ultimately interviewed more than 100 witnesses, but almost half of those witnesses had been previously interviewed by Congress or the ARB. Some of those witnesses, such as General Carter Ham, had been interviewed several times previously by other congressional committees. Those “new” interviews included interviews that other inquiries surrounding the Benghazi attacks never sought, such as the interviews of Sidney Blumenthal, three information technology or records staff related to Secretary Clinton’s emails, and two of Secretary Clinton’s speechwriters. The Select Committee’s glacial pace stands in sharp contrast to the investigation conducted by the ARB, which interviewed more than 100 witnesses and completed its report in less than three months.<sup>103</sup>

## P. REPUBLICANS INACCURATELY CLAIMED THE STATE DEPARTMENT HAD NOT PROVIDED A SINGLE “SCRAP” OF PAPER.

On May 14, 2015, Chairman Gowdy wrote a letter to Secretary of State John Kerry, claiming that the “only thing standing between the Committee and the former Secretary being able to discuss her tenure as Secretary of State as it relates to Libya and Benghazi is the Department of State’s failure, in more than half a year, to produce a single, solitary email responsive to our request and subpoena.”<sup>104</sup>

The following day, on May 15, 2015, Chairman Gowdy appeared on *Fox News* to argue that the State Department was intentionally obstructing the Select Committee’s investigation:

It is a conscious decision not to cooperate with a legitimate congressional inquiry... I don’t want the drama. I want the documents. They’ve had half a year and I have not gotten a single, solitary scrap of paper.<sup>105</sup>

On May 21, 2015, PolitiFact rated Chairman Gowdy’s claim “Mostly False” after noting that the Select Committee’s own interim report in 2015 stated that the State Department provided 850 pages of documents months earlier:

The House Benghazi Committee’s own report notes that in response to a November 2014 request for emails from Clinton and her top aides, the State Department has produced 850 pages of Clinton’s emails.<sup>106</sup>

PolitiFact also noted that the State Department “argues that Clinton’s emails were top priority, that many of the staffers’ emails have been provided in previous document requests, and that their response time is limited by department resources.”<sup>107</sup>

In fact, the State Department had, at that time, also produced documents in response to the January subpoena for the ARB’s records, which also contained emails and documents identified in the Committee’s March 4, 2015 subpoena.<sup>108</sup>

In light of these facts, Ranking Member Cummings released the following statement:

Republicans are on a fishing expedition for anything they can use against Secretary Clinton in her presidential campaign, and every time they come back empty-handed, they extend their trip at taxpayer expense. The Committee has had Secretary Clinton’s emails for months. This new claim that the Department has not produced a single responsive document is completely baseless and appears to be yet another excuse to drag out Secretary Clinton’s testimony until closer to the election.<sup>109</sup>

## **Q. REPUBLICANS INACCURATELY CLAIMED THAT NO OTHER COMMITTEE HAD EVER RECEIVED AMBASSADOR STEVENS’ EMAILS.**

In October 2015, Republican Select Committee Members repeatedly made the inaccurate claim that no congressional committees had ever received the emails of Ambassador Christopher Stevens.

Appearing on *Face the Nation*, Chairman Gowdy claimed, “none of the seven previous committees bothered to access the emails of our Ambassador.”<sup>110</sup> Republican Select Committee Member Rep. Pompeo appeared on *Meet the Press* the same day and stated: “How on earth

could any of the other committees have completed their work properly without access to the senior person on the ground's emails?"<sup>111</sup> A few days later, Republican Select Committee Member Rep. Westmoreland went even further, claiming:

Wouldn't you want to know the emails of the guy that was there that was murdered and what he had asked for as far as help from the people he worked for? We've just now gotten those emails. We have just now gotten them. Nobody else had requested them. I haven't had a chance to read them. We didn't get them until the day before yesterday.<sup>112</sup>

In fact, Congress already had access to many of Ambassador Stevens' emails for years. Select Committee Democrats revealed that the approximately 25,000 pages of documents "previously produced to Congress" had been delivered to the Select Committee and contained emails from Ambassador Stevens. Some of these emails from Ambassador Stevens included:

- an August 19, 2011, email exchange between Special Envoy Stevens and the Deputy Director of the Office of Maghreb Affairs about the logistics of providing security for a temporary duty officer to be assigned to eastern Libya (C05392462);
- a September 6, 2011, email from Special Envoy Stevens explaining why he felt it was important to maintain a U.S. presence in Benghazi (C05389447);
- a June 12, 2012, email exchange between Ambassador Stevens and the Director of the Office of Maghreb Affairs about the security situation in Benghazi (C05409960);
- a June 13, 2012, email exchange between Ambassador Stevens and State Department spokesperson Victoria Nuland about the Department's public statements in light of recent violence in Libya (C05391866);
- an August 30, 2012, email exchange between Ambassador Stevens and the Principal Officer in Benghazi discussing a press report about the security situation in Benghazi (C05397290); and
- a September 8, 2012, email exchange between Ambassador Stevens and the Political Officer in Tripoli discussing a schedule for Ambassador Stevens' upcoming travel to Benghazi (C05395356).<sup>113</sup>

## **R. REPUBLICANS ISSUED A UNILATERAL SUBPOENA TO RETALIATE AGAINST THE DEPARTMENT OF DEFENSE FOR EXPOSING THE SELECT COMMITTEE'S ABUSES.**

In May 2013, an individual who identified himself as "John from Iowa" called into Sean Hannity's radio show explaining that he was a drone camera operator on the night of the attacks in Benghazi.<sup>114</sup> Chairman Gowdy waited until February 26, 2016—659 days after the Select

Committee was established—to request that the Pentagon find “John from Iowa” and make him available for an interview.<sup>115</sup>

On April 28, 2016, the Assistant Secretary of Defense for Legislative Affairs wrote a letter to Chairman Gowdy expressing concern about the “recent crescendo” of new requests coming from Select Committee Republicans, despite repeated assurances that their work was almost complete, and requested a meeting. The letter stated:

The number and continued pace of these requests since February 2016 are in tension with your staff’s statements that the Committee expects to finish its investigation in the near term. ... [W]e are concerned by the continuous threats from your staff to subpoena witnesses because we are not able to move quickly enough to accommodate these new requests. Subpoenaing our service members, when the Department is working diligently to accommodate your requests and when no service member has refused to appear voluntarily, is unfair to our uniformed men and women and an unproductive way forward.<sup>116</sup>

The Assistant Secretary of Defense explained that some of the Select Committee’s requests were for “individuals who seem unnecessary even for a comprehensive investigation.” For example, he expressed concern that the Department had “expended significant resources to locate anyone who might match the description of this person [‘John from Iowa’], to no avail.” He explained that the Department tried to accommodate the Select Committee’s request for all of the drone pilots and sensor operators, which “resulted in a time-intensive search that required DoD to locate another half-dozen current and former service members.” He explained that the Pentagon believed that the interview of those individuals was “unnecessary” since they had already provided access to the actual video from the drones more than a year earlier, and “it remains unclear what additional information could be gained from these interviews.”<sup>117</sup>

Nevertheless, Chairman Gowdy pressed ahead and demanded that the Defense Department find “John from Iowa.” Although Republicans waited more than 21 months to request the interview with “John from Iowa,” the Pentagon identified him in three months and then made him available for an interview with the Select Committee on June 9, 2016.

The Select Committee determined that “John” was the individual’s middle name rather than his first name, which likely contributed to the Pentagon’s difficulty in locating him. During his interview, this individual offered virtually no new information. In fact, he confirmed that there was nothing he could see in his role as a sensor operator that could not be seen from the video footage, and that the footage itself—not his memory of it more than three years later—would show the best evidence of what occurred that night.

On June 10, 2016, the day after the Select Committee’s interview with “John from Iowa,” Chairman Gowdy subpoenaed the Assistant Secretary of Defense, suggesting that “serious questions” have arisen with respect to this matter, “including whether they are related to incompetence or deliberate concealment of the witness from a congressional inquiry.”<sup>118</sup>

In response to this abusive, retaliatory subpoena, Ranking Member Cummings issued the following statement:

This latest abuse of authority by House Republicans is ridiculous and a desperate distraction from a failed investigation. There was absolutely no reason to unilaterally subpoena the legislative staff of the Pentagon—after ignoring their request for a meeting—except to retaliate against the Defense Department for exposing the Select Committee’s abuses, delay this partisan investigation even further into the election season, and distract from the fact that the Republicans have come up empty in their three-year attack on Hillary Clinton.<sup>119</sup>

Republicans postponed the deposition indefinitely.

## **S. REPUBLICANS EXPLOITED THE ATTACKS IN BENGHAZI TO RAISE MONEY FOR POLITICAL CAMPAIGNS.**

In May 2014, Chairman Gowdy claimed during an interview on national television: “I have never sought to raise a single penny on the backs of four murdered Americans.”<sup>120</sup>

However, in June 2015, Chairman Gowdy was billed as the “Featured Speaker” at the 2015 convention of the National Federation of Pachyderm Clubs, which describes itself as “one of the most influential and most recognized political clubs in the nation” and as “an official Allied Organization of the RNC.”<sup>121</sup> Registration for the convention required a fee of \$150 to \$200 to be paid to the National Federation, a 501(c)(4).<sup>122</sup>

According to the *Times Free Press*, at the GOP gathering, Rep. Chuck Fleischmann explained to the group: “Whether you are Hillary Clinton or any other lefty out there, you better beware because Trey Gowdy is out there and he is going to get you.”<sup>123</sup> Chairman Gowdy credited Mr. Fleischmann for issuing threats to cut nearly \$700 million from the State Department’s operational budget:

In turn, Gowdy praised Fleischmann, who serves on the Appropriations Committee that he said helped the Benghazi probe by threatening to withhold State Department funding if the agency didn’t comply with the committee’s subpoenas.<sup>124</sup>

In April 2015, the Stop Hillary PAC issued advertisements using Chairman Gowdy’s name, image, and position as Chairman of the Benghazi Select Committee to request political donations. The Stop Hillary PAC describes itself as “created for one reason only: to ensure Hillary Clinton never becomes President of the United States.”<sup>125</sup>

That was not the first contact Stop Hillary PAC had with the Select Committee. On September 18, 2014, one day after the Select Committee’s first hearing, the group delivered a petition with more than 264,000 signatures insisting that Chairman Gowdy issue a subpoena to compel Secretary Clinton to testify.<sup>126</sup> The next day, Chairman Gowdy approached Ranking Member Cummings to discuss seeking Secretary Clinton’s testimony.

Three days before the Select Committee’s October 22, 2015, hearing with Secretary Clinton, the *Washington Post* reported on newly discovered links between Chairman Gowdy and Stop Hillary PAC.<sup>127</sup> One week earlier, the same group aired a highly offensive new attack ad using images of Ambassador Stevens’ grave—without his family’s permission—and exploiting the deaths of four Americans to damage Secretary Clinton’s bid for president.<sup>128</sup>

The *Post* article included several new revelations:

- Chairman Gowdy’s leadership PAC, Themis, shared the same treasurer as Stop Hillary PAC since 2013, an outspoken political operative and Clinton opponent named Dan Backer.
- Mr. Backer also served as treasurer on three other PACs that each donated \$2,000 to Gowdy for Congress in April. Only after being confronted with these facts by the *Washington Post* did Chairman Gowdy return these donations.
- In September 2015, Stop Hillary PAC spent \$10,000 on robocalls and other efforts in support of Chairman Gowdy.<sup>129</sup>

On May 16, 2013, Mr. Backer filed a Statement of Organization for Stop Hillary PAC with the Federal Election Commission. Mr. Backer signed as the group’s treasurer and listed Access National Bank in Chantilly, Virginia as its bank of record.<sup>130</sup>

On August 14, 2013, Mr. Backer filed another Statement of Organization for a leadership PAC called “Themis PAC”—on behalf of Chairman Gowdy. Mr. Backer also signed this document as the group’s treasurer and listed the same bank of record in Virginia.<sup>131</sup>

Mr. Backer is also listed as treasurer on three other PACs that each donated \$2,000 to Chairman Gowdy in April 2015:

- On April 27, 2015, Tea Party Leadership Fund (Treasurer: Dan Backer) contributed \$2,000 to Trey Gowdy for Congress.<sup>132</sup>
- On April 27, 2015, Special Operations Speaks PAC (Treasurer: Dan Backer) contributed \$2,000 to Trey Gowdy for Congress.<sup>133</sup>
- On April 27, 2015, Conservative Action Fund PAC (Treasurer: Dan Backer) contributed \$2,000 to Trey Gowdy for Congress.<sup>134</sup>

The *Post* story reported:

On Friday, Gowdy’s campaign returned three campaign donations after The Washington Post inquired about links to a political action committee that aired a controversial ad about the Benghazi attacks during last week’s Democratic presidential debate.<sup>135</sup>

On September 2, 2015, Mr. Backer—on behalf of Stop Hillary PAC—filed a report with the Federal Elections Commission reporting an expenditure of \$10,000 in “support” of Chairman Gowdy. The “purpose of expenditure” is listed as “digital messaging delivery and robocalls.” The “name of the federal candidate” is listed as “Trey Gowdy.”<sup>136</sup>

A September 2015 profile of Mr. Backer in *New York Magazine* says this:

“We do stuff that is probably tasteless to some people, but we think it’s hilarious.” When I asked him what he meant, he popped open his laptop and offered a sneak peek at an unaired Stop Hillary PAC ad. ...

Backer points to the 400,000 signatures on the Benghazi petition as evidence of the support behind the Stop Hillary PAC, and he says it will mobilize supporters in increasingly public campaigns this fall. “We have a particularly large project that we’re going to be rolling out. The RNC could never, ever do it,” he says. “Our volunteers will fight because they see Hillary as an existential threat.” It’s called Operation Black Box. “This,” he promises, sounding very sure of himself, “is the thing that’s going to do Hillary in.”<sup>137</sup>

In April 2015, the Republican National Committee issued an attack ad #StopHillary that also referenced Benghazi.<sup>138</sup>

## **T. REPUBLICANS THREATENED TO WITHHOLD \$700 MILLION IN STATE DEPARTMENT FUNDING SUPPOSEDLY TO SPEED UP DOCUMENT PRODUCTION.**

In June 2015, House Republicans threatened to withhold State Department funding in retaliation for what they perceived as the Department’s slow pace of document production to the Select Committee.

The House Appropriations Committee’s 2016 spending bill for the State Department and foreign operations would have withheld 15% of the Department’s operational funds “until requirements related to proper management of Freedom of Information Act and electronic communications are met.”<sup>139</sup>

In response to this abusive and retaliatory measure, Ranking Member Cummings issued the following statement on June 11, 2015:

Do Republicans really believe that withholding \$700 million from the same State Department offices that are producing documents to Congress and the public will actually result in getting documents faster? Of course they don’t. This ridiculous action will cause more delay, which Republicans will surely use as yet another excuse to continue dragging out their investigation of Secretary Clinton into the presidential election season.<sup>140</sup>

House Appropriations Ranking Member Nita Lowey introduced an amendment to strike the language from the bill but it was defeated 30-20 in a roll-call vote. The House Appropriations Committee submitted the bill to the full House and it was placed on the calendar.

## U. REPUBLICANS IGNORED A LETTER FROM 33 CURRENT AND FORMER U.S. AMBASSADORS EXPLAINING HOW THE STATE DEPARTMENT ACTUALLY WORKS.

During the Select Committee's October 22, 2015 hearing with Secretary Clinton that was widely condemned even by conservative commentators, Republican Members alleged that Secretary Clinton was more accessible to her friends than she was to Ambassador Stevens.

For example, Representative Pompeo had this exchange with Secretary Clinton:

Q: Ambassador Stevens did not have your personal email address. We've established that.

A: Yes. That's right.

Q: Did he have your cell phone number?

A: No, but he had the 24-hour number of the State operations—

Q: Did that—

A: in the State Department that can reach me 24/7.

Q: Yes, ma'am. Did he have your fax number?

A: He had the fax number of the State Department.

Q: Did he have your home address?

A: No. I don't think any ambassador has ever asked me for that.

Q: Did he ever stop by your house?

A: No, he did not, Congressman.

Q: Mr. Blumenthal had each of those and did each of those things. This man upon whom provided you so much information on Libya had access to you in ways that were very different than the access that a very senior diplomat had to you and your person.<sup>141</sup>

Chairman Gowdy also asked Secretary Clinton during the hearing:

So I think it is eminently fair to ask why Sidney Blumenthal had unfettered access to you, Madam Secretary, with whatever he wanted to talk about, and

there is not a single, solitary email to or from you, to or from Ambassador Stevens.<sup>142</sup>

Secretary Clinton responded:

I think it's important to recognize that when an ambassador is at post overseas, especially one as experienced a diplomat as Chris Stevens, he knows where to pull the levers, where to go for information, where to register concerns. And I think he did exactly as one might have expected. He dealt with security issues through dealing with the security professionals, who were the ones making the assessments. And I think that Ambassador Stevens understood completely that that's where the experts were and that's where anything he requested or anything he was questioning should be directed.<sup>143</sup>

On November 30, 2015, following the Select Committee's hearing with Secretary Clinton, 33 former U.S. ambassadors—who represented the United States in 51 countries—wrote a letter to the Select Committee, expressing concern that Select Committee Members seemed to fundamentally misunderstand the role of the Secretary of State within the Department:

Our experience in how ambassadors function, and how they interact with the Department and with the Secretaries of State they serve, was at variance with understandings expressed in some lines of questions raised by the Committee.<sup>144</sup>

In the letter, the ambassadors described how they had access to the Secretary of State:

Each of us had ample access to the Secretaries we served. However, that access, more often than not, was conducted through a range of senior professional colleagues across the Department, each of whom was empowered to make decisions in the management and policy spheres. The normal chain of command is through regional and functional assistant secretaries, not directly to the Secretary. Skilled career Foreign Service ambassadors understand the need to move questions to decision at the right level, and to work those decisions up the leadership chain as needed. We believe this experience is in keeping with sound organizational practice, and compatible with what we have seen in the private and non-governmental spheres in which our activities currently are focused.<sup>145</sup>

The ambassadors explained that, in the event an issue needed to be raised to the Secretary's attention, there are more effective ways of communicating with the Secretary than via email:

Ultimately, if an ambassador believes an issue is sufficiently critical to merit the Secretary's attention, the ambassador has both the means and the responsibility to make certain it does. In the event of an urgent need for direct contact with the Secretary, however, none of us expected to use direct email contact, as there are more effective ways of communicating. For example, the State Department Operations Center, which operates 24/7, provides better

access to senior officials than does any direct cell phone number and can track down Department principals anytime, anywhere. Certain forms of immediate cables can receive rapid attention and be distributed more broadly than emails, something important when an ambassador seeks to hold the system accountable for a response.<sup>146</sup>

The letter concluded:

We believe that maintaining bipartisan consensus on our country's foreign policy is a paramount national interest. From that perspective, we urge that the Committee take the above considerations in mind as it examines actions taken, or not taken, during the tragic occurrences of September 11, 2012.<sup>147</sup>

Select Committee Republicans never responded to or even acknowledged receipt of this letter.

## V. REPUBLICANS ABANDONED THE SELECT COMMITTEE'S FINAL TWO HEARINGS ON IMPROVING SECURITY.

Democratic Members have long sought to direct the focus and resources of the Select Committee on improving the safety and security of U.S. personnel serving overseas. In particular, they have stressed the importance of fully implementing the recommendations issued by the independent Accountability Review Board (ARB) in December 2012.

Chairman Gowdy agreed to hold two hearings on this topic—the first proposed by Democratic Member Adam Schiff and the second proposed by Ranking Member Cummings. At the Select Committee's first hearing on September 17, 2014, on implementation of the ARB's recommendations, Ranking Member Cummings stated:

Today, we have an opportunity to focus on reform. How can we learn from the past to make things better in the future? ... I sincerely hope the Select Committee will stay on the course of constructive reform and keep this goal as our North Star. It would be a disservice to everyone involved to be lured off this path by partisan politics. ... I remind my colleagues that this is our watch. I said to the Chairman before we started, this is bigger than us. The things that we do today and over the next few months will have lasting effects even when we are gone on to heaven, and that is how we have to look at this. And so we prepare not only for the present, but we prepare for the future and generations unborn.<sup>148</sup>

Representative Schiff echoed this sentiment shortly after being appointed to the Select Committee:

We must keep our focus where it should have been all along—on the deaths of those four brave Americans, on finding those responsible and bringing them to justice, and on implementing changes to our overseas security to make sure this never happens again.<sup>149</sup>

At the Select Committee’s second hearing on December 10, 2014, Ranking Member Cummings reiterated the importance of this point:

My concern—and I am sure it is the concern of this entire committee—is that when all the dust settles, that the request of every single family member that we met—when the dust settles, I hope it is carried out, and that is—that our facilities are safer so that things like this unfortunate incident does not happen again.<sup>150</sup>

Ranking Member Cummings explained the need to “ensure the Department’s feet are held to the fire” and requested the State Department keep the Select Committee informed of its progress:

I want to make sure again things get done, and so I want you to get back to us exactly when you expect—I would like to have that in writing—when you expect these things to be done, and provide the committee with that information because we want to hold you to that.<sup>151</sup>

Following these hearings, in December 2014, Republicans provided Democrats with a hearing plan that included 11 proposed hearings between January and October 2015 on a variety of topics related to the attacks. This plan was supposed to culminate in two final public hearings in September and October 2015. The first on the implementation of the ARB Recommendations, and the second on “oversight recommendations” to address the questions “what have we fixed?” and “what should we fix?”<sup>152</sup>

However, Republicans abandoned their own hearing plan in order to target Secretary Clinton, and they never held either of these final hearings.

In the meantime, Democrats have continued to request information on the State Department’s implementation of the ARB’s recommendations, including on recommendations still outstanding. At the request of Democratic staff, the State Department provided an update on the status of Benghazi and other ARB recommendations in June 2016. The Department reported that it had closed 26 of 29 of the Benghazi ARB recommendations and had made significant progress on the remaining three recommendations. Recent actions to close these recommendations include:

- filling 151 newly created Diplomatic Security personnel positions;
- procuring new personal and protective equipment and breathing equipment at high-threat posts;
- affirming compliance with fire safety and security equipment in safe havens and safe areas at all posts; and

- conducting the second annual Vital Presence Validation Process review of high threat, high risk posts to help ensure that U.S. foreign policy priorities are balanced against resources and risks.<sup>153</sup>

Democratic Members hope that following the termination of the temporary Select Committee, the committees of jurisdiction will continue to track the Department's progress on the remaining open recommendations, one of which the Department has expanded to include additional facilities, and one of which is a multi-year project.

## **W. REPUBLICANS TOOK A COSTLY AND UNNECESSARY CONGRESSIONAL DELEGATION TO ITALY AND GERMANY.**

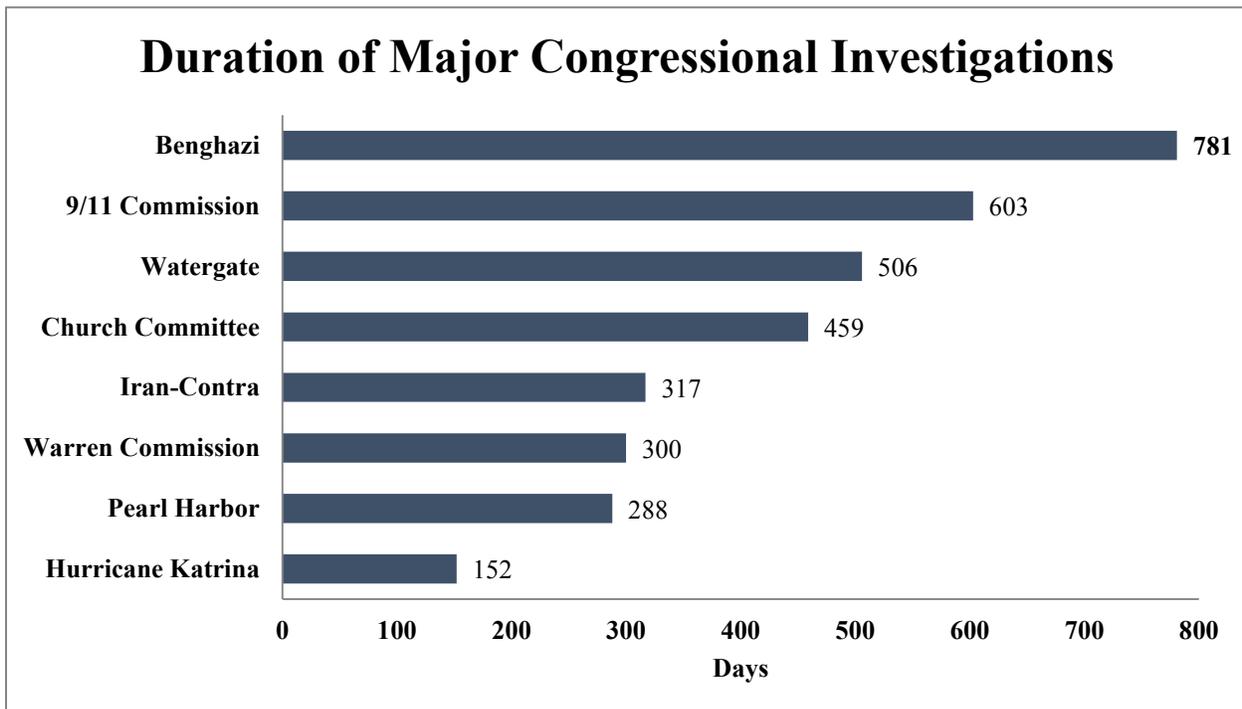
Between November 20 and 24, 2015, a Republican Select Committee Member and staffer took a taxpayer-funded delegation to U.S. military installations in Italy and Germany. The stated purpose of the trip was to investigate, among other things, the “readiness posture of AFRICOM’s [U.S. Africa Command] assigned military capabilities on a ‘normal’ alert string.”<sup>154</sup>

The total cost of the four-day trip, including the five-star hotel in Rome where the delegation spent two nights, was more than \$28,000, or more than \$14,000 per attendee.<sup>155</sup>

On December 9, 2015, in response to a request by the Democratic staff, the Joint Staff at the Pentagon provided a bipartisan briefing on the topics covered on the congressional delegation. Republican staff who failed to participate in the delegation or attend this December briefing scheduled yet another duplicative briefing on February 23, 2016.

## X. REPUBLICANS USED TAXPAYER FUNDS TO CONDUCT ONE OF THE LONGEST AND MOST PARTISAN CONGRESSIONAL INVESTIGATIONS IN HISTORY.

The Select Committee has already surpassed the length of seven major congressional investigations: the 9/11 Commission, the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (Church Committee), Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, Joint Committee on Investigations of the Pearl Harbor Attack, The President’s Commission on the Assassination of President Kennedy, Select Committee on Presidential Campaign Activities, and Select Committee to Investigate Covert Arms Transactions with Iran.



To date, the Benghazi Select Committee has spent more than \$7 million in taxpayer funds, and continues to spend an average of about \$8,000 a day. This amount is on top of the resources already expended by the independent ARB and the seven other congressional committees that have conducted their own investigations.

The State Department reported in November 2015 that it has spent more than \$14 million responding to eight congressional investigations regarding the Benghazi attacks, including producing tens of thousands of pages of documents and making dozens of witnesses available for scores of hearings, interviews, and briefings.<sup>156</sup> For the Select Committee alone, the State

Department has produced more than 96,000 pages of documents and made available 53 current and former officials for interviews.

On March 11, 2014—months before the Select Committee was even created—the Defense Department informed Congress that it has “devoted thousands of man-hours to responding to the numerous and often repetitive congressional requests regarding Benghazi which includes time devoted to approximately 50 congressional hearings, briefings, and interviews.”<sup>157</sup> In addition to interview transcripts and Defense Department documents provided to the Select Committee by the House Armed Services Committee, the Defense Department has made available 25 individuals for interviews and more than 1,000 pages of new documents to the Select Committee.<sup>158</sup> In 2014, the Department estimated that the total costs it had expended during previous congressional reviews—excluding the Select Committee’s investigation—ran “into the millions of dollars.”<sup>159</sup>

On May 18, 2016, House Republicans blocked an amendment to the National Defense Authorization Act that would have required the Department of Defense to publicly report the total amount of taxpayer funds that have been spent in response to the multiple congressional investigations into the attacks in Benghazi.<sup>160</sup>

## **Y. REPUBLICANS DRAFTED THEIR PARTISAN FINAL REPORT IN SECRET WITH NO INPUT WHATSOEVER FROM NEARLY HALF OF THE SELECT COMMITTEE’S MEMBERS.**

Select Committee Republicans have continuously refused to consult with Democrats, or provide any information on the findings, scope, or timing of their final report. Chairman Gowdy’s 2015 interim report was also drafted in secret without any consultation with Democratic Members or staff.

Tom Fitton, the President of Judicial Watch, criticized the Select Committee for being secretive. He stated:

They have this almost petty approach to transparency that is at odds with the public interest. ... Many folks who have been watching it are just aghast at the approach the committee has taken toward educating the public about what it is doing.<sup>161</sup>

On May 31, 2016, Select Committee Democrats sent a letter to Chairman Gowdy asking that all Members of the Committee be allowed to participate in the final report, or at least be given basic information and an opportunity to review the report for accuracy before it is released to the public. Democratic Members wrote:

We believe the American people would be best served by a joint report that highlights findings that all Members agree on—Republicans and Democrats—followed by areas on which reasonable people may disagree. We believe that

all of our interview and deposition transcripts also should be released, consistent with classification guidelines. In this way, the public will have the benefit of the views of all Members of the Committee, as well as the underlying transcripts for their own review.<sup>162</sup>

The letter also offered to swap draft reports before either report was made public. The letter stated:

If you choose not to adopt this consensus approach, then we believe the American people deserve, at a minimum, a report that has been thoroughly vetted by all Members of the Select Committee—before it is released publicly. To accomplish this goal, we ask that you circulate your proposed draft report to all Committee Members with sufficient time to check basic facts, correct inaccuracies, and provide evidence to the contrary when necessary. Of course, we would agree to provide you with an advance copy of any “minority views” so the entire package could be released to the American people at the same time.<sup>163</sup>

On June 5, 2016, Chairman Gowdy rejected this request, calling it “mildly amusing.” Instead, he stated that Democrats would “have the opportunity to review the report and offer changes in a manner consistent with the rules of the House,” but he would not commit to providing his report to Democrats before releasing it publicly.<sup>164</sup>

## **Z. REPUBLICANS FORFEITED ANY CREDIBILITY BY DELAYING THEIR REPORT UNTIL THE EVE OF THE PRESIDENTIAL CONVENTIONS.**

Chairman Gowdy has repeatedly postponed his estimates for when the Select Committee would conclude its investigation and issue its final report:

- In August 2014, Chairman Gowdy stated that he planned to complete the investigation by the “end of 2015.”<sup>165</sup>
- In April 2015, Chairman Gowdy stated that the Committee’s report would not be issued until 2016.<sup>166</sup>
- In January 2016, Chairman Gowdy stated that he would finish interviews “within the month.”<sup>167</sup>
- In March 2016, Chairman Gowdy stated that he would release his report “before summer.”<sup>168</sup>
- In April 2016, Chairman Gowdy stated that his target date was “mid-June.”<sup>169</sup>
- In May 2016, Chairman Gowdy stated the Select Committee’s work would conclude “before the conventions” in mid-July.<sup>170</sup>

Chairman Gowdy has repeatedly blamed the Administration for these delays, but his own actions are clearly responsible for extending the Select Committee’s work into the election year. For example:

- The Select Committee waited more than six months before issuing its first request for new documents to the State Department.<sup>171</sup>
- The Select Committee failed to send a request to the Defense Department for new documents until 11 months after the Committee’s inception.<sup>172</sup>
- The Select Committee waited almost a full year after its creation—until April of 2015—before sending its first request for new documents to the CIA.<sup>173</sup>
- The Select Committee waited until October 23, 2015—the day after its marathon hearing with Secretary Clinton—to even request interviews with the Secretary of Defense and the Director of the CIA.<sup>174</sup>
- The Select Committee waited until after Secretary Clinton’s hearing in October 2015—a year-and-a-half after the Select Committee was established—to request interviews with more than 40 additional witnesses.
- The Select Committee waited until February 5, 2016, to request an interview with General Carter Ham even though he had already spoken to Congress and other investigatory entities about Benghazi on nine separate occasions. Originally scheduled for May 19, 2016, the Select Committee then inexplicably delayed his interview until June 8, 2016.<sup>175</sup>

Republicans have continued to request more interviews in recent months to further extend the Select Committee’s duration and to inflate their numbers.

On April 29, 2016, the Department of Defense sent a letter to Chairman Gowdy detailing the “recent crescendo of requests” issued by Republicans since February, including “individuals who seem unnecessary even for a comprehensive investigation.”<sup>176</sup>

The letter revealed that the Select Committee directed the Pentagon to find an individual identified only as “John from Iowa,” who called into Sean Hannity’s radio show in May 2013 and claimed he was a camera operator who saw the video feed from the night of the attack, and then directed the Pentagon to expand this search to include “all RPA pilots and RPA sensor operators who operated in the region that night.”<sup>177</sup>

The Defense Department cooperated with the Committee’s request and ultimately found and produced these witnesses, even though the Department explained that “interviewing these individuals is unnecessary since we have given the Committee access to the relevant RPA video from that night and it remains unclear what additional information could be gained from these interviews.”<sup>178</sup>

As the Defense Department’s letter recounts, Select Committee Republicans also requested “four pilots who could have been—but were not—deployed to Benghazi that night,” but they later abandoned this request.<sup>179</sup> They also requested an individual who claimed on his

Facebook page that he was in Europe and “alleged that planes at his base could have been deployed to Benghazi in time to make a difference.”<sup>180</sup> The letter also stated:

While we understand that investigations evolve over time, it is unfortunate that the Committee has identified the need for these interviews only now. The number and continued pace of these requests since February 2016 are in tension with your staff’s statements that the Committee expects to finish its investigation in the near term.<sup>181</sup>

Greta Van Susteren of *Fox News* warned against dragging the Committee out into a presidential election year:

Dragging the investigation into 2016 looks political—and worse, reports are that the Committee’s report will be released right before the 2016 election. That looks awful. It sends a bad message about fairness. ... I have done big investigations and if you want an investigation finished by a certain date, you can get that done. ... If the Committee fails to get the report finished this year, rather than in the election year of 2016, it is fair to draw an adverse inference against the Committee—an adverse inference of playing politics. ... Whatever the findings are in this investigation—it will forever be plagued by allegations of unfairness, and politics if this investigation is dragged into 2016. That would not be fair to the American people.<sup>182</sup>

## ENDNOTES

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<sup>2</sup> *Keeler in the Morning*, WIBX (Oct. 14, 2015) (online at <https://soundcloud.com/bill-keeler/10-14-15-seg-9>).

<sup>3</sup> *Ex-Staffer: Benghazi Committee Pursuing “Partisan Investigation” Targeting Hillary Clinton*, CNN (Oct. 11, 2015) (online at [www.cnn.com/2015/10/10/politics/benghazi-committee-investigation-political-hillary-clinton-brad-podliska-lawsuit](http://www.cnn.com/2015/10/10/politics/benghazi-committee-investigation-political-hillary-clinton-brad-podliska-lawsuit)).

<sup>4</sup> *Former Benghazi Committee Investigator Alleges Bias Against Hillary Clinton*, NBC News (Oct. 12, 2015) (online at [www.nbcnews.com/news/us-news/fired-benghazi-committee-investigator-alleges-bias-against-hillary-clinton-n442316](http://www.nbcnews.com/news/us-news/fired-benghazi-committee-investigator-alleges-bias-against-hillary-clinton-n442316)).

<sup>5</sup> *Ex-Staffer Sues Gowdy and Benghazi Panel*, Politico (Nov. 23, 2015) (online at [www.politico.com/story/2015/11/trey-gowdy-sued-brad-podliska-216152](http://www.politico.com/story/2015/11/trey-gowdy-sued-brad-podliska-216152)).

<sup>6</sup> *Ex-Benghazi Investigator Drops Clinton Bias Claim*, Politico (Mar. 17, 2016) (online at [www.politico.com/story/2016/03/bradley-podliska-drops-clinton-benghazi-claim-220873](http://www.politico.com/story/2016/03/bradley-podliska-drops-clinton-benghazi-claim-220873)).

<sup>7</sup> *The Five*, Fox News (Oct. 8, 2015).

<sup>8</sup> *ORC International Poll*, CNN (Oct. 22, 2015) (online at [i2.cdn.turner.com/cnn/2015/images/10/21/rel11e.-.benghazi.pdf](http://i2.cdn.turner.com/cnn/2015/images/10/21/rel11e.-.benghazi.pdf)).

<sup>9</sup> *Congressman: Hillary Clinton Agrees to Testify to House’s Benghazi Panel*, CNN (Jan. 28, 2015) (online at [www.cnn.com/2015/01/27/politics/benghazi-hillary-clinton-testify](http://www.cnn.com/2015/01/27/politics/benghazi-hillary-clinton-testify)).

<sup>10</sup> Stop Hillary PAC, *About Stop Hillary PAC* (online at [www.stophillarypac.org](http://www.stophillarypac.org)) (accessed June 18, 2016).

<sup>11</sup> *Anti-Hillary Clinton Group’s TV Ad Shows Grave of Ambassador Killed in Benghazi Attack*, ABC News (Oct. 13, 2015) (online at [abcnews.go.com/Politics/anti-hillary-clinton-groups-tv-ad-shows-grave/story?id=34453681](http://abcnews.go.com/Politics/anti-hillary-clinton-groups-tv-ad-shows-grave/story?id=34453681)).

<sup>12</sup> *Gowdy’s Pleas to Keep Benghazi Probe Above Politics Have Gone Unheeded*, Washington Post (Oct. 19, 2015) (online at [www.washingtonpost.com/politics/gowdys-pleas-to-keep-benghazi-probe-above-politics-have-gone-unheeded/2015/10/19/23f31428-7668-11e5-b9c1-f03c48c96ac2\\_story.html](http://www.washingtonpost.com/politics/gowdys-pleas-to-keep-benghazi-probe-above-politics-have-gone-unheeded/2015/10/19/23f31428-7668-11e5-b9c1-f03c48c96ac2_story.html)).

<sup>13</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Select Committee on Benghazi (Jan. 29, 2015).

<sup>14</sup> *Trey Gowdy Brings Reputation of Legal Skills, Bipartisan Praise to Benghazi Panel*, Washington Times (May 13, 2014) (online at [www.washingtontimes.com/news/2014/may/13/trey-gowdy-brings-reputation-of-legal-skills-bipar/?page=all](http://www.washingtontimes.com/news/2014/may/13/trey-gowdy-brings-reputation-of-legal-skills-bipar/?page=all)).

<sup>15</sup> Statement of Rep. Elijah E. Cummings, *Press Conference with Leader Pelosi Announcing Democratic Appointees to the House Select Committee on Benghazi* (May 21, 2014) (online at <http://democrats-benghazi.house.gov/news/press-releases/cummings-on-select-committee-we-need-someone-in-that-room-to-defend-the-truth>).

<sup>16</sup> *Id.*

<sup>17</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Select Committee on Benghazi (Nov. 24, 2014) (online at [http://democrats-benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2014\\_11\\_24\\_EEC\\_to\\_TG\\_Bipartisan\\_Committee.pdf](http://democrats-benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2014_11_24_EEC_to_TG_Bipartisan_Committee.pdf)).

<sup>18</sup> Letter from Ranking Member Elijah E. Cummings, to Chairman Trey Gowdy, Select Committee on Benghazi (Nov. 25, 2014).

<sup>19</sup> *Id.*

<sup>20</sup> H. Res. 567, 113th Cong. (2014).

<sup>21</sup> H. Res. 5 (Jan. 6, 2015).

<sup>22</sup> *Id.*

<sup>23</sup> House of Representatives, Roll Call Vote on Agreeing to H. Res. 5 (Jan. 6, 2015) (234 yeas, 172 nays).

<sup>24</sup> Letter from Democratic Members, Select Committee on Benghazi, to House Committee on House Administration (Feb. 5, 2015).

<sup>25</sup> *Boehner’s Shrinking Power*, Politico (May 27, 2013) (online at [www.politico.com/story/2013/05/behind-the-curtain-john-boehner-shrinking-power-091905](http://www.politico.com/story/2013/05/behind-the-curtain-john-boehner-shrinking-power-091905)).

<sup>26</sup> H. Res. 567, Sec. 5(a), 113th Cong. (2014).

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<sup>27</sup> Select Committee on Benghazi Democrats, *Benghazi on the Record: Asked and Answered* (online at <http://askedandanswered-democrats.benghazi.house.gov/>).

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<sup>29</sup> *The Kelly File*, Fox News (Nov. 11, 2014)

<sup>30</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Select Committee on Benghazi (Dec. 2, 2014).

<sup>31</sup> Select Committee on Benghazi Democrats, *Benghazi Select Committee to Narrow Scope and Adopt Official Rules* (Dec. 10, 2014) (online at <http://democrats-benghazi.house.gov/news/press-releases/benghazi-select-committee-to-narrow-scope-and-adopt-official-rules>).

<sup>32</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Select Committee on Benghazi (July 15, 2015) (online at [http://democrats-benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2015\\_07\\_15\\_Dems\\_to\\_Gowdy\\_hearing\\_pl an.pdf](http://democrats-benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2015_07_15_Dems_to_Gowdy_hearing_pl an.pdf)).

<sup>33</sup> Letter from Chairman Trey Gowdy to Ranking Member Elijah E. Cummings, Select Committee on Benghazi (Jan. 26, 2015).

<sup>34</sup> Letter from Chairman Trey Gowdy to Ranking Member Elijah E. Cummings, Select Committee on Benghazi (Sept. 16, 2014).

<sup>35</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Select Committee on Benghazi (July 15, 2015) (online at [http://democrats-benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2015\\_07\\_15\\_Dems\\_to\\_Gowdy\\_hearing\\_pl an.pdf](http://democrats-benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2015_07_15_Dems_to_Gowdy_hearing_pl an.pdf)).

<sup>36</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Select Committee on Benghazi (Nov. 24, 2014) (online at [http://democrats.benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2014\\_11\\_24\\_EEC\\_to\\_TG\\_Bipartisan\\_Committee.pdf](http://democrats.benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2014_11_24_EEC_to_TG_Bipartisan_Committee.pdf)).

<sup>37</sup> *Benghazi Bombshell: Clinton State Department Official Reveals Details of Alleged Document Review*, Daily Signal (Sept. 15, 2014) (online at <http://dailysignal.com/2014/09/15/benghazi-bombshell-clinton-state-department-official-reveals-alleged-details-document-review/>).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *See, e.g., Former State Department Official: Clinton Camp Destroyed Benghazi Documents*, TruthInMedia.com (Sept. 16, 2014) (online at <http://truthinmedia.com/former-state-department-official-clinton-camp-destroyed-benghazi-documents/>); *Hillary Clinton Staffers Destroyed Benghazi Documents, State Dept. Official Claims*, Christian Post (Sept. 16, 2014) (online at [www.christianpost.com/news/hillary-clinton-staffers-destroyed-benghazi-documents-state-dept-official-claims-126510/](http://www.christianpost.com/news/hillary-clinton-staffers-destroyed-benghazi-documents-state-dept-official-claims-126510/)); *Report: State Department Official Claims They Destroyed Benghazi Documents to Protect Hillary Clinton*, Conservative Tree House (Sept. 15, 2014) (online at <http://theconservativetreehouse.com/2014/09/15/report-state-department-official-claims-they-destroyed-benghazi-documents-to-protect-hillary-clinton/>).

<sup>43</sup> *On the Record with Greta Van Susteren*, Fox News (Oct. 17, 2014) (online at <http://gretawire.foxnewsinsider.com/video/video-benghazi-select-committee-chairman-trey-gowdy-our-goal-was-to-play-it-straight/>).

<sup>44</sup> Email from Republican Staff to Democratic Staff, Select Committee on Benghazi (Oct. 23, 2014).

<sup>45</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Select Committee on Benghazi (Nov. 24, 2014) (online at [http://democrats.benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2014\\_11\\_24\\_EEC\\_to\\_TG\\_Bipartisan\\_Committee.pdf](http://democrats.benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2014_11_24_EEC_to_TG_Bipartisan_Committee.pdf)).

<sup>46</sup> *Id.*

<sup>47</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Select Committee on Benghazi (Jan. 23, 2015) (online at [http://democrats.benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2015\\_01\\_23\\_EEC\\_to\\_TG.PDF](http://democrats.benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2015_01_23_EEC_to_TG.PDF)).

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<sup>48</sup> Select Committee on Benghazi, *Interim Progress Update* (May 8, 2015) (online at [www.benghazi.house.gov/sites/republicans.benghazi.house.gov/files/Interim%20Progress%20Update%2005-08-15.pdf](http://www.benghazi.house.gov/sites/republicans.benghazi.house.gov/files/Interim%20Progress%20Update%2005-08-15.pdf)).

<sup>49</sup> Select Committee on Benghazi, *Select Committee Adds to Secretary Clinton's Public Email Record* (June 22, 2015) (online at <http://benghazi.house.gov/news/press-releases/select-committee-adds-to-secretary-clinton-s-public-email-record>).

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<sup>51</sup> Email from Secretary Hillary Clinton (Oct. 1, 2012) (SCB0045551) (online at [foia.state.gov/searchapp/DOCUMENTS/HRC\\_Email\\_1\\_296/HRCH3/DOC\\_0C05739627/C05739627.pdf](http://foia.state.gov/searchapp/DOCUMENTS/HRC_Email_1_296/HRCH3/DOC_0C05739627/C05739627.pdf)); House Select Committee on Benghazi Democrats, *Release of Clinton Emails Shows "Doctored" Information Leaked to Press* (July 6, 2015) (online at <http://democrats-benghazi.house.gov/news/press-releases/release-of-clinton-emails-shows-doctored-information-leaked-to-press>).

<sup>52</sup> *Benghazi Panel Probes Sidney Blumenthal's Work for David Brock*, Politico (June 18, 2015) (online at [www.politico.com/story/2015/06/benghazi-panel-sidney-blumenthals-david-brock-119130](http://www.politico.com/story/2015/06/benghazi-panel-sidney-blumenthals-david-brock-119130)).

<sup>53</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Select Committee on Benghazi (July 6, 2015); Letter from Chairman Trey Gowdy to Ranking Member Elijah E. Cummings, Select Committee on Benghazi (July 6, 2015).

<sup>54</sup> *Who is Sidney Blumenthal and Why Are They Talking About Him at the Benghazi Committee?*, CNN (Oct. 22, 2015) (online at [www.cnn.com/2015/10/22/politics/hillary-clinton-benghazi-sidney-blumenthal](http://www.cnn.com/2015/10/22/politics/hillary-clinton-benghazi-sidney-blumenthal)).

<sup>55</sup> Letter from Chairman Trey Gowdy to Ranking Member Elijah E. Cummings, Select Committee on Benghazi (June 22, 2015).

<sup>56</sup> *Benghazi Panel Subpoenas Blumenthal*, Politico (May 19, 2015) (online at [www.politico.com/story/2015/05/benghazi-panel-subpoenas-blumenthal-118125](http://www.politico.com/story/2015/05/benghazi-panel-subpoenas-blumenthal-118125)).

<sup>57</sup> WYFF 4, *NBC News* (Apr. 8, 2015) (online at [www.youtube.com/watch?v=E78\\_hx\\_5Onw](http://www.youtube.com/watch?v=E78_hx_5Onw)).

<sup>58</sup> Select Committee on Benghazi, *Deposition of Sidney Blumenthal* (June 16, 2015).

<sup>59</sup> *Id.*

<sup>60</sup> *E.g.*, Letter from Democratic Members to Chairman Trey Gowdy, Select Committee on Benghazi (June 17, 2015); Letter from Democratic Members to Chairman Trey Gowdy, Select Committee on Benghazi (June 24, 2015); Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Select Committee on Benghazi (Oct. 20, 2015); Select Committee on Benghazi, *Hearing 4: Former Secretary of State Hillary Clinton* (Oct. 22, 2015).

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<sup>158</sup> Letter from Assistant Secretary Stephen Hedger, Legislative Affairs, Department of Defense, to Chairman Trey Gowdy, House Select Committee on Benghazi (Apr. 28, 2016) (online at [http://democrats-benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2016\\_04\\_28\\_DOD\\_Letter\\_to\\_Gowdy.pdf](http://democrats-benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2016_04_28_DOD_Letter_to_Gowdy.pdf)).

<sup>159</sup> Letter from Assistant Secretary Elizabeth King, Legislative Affairs, Department of Defense, to Ranking Member Adam Smith, House Committee on Armed Services (Mar. 11, 2014).

<sup>160</sup> Select Committee on Benghazi Democrats, *House Republicans Block Vote on Measure to Disclose Total Pentagon Spending on Benghazi Investigations* (May 18, 2016) (online at [democrats-benghazi.house.gov/news/press-releases/house-republicans-block-vote-on-measure-to-disclose-total-pentagon-spending-on](http://democrats-benghazi.house.gov/news/press-releases/house-republicans-block-vote-on-measure-to-disclose-total-pentagon-spending-on)).

<sup>161</sup> *“It’s Been a Secretive, Bungled Investigation”*: *Conservative Group Goes After Benghazi Panel*, Washington Post (Mar. 24, 2016) (online at [www.washingtonpost.com/news/powerpost/wp/2016/03/24/its-been-a-secretive-bungled-investigation-conservative-group-goes-after-benghazi-panel/](http://www.washingtonpost.com/news/powerpost/wp/2016/03/24/its-been-a-secretive-bungled-investigation-conservative-group-goes-after-benghazi-panel/)).

<sup>162</sup> Letter from Democratic Members to Chairman Trey Gowdy, Select Committee on Benghazi (May 31, 2016).

<sup>163</sup> *Id.*

<sup>164</sup> Letter from Chairman Trey Gowdy to Ranking Member Elijah E. Cummings, Select Committee on Benghazi (June 5, 2016).

<sup>165</sup> *Democrats Wary of Benghazi Inquiry Stretching Into ’16 Election Season*, New York Times (Aug. 28, 2014) (online at [www.nytimes.com/2014/08/29/us/politics/democrats-wary-of-benghazi-inquiry-stretching-into-16-election-season.html](http://www.nytimes.com/2014/08/29/us/politics/democrats-wary-of-benghazi-inquiry-stretching-into-16-election-season.html)).

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<sup>166</sup> *Gowdy Says Benghazi Probe May Stretch Into 2016*, Wall Street Journal (Apr. 22, 2015) (online at [blogs.wsj.com/washwire/2015/04/22/gowdy-says-benghazi-probe-may-stretch-into-2016](http://blogs.wsj.com/washwire/2015/04/22/gowdy-says-benghazi-probe-may-stretch-into-2016)).

<sup>167</sup> *Petraeus Appears at Benghazi Panel*, The Hill (Jan. 6, 2016) (online at [thehill.com/policy/national-security/264940-petraeus-steps-before-benghazi-committee](http://thehill.com/policy/national-security/264940-petraeus-steps-before-benghazi-committee)).

<sup>168</sup> *House Benghazi Probe: Report by Summer, Factor for Clinton*, Associated Press (Mar. 14, 2016) (online at [www.salon.com/2016/03/14/house\\_benghazi\\_probe\\_report\\_by\\_summer\\_factor\\_for\\_clinton](http://www.salon.com/2016/03/14/house_benghazi_probe_report_by_summer_factor_for_clinton)).

<sup>169</sup> *Head of Benghazi Probe Headlines Lake County GOP Dinner*, Northwest Indiana Times (Apr. 10, 2016) (online at [www.nwitimes.com/news/local/lake/head-of-benghazi-probe-headlines-lake-county-gop-dinner/article\\_405d671c-adc0-5c27-8d1d-5b9bfa26e831.html](http://www.nwitimes.com/news/local/lake/head-of-benghazi-probe-headlines-lake-county-gop-dinner/article_405d671c-adc0-5c27-8d1d-5b9bfa26e831.html)).

<sup>170</sup> *Rep. Gowdy Says Benghazi Report Will Be Released Before Conventions*, USA Today (May 21, 2016) (online at [www.usatoday.com/story/news/politics/onpolitics/2016/05/21/rep-trey-gowdy-says-benghazi-report-released-before-conventions/84706796](http://www.usatoday.com/story/news/politics/onpolitics/2016/05/21/rep-trey-gowdy-says-benghazi-report-released-before-conventions/84706796)).

<sup>171</sup> Letter from Chairman Trey Gowdy, House Select Committee on Benghazi, to Secretary John Kerry, Department of State (Nov. 18, 2014).

<sup>172</sup> Letter from Chairman Trey Gowdy, House Select Committee on Benghazi, to Secretary Ashton Carter, Department of Defense (Apr. 8, 2015).

<sup>173</sup> Letter from Chairman Trey Gowdy, House Select Committee on Benghazi, to Director John Brennan, Central Intelligence Agency (Apr. 28, 2015).

<sup>174</sup> Select Committee on Benghazi Democrats, *Cummings Statement on Panetta Interview* (Jan. 8, 2016) (online at <http://democrats-benghazi.house.gov/news/press-releases/cummings-statement-on-panetta-interview>).

<sup>175</sup> *Benghazi Panel, Plodding Along, May Conclude Near Conventions or Election*, New York Times (May 18, 2016) (online at [www.nytimes.com/2016/05/19/us/politics/benghazi-panel-hillary-clinton-election.html?\\_r=1](http://www.nytimes.com/2016/05/19/us/politics/benghazi-panel-hillary-clinton-election.html?_r=1)).

<sup>176</sup> Letter from Assistant Secretary Stephen Hedger, Legislative Affairs, Department of Defense, to Chairman Trey Gowdy, Select Committee on Benghazi (Apr. 28, 2016) (online at [http://democrats-benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2016\\_04\\_28\\_DOD\\_Letter\\_to\\_Gowdy.pdf](http://democrats-benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2016_04_28_DOD_Letter_to_Gowdy.pdf))

<sup>177</sup> *Id.*

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*

<sup>180</sup> *Id.*

<sup>181</sup> *Id.*

<sup>182</sup> *Benghazi House Committee Should Not Politicize Its Report by Waiting Until 2016*, Huffington Post (Apr. 22, 2015) (online at [www.huffingtonpost.com/greta-van-susteren/benghazi-house-committee-report-2016\\_b\\_7118214.html](http://www.huffingtonpost.com/greta-van-susteren/benghazi-house-committee-report-2016_b_7118214.html)).

# RECOMMENDATIONS

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When the House of Representatives established the Select Committee on Benghazi in May 2014, the Committee was authorized to identify lessons from the Benghazi attacks in order to protect U.S. facilities and personnel overseas. The House also authorized the Select Committee to consider any issues relating to the “investigation by the House of Representatives into the attacks.” After more than two years of investigating the Benghazi attacks, Select Committee Democrats make the following 12 recommendations to improve both the security of U.S. diplomatic facilities overseas and the integrity of future Select Congressional investigations.

1. The State Department should continue to coordinate with the Defense Department, Intelligence Community, and other agencies to assess the willingness and capacity of host governments to defend U.S. diplomatic facilities within their borders, and if a host government is unwilling or unable to effectively defend U.S. diplomatic facilities, sufficient diplomatic security or military forces must be available to defend or evacuate the facility.
2. The State Department should consider expanding the Vital Presence Validation Process (VP2) to include posts below the “high-threat” designation in order to better protect lower-risk posts that may still be potential terrorist targets.
3. The State Department should implement standard procedures for requesting, funding, and tracking physical and personnel-related security improvements at U.S. diplomatic facilities overseas to help ensure that requests are addressed in a timely, efficient, and accountable manner.
4. The State Department should improve security at locations outside embassies and consulates as well as other locations where U.S. personnel and their families frequently congregate, including “soft targets” such as schools and residences.
5. The State Department should establish an interagency working group to identify best practices and existing gaps in providing high-quality support services to government employees, contractors, and their families following an attack on U.S. facilities.
6. Congress should provide the State Department with funding, support, and authorities sufficient to construct, maintain, and improve overseas diplomatic facilities to meet security requirements and protect American diplomats in today’s challenging security environments.
7. Congress should continue to provide consistent, sufficient funding to ensure that the State Department can complete construction of the Foreign Affairs Security Training Center in Fort Pickett, Virginia in a timely manner, which will help ensure that Diplomatic Security agents are well prepared to protect U.S. personnel and their families overseas.
8. Congress should work with the State Department to approve new dual-compensation waiver authorities to permit more experienced agents to fill staffing gaps to help ensure that U.S. diplomatic facilities are fully staffed with security personnel.

9. Congress should amend federal law to allow for “best value” contracting for local guards, rather than the cheapest available alternative that meets minimum standards, to improve the quality of contracted local guards protecting U.S. facilities and diplomats abroad.
10. Congress should not establish or use future investigative select committees or panels for political purposes, including to impact elections or to raise campaign funds.
11. Congress should ensure that future investigative select committees or panels adopt procedures to promote the cooperation and participation of all Members by:
  - including target dates for completing reports;
  - setting forth dedicated budgets;
  - adopting rules and procedures voted on by all Members;
  - requiring a vote before issuing controversial subpoenas, except in cases of emergencies;
  - guaranteeing minority participation in witness interviews and briefings;
  - adopting investigative plans to minimize wasteful spending and delay;
  - ensuring equal access to all documents; and
  - prohibiting selective leaks of inaccurate or sensitive information.
12. Congress should clearly define the jurisdiction of future investigative select committees and panels in their authorizing statutes to prohibit abuses of power that can arise from poorly-defined mandates.

## RECOMMENDATION #1

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*The State Department should continue to coordinate with the Defense Department, Intelligence Community, and other agencies to assess the willingness and capacity of host governments to defend U.S. diplomatic facilities within their borders, and if a host government is unwilling or unable to effectively defend U.S. diplomatic facilities, sufficient diplomatic security or military forces must be available to defend or evacuate the facility.*

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As the Department of State continues to operate in dangerous environments overseas, it must be strategic and proactive to respond to emerging threats against U.S. interests. Many of these recommendations address specific weaknesses and vulnerabilities that may have contributed to security failures in Benghazi.

Although diplomats understand that there are always risks associated with their work, these recommendations are intended to improve the security of U.S. diplomatic facilities and personnel and help the Department provide secure environments for diplomats to operate in as they carry out the foreign policy objectives of the United States.

The Accountability Review Board (ARB) recognized that the “total elimination of risk is a non-starter for U.S. diplomacy, given the need for the U.S. government to be present in places where stability and security are often most profoundly lacking and host government support is sometimes minimal to non-existent.”<sup>1</sup> However, the ARB also found that the Department needed to review the proper balance between the strategic importance of operating in high risk, high threat areas and the security risks they pose.

Following the attacks in Benghazi, the Department moved quickly to formalize its risk-management process, making adjustments before the ARB issued its recommendations in December 2012.

Within days of the attacks, Secretary Clinton and Chairman of the Joint Chiefs of Staff General Martin Dempsey partnered to establish and dispatch five Interagency Security Assessment Teams (ISATs) to assess the security posture and requirements of 19 high-threat posts and to recommend any necessary security adjustments. These teams conducted comprehensive security reviews, ranging from the physical security features of a facility, such as the types of windows installed and the availability of fire safety equipment, to the capacity of host nations to meet their obligations under the Vienna Conventions to protect diplomatic personnel and facilities.<sup>2</sup>

According to Thomas Nides, the Deputy Secretary for Management and Resources who oversaw this effort, the Department conducted these self-assessments on its own initiative

because Secretary Clinton demanded that the Department get “on top of it before another problem happened.”<sup>3</sup>

Prior to the release of the ARB report, Secretary Clinton created a new Deputy Assistant Secretary for High Threat Posts in the Bureau of Diplomatic Security to strengthen the Department’s ability to evaluate, manage, and mitigate security threats.<sup>4</sup> This new position is tasked with focusing on the security of U.S. posts in the highest threat areas, as well as carrying out priority actions identified by the ISATs.

The State Department often operates in dangerous places, including areas at risk for organized crime, political violence, and terrorism. Maintaining a U.S. Government presence in these locations is often integral to U.S. national security. Although all nations are required to protect foreign diplomatic personnel and facilities within their borders not all host governments have the capacity and willingness to do so.<sup>5</sup>

In the case of Benghazi, there was no reliable host nation support to effectively defend the Special Mission Compound because the nascent, post-Qadhafi government lacked effective, central government security institutions. This continued to be the case on the night of the attacks. The ARB found “the Libyan government’s response to be profoundly lacking ... reflecting both weak capacity and near absence of central government influence and control in Benghazi.”<sup>6</sup> The February 17 militia, which was only loosely affiliated with the Libyan government, also proved to be inadequate to defend the Special Mission Compound.

Although some longstanding U.S. partners and allies consistently exhibit the commitment and ability to protect American diplomats, the willingness and capability of others to offer this protection may not exist. In addition, host nations that appear to have the capacity to protect American diplomats today may not be able to do so in the future, so it is critical that the State Department regularly assess host nation support to determine if local military and police forces are sufficient to defend American personnel and facilities.

## RECOMMENDATION #2

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*The State Department should consider expanding the Vital Presence Validation Process (VP2) to include posts below the “high-threat” designation in order to better protect lower-risk posts that may still be potential terrorist targets.*

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Following the Benghazi attacks, the State Department also developed the Vital Presence Validation Process (VP2) to make risk management decisions regarding the U.S. presence at high threat locations, including whether to begin, restart, continue, or modify the current staffing footprint, or cease operations.<sup>7</sup> Managed by the Office of Management Policy, Rightsizing, and

Innovation, the process takes place annually for all high-threat posts, but can also be employed on an ad hoc basis in emergency situations.

According to the Department, the initial draft of the analysis is conducted by staff at post and involves interagency partners on the relevant country team, including the Department of Defense.<sup>8</sup> It also engages a comprehensive group of stakeholders in the risk management process, including Chiefs of Mission at high-threat posts (e.g., Ambassadors), the relevant regional bureau (e.g., the Near Eastern Affairs Bureau), bureaus under the Under Secretary for Management (e.g., Diplomatic Security, Overseas Building Operations), and other concerned offices and agencies.<sup>9</sup>

During this process, staff (1) conduct an assessment of the risks (i.e., potential for significant loss of life, property, or national capability) and resources needed to mitigate that risk at high-threat posts; (2) develop recommended conditions for the U.S. government presence in these locations, including an identification of residual, unmitigated risk; (3) weigh the needs of U.S. policy against the risks facing U.S. personnel; and (4) consider whether adjustments to the U.S. presence must be made.<sup>10</sup>

As part of the process, the Under Secretaries for Political Affairs and Management jointly prepare a memo to the two Deputy Secretaries of State for their approval to begin, restart, continue, reconsider the personnel footprint, or discontinue operations at a high-threat post. Following the approval of both deputies, the memo and its supporting analysis is forwarded to the Secretary of State, putting him or her in a position to make reasoned, well-informed decisions about the continuation or cessation of operations at high-threat locations.<sup>11</sup>

During his transcribed interview with the Select Committee, Under Secretary Kennedy explained that this process enhances the Secretary's ability to make informed risk-management decisions by documenting the underlying analysis for decisions on the future of high-threat posts:

The VP2 process now presents to the Secretary of State, having gone from the collectivity of bureaus, through two under secretaries, then through two deputy secretaries, the end product is a memo to the Secretary saying that this entire panoply of offices at three levels within the Department have reviewed the situation and determined that the national security interests is high enough over the mitigated risk that we should remain. And the Secretary gets that assurance now in writing. The Secretary used to get that assurance orally. But there was no written document that inscribed all the analysis that had been done to reach that conclusion, and that was not available to the Secretary.<sup>12</sup>

As currently designed, VP2 applies only to high-threat posts. Although high-threat posts face the greatest risk of terrorist attacks, posts just below this threshold also may be subject to attacks. According to the ARBs convened to investigate the 1998 East Africa Bombings, the U.S. embassies in Nairobi, Kenya and Dar Es Salaam, Tanzania were designated at the medium- or low-threat levels immediately prior to the attacks.<sup>13</sup>

Not all posts require as vigorous an assessment as VP2, and expanding the process to all posts could become overly burdensome and potentially undermine needed attention and focus on

high-threat posts. However, the Department could expand the VP2 process to include posts just below the “high-threat” designation. Under Secretary Kennedy previously told the Select Committee that the Department was considering an expansion of the process to include some medium-threat posts.<sup>14</sup>

The State Department should explore ways to expand the VP2 process beyond high-threat posts, which will help ensure the adequate assessment and protection of lower-threat posts as well.

## RECOMMENDATION #3

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*The State Department should implement standard procedures for requesting, funding, and tracking physical and personnel-related security improvements at U.S. diplomatic facilities overseas to help ensure that requests are addressed in a timely, efficient, and accountable manner.*

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The evidence obtained by the Select Committee shows that the State Department lacked a standardized process for requesting, funding, and tracking physical and personnel-related security improvements, which contributed to difficulties faced by Diplomatic Security (DS) agents as they sought to make security upgrades to the Special Mission Compound in Benghazi.

Requests for equipment and personnel, and the responses to those requests, were made in a variety of ways. Cables are the formal method used by State Department officials to communicate requests to and from posts, but the Select Committee has also obtained action memos and emails, which indicate that alternative mechanisms were used in Benghazi for requesting security upgrades. Some requests were made directly from staff in Benghazi to State Department headquarters, while others were sent to the U.S. Embassy in Tripoli.

Because staff in Benghazi were assigned on short, temporary-duty rotations, it was particularly difficult to ensure that projects were implemented in a timely manner without standardized procedures in place for requesting and tracking security improvements. The ARB reported that this “staffing ‘churn’ had significant detrimental effects on the post’s ability to ... provide the necessary advocacy and follow-through on major, essential security upgrades.”<sup>15</sup>

It sometimes took several months for requests to be fulfilled, during which multiple Diplomatic Security Agents rotated in and out. For example, during his rotation in Benghazi from October through December 2011, Agent A followed up on a previous security request to fund a number of upgrades, including drop arms.<sup>16</sup> However, the drop arms were not funded and implemented until Agent C’s rotation in February and March 2012.<sup>17</sup>

Similarly, a senior Diplomatic Security official reported that a response to a July 9, 2012, cable requesting the extension of temporary duty security personnel in Tripoli may have gotten “lost in the shuffle.”<sup>18</sup>

In 2014, the Department of State’s Office of the Inspector General observed significant deficiencies in the Department’s ability to monitor and track physical security requests, including a lack of standard policies and procedures for requesting funds and responding to requests from posts, nor did it have a comprehensive list of all posts’ physical security deficiencies.<sup>19</sup>

In a 2015 follow-up report, the Inspector General found that the Department had developed new tools to identify and track physical security deficiencies, including a Physical Security Survey SharePoint Site and a Deficiencies Database with a comprehensive list of physical security needs. However, the Inspector General reported that the Department had not fully implemented these tools.<sup>20</sup>

As of December 2015, the Department had completed only 10% of the physical security surveys and had not yet populated the Deficiencies Database with any data.<sup>21</sup>

Since then, the Department has made progress in this area, but more action is needed. The Department has begun populating the Deficiencies Database with information, but it has completed physical security surveys at only 47% of overseas facilities.<sup>22</sup> According to the State Department, the Bureau of Diplomatic Security is working with Regional Security Officers in each region to complete all surveys by September 2016.<sup>23</sup>

It is critical for the Department to develop and implement standardized procedures for requesting, funding, and tracking physical security requests. The Department should also develop similar standardized procedures to track requests for security personnel, which will enhance the Department’s ability to ensure that these requests are addressed in a timely, efficient, and transparent manner.

## RECOMMENDATION #4

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*The State Department should improve security at locations outside embassies and consulates as well as other locations where U.S. personnel and their families frequently congregate, including “soft targets” such as schools and residences.*

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The Department has taken significant steps since the Benghazi attacks to improve the security of U.S. diplomatic facilities, but these are not the only targets terrorists seek to attack. “Soft targets,” or places where Americans live, congregate, shop, or visit, have become increasingly attractive targets for terrorists—precisely because they are less secure than U.S. diplomatic facilities.

In 2015, the Government Accountability Office (GAO) issued a report recommending that the Department better manage the risk to such targets.<sup>24</sup> Although the Department conducts security surveys of residences to help identify vulnerabilities, GAO found that about a quarter of the surveys were untimely or missing. GAO also found that more than half of the residences it reviewed did not meet all applicable security standards. GAO found that officials at most of the posts it visited were unaware of guidance and tools for securing soft targets.

In June 2016, the State Department stated that it had begun addressing GAO's recommendations to address these weaknesses, such as updating policies and procedures for the Department's Soft Targets Security Upgrade Program, but had not yet fully addressed the majority of the recommendations.<sup>25</sup>

As the United States continues to face threats from terrorist organizations, it is important that the Department's Bureau of Diplomatic Security fully address these GAO recommendations in a timely fashion. In addition, the Department should continue on an ongoing basis to reassess additional ways to improve security "outside the fence," or in locations external to embassy and consular facilities that do not benefit from a hardened security posture.

## RECOMMENDATION #5

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*The State Department should establish an interagency working group to identify best practices and existing gaps in providing high-quality support services to government employees, contractors, and their families following an attack on U.S. facilities.*

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Americans work around the world to advance the diplomatic and national security interests of the United States. When tragedy strikes, the U.S. government should do all it can to support its personnel by providing mental-health services and counseling, communicating with loved ones and being responsive to their questions and concerns, and providing death benefits to the families of the fallen.

During the investigation of the attacks in Benghazi, it became clear that survivor benefits vary across agencies, and there are gaps in the services provided. For example, the prior survivor benefits policy of the CIA did not provide death benefits for some families, including the family of Glen Doherty, or to families who are survivors of unmarried and childless federal employees, or contractors killed in acts of terrorism overseas.

An effort to provide these benefits to families was spearheaded by Mr. Doherty's family and Rep. Stephen Lynch (D-MA), and it received bipartisan support from the Benghazi Select Committee and the House Permanent Select Committee on Intelligence. In November 2014, the Select Committee had a bipartisan briefing with the CIA to discuss this policy proposal and urged the agency to make the changes necessary to close this loophole.

In response to the efforts of the Doherty family and others, the CIA revised its policy in April 2016 and secured funds to begin paying out death benefits of up to \$400,000 each to families like the Doherty family.<sup>26</sup> Although the CIA did not release the specific number of families that would now qualify retroactively for enhanced benefits, it will likely affect several dozen.

Ranking Member Elijah E. Cummings issued the following statement in response to the CIA's decision to change its survivor benefits policy:

I have long supported this change, which has had bipartisan support from Benghazi Committee members. We held bipartisan briefings and meetings urging CIA to make this change, and I am very pleased that they have finally closed this loophole to recognize the sacrifices of the families of American heroes who have died in service to our country and provide them with the benefits they deserve.<sup>27</sup>

Representative Adam Schiff, a Member of the Select Committee and Ranking Member of the House Permanent Select Committee on Intelligence, also supported the change:

I'm gratified that the CIA today will announce enhanced death benefits to provide for the families of certain contractors killed overseas. The House Intelligence Committee strongly approved of this change, and as a longtime supporter of providing death benefits to the families of those struck down in the service of our country, I was proud to support it.<sup>28</sup>

Although the CIA was able to close this loophole, other departments and agencies may still have death benefit policies that do not apply to all potentially affected families, and there also may be best practices that these agencies can learn from each other.

For example, one Diplomatic Security Agent informed the Select Committee that the State Department could be doing more to support agents like himself after such tragedies, and he suggested following the model of the Defense Department:

You know, the agents coming out of Benghazi, including myself, went through a lot, and there were just some things that, you know, as employees you would expect your agency to do to help with reintegration back into your agency and getting back to work. And I really hope that, you know, that the State Department can establish a program or actually expound upon what we already have in place so that we can help other agents when this does happen again.<sup>29</sup>

It is critical that the U.S. government provide the best support possible to its employees, contractors, and their families who serve our country in harm's way overseas. These individuals work selflessly to advance the diplomatic and national security interests of the United States abroad, and they and their families deserve nothing less than the best the U.S. government can provide.

## RECOMMENDATION #6

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*Congress should provide the State Department with funding, support, and authorities sufficient to construct, maintain, and improve overseas diplomatic facilities to meet security requirements and protect American diplomats in today's challenging security environments.*

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The Department of State must build and make continual security upgrades to its diplomatic facilities to ensure that they are secure and functional. This requires significant funding for overseas construction projects as security threats continue to evolve in an increasingly complex and dangerous world. As noted in the ARB report, the Department experienced budget challenges in the years prior to the Benghazi attacks, and the persistent lack of sufficient funding had a negative impact:

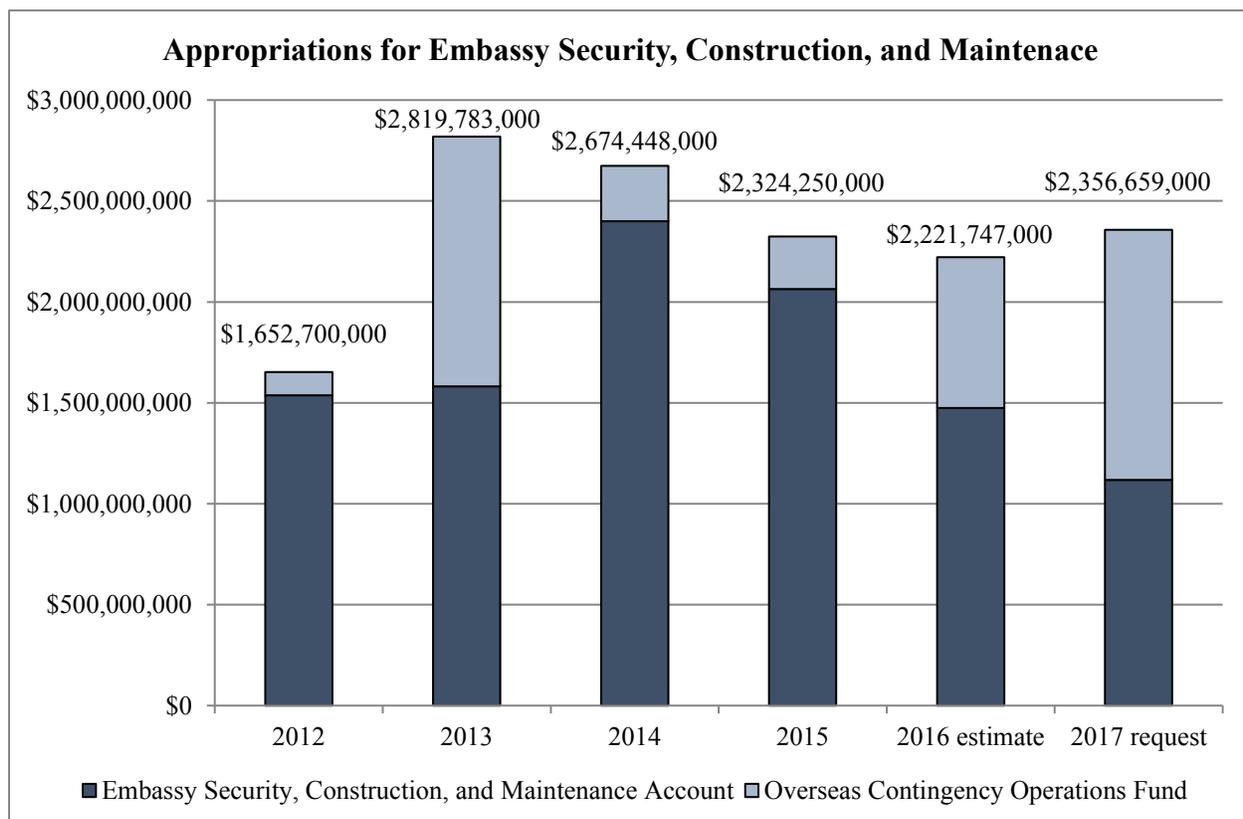
For many years the State Department has been engaged in a struggle to obtain the resources necessary to carry out its work, with varying degrees of success. This has brought about a deep sense of the importance of husbanding resources to meet the highest priorities, laudable in the extreme in any government department. But it has also had the effect of conditioning a few State Department managers to favor restricting the use of resources as a general orientation. . . . One overall conclusion in this report is that Congress must do its part to meet this challenge and provide necessary resources to the State Department to address security risks and meet mission imperatives.<sup>30</sup>

In a hearing before the House Committee on Foreign Affairs, Under Secretary of State for Management Patrick Kennedy testified:

Then there is there is [sic] the macro [funding] question, Congressman, and that is that the best defense is ability to construct the new facilities that you have provided us additional funds for. Subsequent to the attack on Benghazi there was a major attack on our compound in Tunisia and there was a major attack on our compound in Khartoum. Those buildings held out and not a single American was killed or injured for over 8 hours until host nation security forces mobilized to defend us. But those building, in Khartoum and in Tunisia, were the new, modern buildings that we have had the assistance of the Congress and the funding to build. It is just that on a macro sense, because of the increase in the value of the dollar and because of inflation worldwide, the program that we started after Nairobi and Dar es Salaam [were attacked in August 1998] we were building eight Embassies a year then. Because of the decrease in funding we were building three.<sup>31</sup>

Since the attacks in Benghazi, Congress has provided additional funding for diplomatic security through the Embassy Security, Construction, and Maintenance (ESCM) appropriation and restored the Capital Security Cost Sharing (CSCS) Program to its full capacity.

In addition, Congress enacted key flexibilities and provided more transfer authority for Overseas Contingency Operations (OCO) funding. With these flexibilities, Congress has been able to increase overall funding to the ESCM appropriation, as shown in the table below.



Source: Department of State, Congressional Budget Justifications: Department of State, Foreign Operations, and Related Programs, Fiscal Years 2012-2017 (online at [www.state.gov/f/releases/iab/](http://www.state.gov/f/releases/iab/)).

However, future OCO funding is not guaranteed, so Congress should provide additional funding for diplomatic security in the base budget.

As recommended by the ARB, Congress has also restored full funding to the CSCS Program, which requires all U.S. agencies at overseas facilities to pay a share toward the cost of those facilities based on the number of positions it authorizes.<sup>32</sup>

The Administration's fiscal year 2017 budget requests \$1.02 billion in ESCM funding for the State Department's share of the CSCS Program.<sup>33</sup>

According to the State Department's budget justification, this request will provide a total of \$2.2 billion for up to five new construction projects, as well as site acquisitions for future plans when combined with CSCS contributions from other agencies, contributions from Consular and Board Security Program fee revenues, and other reimbursements.<sup>34</sup>

However, Under Secretary Kennedy explained during a transcribed interview with the Select Committee that the Department will continue to need modest increases to its embassy construction and maintenance budget in order to keep pace with inflation and other factors:

The State Department needs 3 percent more in funding each year simply to keep static. Inflation, foreign exchanges that are negative, other things mean that a budget of \$1 this year is actually a budget of 97 cents the next year. And so we need 3 percent more each year, plus—that’s just to keep static. If you wish to increase our ability to mitigate, you then need additional funding streams.

Our committees of jurisdiction on the appropriations side have been stellar supporters of us. However, when you have the State Department not in the national security cap and us competing against many other government agencies, it is a serious—it is a serious cap, and serious tradeoffs have to be made.<sup>35</sup>

It is essential that robust support continues and grows as American diplomats are increasingly called upon to serve in dangerous places to advance the foreign policy interests of the United States.

## RECOMMENDATION #7

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*Congress should continue to provide consistent, sufficient funding to ensure that the State Department can complete construction of the Foreign Affairs Security Training Center in Fort Pickett, Virginia in a timely manner, which will help ensure that Diplomatic Security agents are well-prepared to protect U.S. personnel and their families overseas.*

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The State Department should enhance its ability to train Diplomatic Security agents in an efficient and effective manner and increase the pool of available agents to serve in high-threat locations by completing construction of the Foreign Affairs Security Training Center (FASTC) in Fort Pickett, Virginia.

The Department has already taken significant steps to fulfill the ARB recommendation to increase staffing and adjust duty assignments for security personnel. With congressional support, the Department created 151 new Diplomatic Security positions and filled all of these positions as of June 2016.<sup>36</sup> These additional positions increased the size of the overall pool of Diplomatic Security agents and help fully staff positions at high-threat posts.

As recommended by the ARB, the Department has also increased assignment lengths at all high-threat posts, which now have a minimum one-year tour of duty for permanent positions.

The Department also ensures overlap between incoming and outgoing officers to facilitate continuity of operations.<sup>37</sup>

Temporary duty assignments at high-threat posts are now set to a minimum of 120 days, as compared to the 30-45 day temporary assignments at the Special Mission Compound in Benghazi.<sup>38</sup> These new requirements will help to enhance institutional knowledge and the ability to follow-up on larger security upgrades.

As part of their preparation to defend diplomatic facilities and personnel overseas, Diplomatic Security agents undergo a rigorous, months-long training program that teaches personal protection techniques, criminal investigation, first aid, firearms, and defensive driving. Other instruction includes advanced firearms techniques, explosive devices, ordnance detection, arson investigation, counterintelligence, and foreign language training.

In May 2008, the State Department issued a report identifying the need for a consolidated facility to improve training efficiency, decrease operating costs, and provide priority access to training venues that meet current facility standards.<sup>39</sup> Security training is currently conducted at a number of diffuse, leased, and contracted facilities nationwide.

For high-threat locations, such as Benghazi, agents are required to undergo additional high-threat training. In the past, officials estimated that in an eight-week training curriculum, prospective agents spend almost an entire week traveling between and among various training sites.<sup>40</sup>

In 2011, the State Department and the General Services Administration identified Fort Pickett near Blackstone, Virginia, as the preferred site for the Foreign Affairs Security Training Center.<sup>41</sup>

In 2013, at the direction of the Office of Management and Budget, the State Department worked with the Department of Homeland Security to identify an alternative proposal to use the Federal Law Enforcement Training Center in Glynco, Georgia for future security training.<sup>42</sup>

In October 2015, GAO reported that the lack of a consolidated training facility is a significant impediment to training personnel effectively and efficiently.<sup>43</sup> GAO also compared how both proposals met key training requirements, such as the consolidation of venues (e.g., driving tracks, shooting ranges), proximity to Washington, D.C., exclusive access, and the ability to conduct nighttime training.<sup>44</sup> GAO found that the facility at Fort Pickett fully met all of these requirements, while the facility in Georgia did not.<sup>45</sup>

After several congressional inquiries and independent studies, including GAO's report, the State Department recently resumed its plan to build the center near Fort Pickett in February 2016. According to the State Department, previous delays not only postponed the development of a consolidated training facility, but also created an additional \$5 million in delay costs.<sup>46</sup>

In June 2016, the State Department reported that it had completed its first phase of construction by clearing the site of trees, and it was planning to award a contract for the next phase of construction by late August 2016.<sup>47</sup> The Department estimates that substantial completion of the facility would be achieved by March 2019.<sup>48</sup> However, the Department noted

that this timetable is “dependent on an uninterrupted stream of funding,” and that “[a]ny interruptions in funding will significantly affect” the Department’s timeline.<sup>49</sup>

Congress should continue to provide a consistent stream of funding to the Department to allow the State Department to complete the construction of the FASTC in Blackstone, Virginia, in a timely manner.

## RECOMMENDATION #8

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*Congress should work with the State Department to approve new dual-compensation waiver authorities to permit more experienced agents to fill staffing gaps to help ensure that U.S. diplomatic facilities are fully staffed with security personnel.*

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Congress should act in the near-term to help the Department fill existing staffing gaps with experienced, recently-retired agents. Many Diplomatic Security agents who served in Benghazi had prior military, law enforcement, and overseas experience, but others were relatively new to the Department and had limited overseas experience to prepare them for the challenging security environment.

Dual-compensation waiver authorities would permit the State Department to fill staffing gaps at high-threat locations more quickly with experienced agents. These authorities would allow retired personnel to receive both retirement pay and a salary while temporarily reemployed by the Department to help fill staffing gaps.

In an October 2014 letter to Ranking Member Cummings, the Department reported that it was currently in discussions with Congress about introducing new dual-compensation waiver authorities into legislation.<sup>50</sup>

In June 2016, the Department reported that it continues to support congressional efforts to expand dual compensation waiver authorities. For example, a provision in the Department of State Authorization Act for fiscal year 2017 (S. 2937), which was reported out of the Senate Committee on Foreign Relations on May 17, 2016, would remove geographical limitations on existing dual compensation waiver authorities and make those authorities permanent.<sup>51</sup>

A similar provision is contained in a House substitute amendment to the Department of State Operations Authorization and Embassy Security Act (S. 1635), which was reported out of the House Committee on Foreign Affairs on May 26, 2016.<sup>52</sup>

Granting dual-compensation waiver authorities will enhance the Department’s ability to fill staffing gaps with high-quality, experienced agents in the near term as the Department works to increase its overall staffing and training in the long term.

## RECOMMENDATION #9

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*Congress should amend federal law to allow for “best value” contracting for local guards, rather than the cheapest available alternative that meets minimum standards, to improve the quality of contracted local guards protecting U.S. facilities and diplomats abroad.*

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The attacks in Benghazi demonstrate the importance of having reliable and skilled local guard forces, which often serve as the first line of defense against attacks. In Benghazi, the contracted local guard force, Blue Mountain Libya (BML), provided five unarmed guards to open and close the gates, patrol the compound, and give warning in case of an attack. The ARB found that this force was poorly skilled and that their response was inadequate:

No BML guards were present outside the compound immediately before the attack ensued, although perimeter security was one of their responsibilities, and there is conflicting information as to whether they sounded any alarms prior to fleeing the C1 gate area to other areas of the SMC. Although the unarmed BML guards could not be expected to repel an attack, they had core responsibility for providing early warning and controlling access to the compound, which they had not always performed well in the past. In the final analysis, the Board could not determine exactly how the C1 gate at the Special Mission compound was breached, but the speed with which attackers entered raised the possibility that BML guards left the C1 pedestrian gate open after initially seeing the attackers and fleeing the vicinity. They had left the gate unlatched before.<sup>53</sup>

Current law requires the State Department to award local guard contracts using a “lowest price technically acceptable” selection process. Under this method, a contract is awarded to the bidder that is considered to be technically acceptable and at the lowest price.<sup>54</sup> Although exceptions to this practice were granted by federal law for Iraq, Afghanistan, and Pakistan beginning in 2009, the State Department is bound to the practice for other high-threat posts.<sup>55</sup>

This contracting method does not ensure the hiring of the best quality guards that are available. In 2012, the State Department Inspector General reported that more than two-thirds of posts that used the “lowest price technically acceptable” method experienced problems with them, including not providing enough guards, poor training, sleeping on the job, and labor strikes.<sup>56</sup>

A “best value” approach would permit other considerations, such as prior performance, to be included in bid reviews. In its 2012 report, the Inspector General found that expanding the “best value” approach beyond Iraq, Afghanistan, and Pakistan would likely improve contractor performance, and more than half of the posts they surveyed stated that they would benefit to a “great extent” or “very great extent” if given this option.<sup>57</sup>

In May 2015, Rep. Lois Frankel introduced H.R. 2533 to allow all diplomatic posts to utilize the “best-value” approach when selecting contractors for local guard forces. Select Committee Member Tammy Duckworth, a cosponsor of Rep. Frankel’s bill, questioned Secretary Clinton about these issues during the Select Committee’s October 22, 2015 hearing. In response, Secretary Clinton stated:

Congresswoman, I think that’s another very important question. I think the State Department, like much of the rest of the government, often feels under pressure to go to the lowest price, whether or not that lowest price is the best contract. And we had a lot of challenges, not just in Libya but in many places around the world, trying to work to find the right contractors to provide static security for a lot of our posts and facilities, to find more kinetic contractors who could be the frontline of defense since we, as we discussed earlier, were stationed in so many places where there were not American military that could be called and quickly respond. . . .

I think you’re really raising an important issue about how to get more flexibility into the contracting because we’re not going to be able to bring American military forces to every place where we are in a high-threat post, either because the military can’t afford to do that for us or because the host country won’t invite us in.<sup>58</sup>

H.R. 2533 was included as a provision in the House Foreign Affairs Committee’s State Department authorization bill. In discussing the provision at the Committee markup on May 26, 2016, Ranking Member Eliot Engel said, “In my view, if we’re hiring people who we’re sure will keep our diplomats safe, there’s a great deal of value in that, even if the dollars-and-cents cost is a little more.”<sup>59</sup>

The Benghazi attacks underscore the importance of permitting the State Department to employ the best possible local guards to serve and defend American diplomats abroad. Amending the existing statute to allow for best-value contracting, as proposed in H.R. 2533, will allow the State Department to hire better qualified contractors to serve as local guards.

## RECOMMENDATION #10

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*Congress should not establish or use future investigative select committees or panels for political purposes, including to impact elections or to raise campaign funds.*

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Congress has created investigative select committees and panels to perform specific functions that reach beyond the capacity and authority of permanent standing committees. They have been established in rare circumstances to investigate events of grave national significance,

such the attacks on Pearl Harbor, Hurricane Katrina, and the Iran-Contra affair. Charged with such an important responsibility, these investigations must be serious and fact-based. Bipartisan participation ensures that the work of these select investigations and their final reports are objective and reflect consensus, which leads to credible findings and recommendations.

At the Benghazi Select Committee's first hearing, Chairman Gowdy expressed his desire to conduct a credible investigation:

I remain hopeful that there are some things left in our country that can rise above politics. And I remain convinced that our fellow citizens are entitled to all of the facts about what happened before, during, and after the attacks in Benghazi, and they deserve an investigative process that is worthy of the memory of the four who were killed and worthy of the respect of our fellow Americans.<sup>60</sup>

As described in detail in Section II of this report, the Select Committee strayed far from this model. Republicans' refusal to conduct the investigation on a bipartisan basis constitutes a grave disservice to the memory of the four American heroes who were killed in Benghazi, and it undermines the integrity and credibility of the Select Committee and its final report. As Select Committee Member Adam Schiff explained:

And the final point I would make on this is, if this investigation doesn't produce a bipartisan report, it will have been a complete failure. It will be a meaningless failure. Because if we don't produce a bipartisan report at the end of the day, it will have no credibility. So if we are going to invest our time in this, let's make it worthwhile. And that means let's make it bipartisan so that the country and the families will have the confidence of knowing that this was an objective work product ... [T]here is too much at stake and too many families who are so deeply impacted by this, that they deserve better than anything less than bipartisan.<sup>61</sup>

Despite these deficiencies, House Republicans have used the Benghazi Select Committee as a model for other partisan investigative panels that are engaging in election-year politicking instead of conducting genuine congressional investigations.

For example, the Select Investigative Panel on Infant Lives has followed a strikingly similar pattern to the Select Committee on Benghazi. After the release of deceptively edited videos in 2015 by the Center for Medical Progress alleging that Planned Parenthood was selling fetal tissue for profit, three separate Republican-led House committees (Oversight and Government Reform, Energy and Commerce, and Judiciary) conducted their own investigations. All three identified no evidence of wrongdoing by Planned Parenthood.<sup>62</sup>

In addition, 13 states also found no wrongdoing, and 8 more found no credible evidence to warrant further investigation.<sup>63</sup> A Texas grand jury tasked by Republican lawmakers to investigate Planned Parenthood instead indicted the makers of the videos, David Daleiden and one of his Center for Medical Progress associates, for their efforts to entrap Planned Parenthood through their fraudulent video scheme.<sup>64</sup>

Despite the findings of these prior investigations, Republicans voted to create the Select Panel on October 7, 2015, and it has since issued three dozen unilateral subpoenas and failed to establish a bipartisan investigative plan and rules.<sup>65</sup>

In light of these developments and the potential for the establishment of additional committees of this nature in the future, it is critical that Congress learn lessons from the Select Committee's own dysfunction. Only investigations viewed by the American public as credible will be effective in promoting better policy outcomes. This is not possible when such panels are driven by campaign politics.

## RECOMMENDATION #11

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*Congress should ensure that future investigative select committees or panels adopt procedures to promote the cooperation and participation of all Members.*

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As discussed previously, the Benghazi Select Committee is one of longest and most partisan investigations in congressional history. To improve the integrity of future Select Congressional investigations, Congress should ensure that investigative select committees and panels take the following steps:

### **INCLUDE TARGET DATES IN THEIR AUTHORIZING STATUTES FOR COMPLETING REPORTS.**

- By not establishing a target date for the Select Committee to issue its report, House Republicans were able to drag their investigation on for more than two years. Congress should set target dates for reports and require a congressional supermajority to renew a select committee or panel after a certain number of months or a year. Creating such limits will prevent the Majority from unnecessarily delaying an investigation to conduct its own fishing expedition or to time the release of a final report for political impact.

### **DEFINE DEDICATED BUDGET.**

- The Benghazi Select Committee spent more than \$7 million in taxpayer funds over two different congresses—all without a dedicated or capped budget. Approximately eight months after it was established, House Republicans reauthorized the Select Committee as part of a must-pass rules package for the 114th Congress—again without a dedicated budget limit. A set budget, as well as public debate over that budget, ensures that Congress is more accountable to the taxpayers and avoids waste and abuse.

### **ADOPT RULES AND PROCEDURES VOTED ON BY ALL MEMBERS.**

- No taxpayer-funded congressional inquiry should be allowed to proceed on a purely partisan basis, and future select committees or panels should be authorized to begin their work only after adopting rules that ensure equal participation of all panel members. Despite multiple requests and proposals from Democrats, Republicans refused to adopt any Select Committee rules.

### **REQUIRE A VOTE BEFORE ISSUING CONTROVERSIAL SUBPOENAS.**

- Chairman Gowdy abused his unilateral subpoena authority to compel testimony about subjects that strayed well beyond the Committee’s investigative authority. Meaningful consultation with the Minority over subpoenas for documents could have helped the Majority to better scope, tailor, and prioritize requests, several of which were unduly broad and burdensome. Developing rules and procedures to prevent abuses from unilateral subpoena authority will help to maintain credibility and increase efficiency throughout the course of an investigation.

### **GUARANTEE MINORITY PARTICIPATION IN WITNESS INTERVIEWS AND BRIEFINGS.**

- Members of future select committees or panels should have full access to witnesses and should not be denied the opportunity to participate in interviews and briefings. The Majority party should not be allowed to interview witnesses alone and then determine unilaterally whether the information provided by the witness is worth sharing with the Minority.

### **ADOPT AN INVESTIGATIVE PLAN TO MINIMIZE WASTEFUL EXPENDITURES AND UNNECESSARY DELAY.**

- Select panels should be required to begin their work by identifying what has already been credibly answered and what remains to be investigated. They should be required to adopt an investigative plan that avoids duplicating previous efforts and explains to the American people what is being investigated and why. Chairman Gowdy’s refusal to acknowledge the value of information gathered by the eight investigations that preceded this one, such as the Select Committee Democrats’ 133-page *Compendium of Investigative Resources*, led to duplication of prior efforts and a delay that pushed the investigation into the summer of 2016.

### **PROHIBIT SELECTIVE LEAKS OF INACCURATE OR SENSITIVE INFORMATION.**

- Select Committee Republicans repeatedly made unilateral releases of partial, and often inaccurate, information in order to promote their partisan political narrative.

Democrats were often forced to respond by releasing more information to correct the public record. This practice seriously damaged the credibility of the investigation.

## RECOMMENDATION #12

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*Congress should clearly define the jurisdiction of future investigative select committees and panels in their authorizing statutes to prohibit abuses of power that can arise from poorly-defined mandates.*

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The House Resolution that established the Select Committee set forth broad provisions on the scope of committee, which included “all policies, decisions, and activities that contributed to the attacks on United States facilities in Benghazi” and “to respond to and repel the attacks on United States facilities in Benghazi,” as well as “internal and public executive branch communications about the attacks.”<sup>66</sup>

The resolution also included another broad “catch-all” category that allowed the Select Committee to investigate “any other relevant issues relating to the attacks, the response to the attacks, or the investigation by the House of Representatives into the attacks.”<sup>67</sup>

Republicans cited these provisions in the Select Committee’s authorizing legislation as allowing them to cast a wide net, investigating events that occurred in early 2011—more than a year-and-a-half prior to the attacks. They also interviewed individuals who had nothing to do with the attacks on Benghazi and asked questions to conduct political opposition research. During Mr. Blumenthal’s deposition on June 16, 2015, for example, Select Committee Republicans spent nearly nine hours posing hundreds of questions completely unrelated to the Benghazi attacks. These questions included more than 270 questions about Mr. Blumenthal’s alleged business activities in Libya, 160 questions about Mr. Blumenthal’s relationship and communications with Secretary Clinton and her husband, more than 50 questions about the Clinton Foundation, and 45 questions on David Brock, Media Matters, and affiliated organizations.<sup>68</sup>

Congress may wish to preserve flexibility in the jurisdiction of future select committees and panels, but the use of “catch-all” categories has the potential to promote wasteful “fishing expeditions.” Such authority can lead to the abuse of power, and authorizing resolutions should carefully circumscribe the permissible scope of an investigation.

## ENDNOTES

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- <sup>1</sup> Department of State, *Benghazi Accountability Review Board Report* (Dec. 2012) (online at [www.state.gov/documents/organization/202446.pdf](http://www.state.gov/documents/organization/202446.pdf)).
- <sup>2</sup> Select Committee on Benghazi, Interview of Thomas Nides (Dec. 16, 2015). *See also* Vienna Convention on Consular Relations (adopted Apr. 24, 1963, entered into force Mar. 19, 1967) Art. 31; 1961 Vienna Convention on Diplomatic Relations, Art. 22 (adopted Apr. 18, 1961, entered into force Apr. 29, 1964).
- <sup>3</sup> Select Committee on Benghazi, Interview of Thomas Nides (Dec. 16, 2015).
- <sup>4</sup> Department of State, *Fact Sheet: Benghazi Accountability Review Board Implementation* (Jan. 15, 2014) (online at [www.state.gov/r/pa/prs/ps/2014/01/219760.htm](http://www.state.gov/r/pa/prs/ps/2014/01/219760.htm)).
- <sup>5</sup> Vienna Convention on Diplomatic Relations, Art. 22 (adopted Apr. 18, 1961, entered into force Apr. 29, 1964).
- <sup>6</sup> Department of State, *Benghazi Accountability Review Board Report* (Dec. 2012) (online at [www.state.gov/documents/organization/202446.pdf](http://www.state.gov/documents/organization/202446.pdf)).
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- <sup>10</sup> *Id.*
- <sup>11</sup> *Id.*
- <sup>12</sup> Select Committee on Benghazi, Interview of Under Secretary for Management Patrick Kennedy (Feb. 3, 2016).
- <sup>13</sup> Report of the Accountability Review Boards, *Bombings of the U.S. Embassies in Nairobi, Kenya and Dar es Salaam, Tanzania on August 7, 1998* (Jan. 8, 1999) (online at [http://1997-2001.state.gov/www/regions/africa/accountability\\_report.html](http://1997-2001.state.gov/www/regions/africa/accountability_report.html)).
- <sup>14</sup> Select Committee on Benghazi, Interview of Under Secretary for Management Patrick Kennedy (Feb. 3, 2016).
- <sup>15</sup> Department of State, *Benghazi Accountability Review Board Report* (Dec. 2012) (online at [www.state.gov/documents/organization/202446.pdf](http://www.state.gov/documents/organization/202446.pdf)).
- <sup>16</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent A (Feb. 24, 2015).
- <sup>17</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent C (Apr. 9, 2015).
- <sup>18</sup> House Committee on Oversight and Government Reform, Interview of Deputy Assistant Secretary for International Programs, Charlene Lamb (Oct. 9, 2012).
- <sup>19</sup> State Department Office of the Inspector General, *Audit of the Process to Request and Prioritize Physical Security-Related Activities at Overseas Posts*, AUD-FM-14-17 (March 2014) (online at <https://oig.state.gov/system/files/224444.pdf>).
- <sup>20</sup> State Department Office of the Inspector General, *Compliance Follow-up Audit of the Process to Request and Prioritize Physical Security-Related Activities at Overseas Posts* (AUD-ACF-16-20) (December 2015) (online at [https://oig.state.gov/system/files/aud-acf-16-20\\_.pdf](https://oig.state.gov/system/files/aud-acf-16-20_.pdf)).
- <sup>21</sup> *Id.*
- <sup>22</sup> Letter from Assistant Secretary for Legislative Affairs Julia Frifield, Department of State, to Ranking Member Elijah E. Cummings, Select Committee on Benghazi (June 23, 2016).
- <sup>23</sup> *Id.*
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- <sup>26</sup> *C.I.A. to Pay Death Benefits to Relatives of Terror Victims*, New York Times (Apr. 20, 2016) (online at [www.nytimes.com/2016/04/21/world/middleeast/cia-benghazi-death-benefits-terrorism-glen-doherty.html](http://www.nytimes.com/2016/04/21/world/middleeast/cia-benghazi-death-benefits-terrorism-glen-doherty.html)).

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<sup>28</sup> House Permanent Select Committee on Intelligence, *Intel Committee Ranking Member Schiff Statement on CIA Enhanced Death Benefits Policy* (Apr. 21, 2016).

<sup>29</sup> Select Committee on Benghazi, Interview of Diplomatic Security Agent 1 (Apr. 1, 2015).

<sup>30</sup> Department of State, *Benghazi Accountability Review Board Report* (Dec. 2012) (online at [www.state.gov/documents/organization/202446.pdf](http://www.state.gov/documents/organization/202446.pdf)).

<sup>31</sup> House Foreign Affairs Committee, *Hearing on Benghazi: Where is the State Department Accountability?*, 113th Cong. (Sept. 18, 2013) (online at <https://foreignaffairs.house.gov/hearing/hearing-benghazi-where-is-the-state-department-accountability/>).

<sup>32</sup> The Capital Security Cost Sharing program was authorized by the Secure Embassy Construction and Counterterrorism Act of 1999, enacted as Title VI of Appendix G of P.L. 106-113, and amended by §629 of P.L. 108-447.

<sup>33</sup> Department of State, *Congressional Budget Justification: Department of State, Foreign Operations, and Related Programs, Fiscal Year 2017* (Feb. 9, 2016) (online at [www.state.gov/documents/organization/252179.pdf](http://www.state.gov/documents/organization/252179.pdf)).

<sup>34</sup> *Id.*

<sup>35</sup> Select Committee on Benghazi, Interview of Under Secretary for Management Patrick Kennedy (Feb. 3, 2016).

<sup>36</sup> *Id.*

<sup>37</sup> Letter from Assistant Secretary for Legislative Affairs Julia Frifield, Department of State, to Ranking Member Elijah E. Cummings, Select Committee on Benghazi (Oct. 30, 2014).

<sup>38</sup> Department of State, *Fact Sheet: Benghazi Accountability Review Board Implementation* (Jan. 15, 2014) (online at [www.state.gov/r/pa/prs/ps/2014/01/219760.htm](http://www.state.gov/r/pa/prs/ps/2014/01/219760.htm)).

<sup>39</sup> Department of State, *May 2008 Report on the Consolidation of Diplomatic Security (DS) Training* (May 2008) (online at [www.state.gov/documents/organization/141576.pdf](http://www.state.gov/documents/organization/141576.pdf)).

<sup>40</sup> Government Accountability Office, *Diplomatic Security: Options for Locating a Consolidated Training Facility* (GAO-15-808R) (Sept. 9, 2015) (online at [www.gao.gov/assets/680/672362.pdf](http://www.gao.gov/assets/680/672362.pdf)).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> Government Accountability Office, *Diplomatic Security: Options for Locating a Consolidated Training Facility* (GAO-16-139T) (Oct. 8, 2015) (online at <http://gao.gov/assets/680/672999.pdf>).

<sup>44</sup> *Id.*

<sup>45</sup> GAO also reviewed the cost estimates of both proposals and noted that although the cost estimate for FLETC was less than FASTC's estimate, the cost of sending students to the training at FLETC was significantly more expensive than FASTC, due in large part to the higher expected travel costs of sending students out to Georgia. GAO estimated that the costs of sending students to FASTC over the next ten years would be \$43 million to \$121 million less than sending students to FLETC.

<sup>46</sup> Letter from Assistant Secretary for Legislative Affairs Julia Frifield, Department of State, to Ranking Member Elijah E. Cummings, Select Committee on Benghazi (June 23, 2016).

<sup>47</sup> Department of State, *Joint-Agency FASTC Construction Newsletter* (June 2016).

<sup>48</sup> *Id.*

<sup>49</sup> Letter from Assistant Secretary for Legislative Affairs Julia Frifield, Department of State, to Ranking Member Elijah E. Cummings, Select Committee on Benghazi (June 23, 2016).

<sup>50</sup> Letter from Assistant Secretary for Legislative Affairs Julia Frifield, Department of State, to Ranking Member Elijah E. Cummings, Select Committee on Benghazi (Oct. 30, 2014).

<sup>51</sup> Letter from Assistant Secretary for Legislative Affairs Julia Frifield, Department of State, to Ranking Member Elijah E. Cummings, Select Committee on Benghazi (June 23, 2016).

<sup>52</sup> *Id.*

<sup>53</sup> Department of State, *Benghazi Accountability Review Board Report* (Dec. 2012) (online at [www.state.gov/documents/organization/202446.pdf](http://www.state.gov/documents/organization/202446.pdf)).

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<sup>55</sup> Pub. L. No. 111-117 § 7006.

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<sup>56</sup> Department of State Office of Inspector General, *Review of Best-Value Contracting for Department of State Local Guard Program and the Utility of Expanding the Policy Beyond High-Threat Posts in Iraq, Afghanistan, and Pakistan* (AUD/CG-12-27) (February 2012) (online at <https://oig.state.gov/system/files/185288.pdf>).

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<sup>58</sup> Select Committee on Benghazi, *Hearing 4: Former Secretary of State Hillary Clinton* (Oct. 22, 2015).

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<sup>60</sup> Select Committee on Benghazi, *Hearing 1: Implementation of the Accountability Review Board Recommendations*, 113th Cong. (Sept. 17, 2014).

<sup>61</sup> Select Committee on Benghazi, *Hearing 3: Status Review of Outstanding Requests*, 114th Cong. (Jan. 27, 2015).

<sup>62</sup> Select Investigative Panel Democrats, *Numerous Investigations Already Found No Wrongdoing by Planned Parenthood* (online at <https://selectpaneldems-energycommerce.house.gov/about/republican-reliance-discredited-videos>).

<sup>63</sup> *Id.*

<sup>64</sup> *Harris County Grand Jury Indicts Anti-Abortion Activists Behind Planned Parenthood Videos*, ABC 13 (Jan. 25, 2016) (online at <http://abc13.com/news/grand-jury-wont-take-action-against-planned-parenthood-gulf-coast/1173356/>).

<sup>65</sup> Select Investigative Panel Democrats, *Tracking Republicans' Attack on Women's Health Care* (online at <https://selectpaneldems-energycommerce.house.gov/tracker>).

<sup>66</sup> H. Res. 567, 113th Congress (May 8, 2014).

<sup>67</sup> *Id.*

<sup>68</sup> Select Committee on Benghazi, *Deposition of Sidney Blumenthal* (June 16, 2015).

# CONCLUSION

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We conclude our report by once again honoring the ultimate sacrifice of four brave Americans—Ambassador Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty. We continue to mourn the loss to their families and to this nation.

We honor the courage of many other heroes on the night of the attacks—including some whose identities will never be publicly disclosed. We also acknowledge the personal toll the attacks have taken on the friends and colleagues of the fallen. Many displayed raw emotion during their interviews with the Select Committee that will never be accurately or fully captured by a written transcript.

We commend the Defense Department, State Department, and Intelligence Community for making significant strides since the attacks to improve the security of Americans serving overseas. While we fully support these efforts, critical work remains.

We have made recommendations to further improve the security of personnel abroad, and it is our hope that the standing committees of jurisdiction will pick up where we left off in continuing this critical task in the years to come.

We have been hampered in our work by the ongoing Republican obsession with conspiracy theories that have no basis in reality. Rather than reject these conspiracy theories in the absence of evidence—or in the face of hard facts—Select Committee Republicans embraced them and turned them into a political crusade.

Their approach stands in stark contrast to other Republicans, including Rep. Howard “Buck” McKeon, the former Chairman of the House Armed Services Committee, and Rep. Mike Rogers, the former Chairman of the House Permanent Select Committee on Intelligence. Their fact-based approaches command respect.

We hope our report will put to rest the conspiracy theories about Benghazi once and for all and return the focus to where it belongs—on the goal of improving the security of Americans serving abroad.

At the same time, we recognize that, to this day, there remains significant uncertainty about the motivations of those who perpetrated the attacks in Benghazi.

Based on the evidence obtained by the Select Committee, we agree with the bipartisan report issued by the House Permanent Select Committee on Intelligence in 2014, which concluded: “Much of the early intelligence was conflicting and two years later, intelligence gaps remain.” The report added: “To this day, significant intelligence gaps regarding the identities, affiliations and motivations of the attackers remain.”<sup>1</sup>

For example, a 17-year-old Libyan student explained to *Reuters* his actions on the night of the attacks:

When we had heard that there was a film that was insulting to the Prophet, we, as members of the public, and not as militia brigades, we came to the consulate here to protest and hold a small demonstration.<sup>2</sup>

The same day, the *New York Times* reported:

Fighters involved in the assault, which was spearheaded by an Islamist brigade formed during last year's uprising against Col. Muammar el-Qaddafi, said in interviews during the battle that they were moved to attack the mission by anger over a 14-minute, American-made video that depicted the Prophet Muhammad, Islam's founder, as a villainous, homosexual and child-molesting buffoon.<sup>3</sup>

Many witnesses described their changing understanding of the motivation for the attacks. Jacob Sullivan, the Deputy Chief of Staff for Policy at the State Department, told the Select Committee that he went "back and forth on what exactly had happened in Benghazi" in the days after the attacks. He explained:

Who couldn't? I mean, to this day, people haven't been able to figure out exactly who the attackers were, exactly what motivated them, so certainly in that first week, we weren't going to. All we could do was the best with the information we had at the time was, and that's what we did.<sup>4</sup>

Similarly, Secretary Clinton explained in her 2014 book that "in the heat of the crisis we had no way of knowing for sure what combination of factors motivated the assault or whether and how long it had been planned." She added: "I myself went back and forth on what likely happened, who did it, and what mix of factors—like the video—played a part."<sup>5</sup>

On March 19, 2016, former CIA Director David Petraeus explained in his interview with the Select Committee:

And to be perfectly candid with you, I'm still not absolutely certain what absolutely took place, whether it was a mix of people that are demonstrating with attackers in there, whether this is an organized demonstration to launch an attack, whether—because you'll recall, there's a lot of SIGINT that we uncovered that very clearly seemed to indicate that there was a protest and it grew out of the protest.<sup>6</sup>

Even after reviewing the surveillance video footage from the Special Mission Compound, he was still unable to determine exactly what happened:

And there is a video of what took place. And they are just basically milling around out there. So if this is an attack, you know, maybe they rehearsed it to look like a protest, but maybe it was actually a mix. And so, again, I'm still not completely set in my own mind of what—and to be candid with you, I am not sure that the amount of scrutiny spent on this has been in the least bit worth it.<sup>7</sup>

The former Director of National Intelligence, James Clapper, explained to Congress in 2012: “[F]or many, more than one motivation likely applied. But until we actually interview those involved, we can only impute and argue about what their individual motivations were.”<sup>8</sup>

In June 2014, Ahmed Abu Khatallah was captured in Libya and brought to the United States to face prosecution. According to press reports, witnesses saw him “directing the swarming attackers who ultimately killed Ambassador J. Christopher Stevens and three other Americans.”<sup>9</sup> These press accounts also reported:

On the day of the attack, Islamists in Cairo had staged a demonstration outside the United States Embassy there to protest an American-made online video mocking Islam, and the protest culminated in a breach of the embassy’s walls—images that flashed through news coverage around the Arab world. As the attack in Benghazi was unfolding a few hours later, Mr. Abu Khattala told fellow Islamist fighters and others that the assault was retaliation for the same insulting video, according to people who heard him.<sup>10</sup>

Rather than attempting to politicize these tragic attacks, we believe Congress and the Administration should learn from them and implement concrete changes to help protect our diplomatic corps in the future. We sincerely hope that our report will contribute constructively to that effort.

## ENDNOTES

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<sup>1</sup> House Permanent Select Committee on Intelligence, *Investigative Report on the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012* (Nov. 21, 2014) (online at <http://intelligence.house.gov/sites/intelligence.house.gov/files/documents/Benghazi%20Report.pdf>).

<sup>2</sup> *In Libya, Deadly Fury Took U.S. Envoys by Surprise*, Reuters (Sept. 12, 2012) (online at [www.reuters.com/article/us-libya-ambassador-assault-idUSBRE88C02Q20120913](http://www.reuters.com/article/us-libya-ambassador-assault-idUSBRE88C02Q20120913)).

<sup>3</sup> *Libya Attack Brings Challenges for U.S.*, New York Times (Sept. 12, 2012) (online at [www.nytimes.com/2012/09/13/world/middleeast/us-envoy-to-libya-is-reported-killed.html?pagewanted=all&\\_r=1](http://www.nytimes.com/2012/09/13/world/middleeast/us-envoy-to-libya-is-reported-killed.html?pagewanted=all&_r=1)).

<sup>4</sup> Select Committee on Benghazi, Interview of Jacob Sullivan (Sept. 5, 2015).

<sup>5</sup> Hillary Clinton, *Hard Choices* (2014).

<sup>6</sup> Select Committee on Benghazi, Interview of CIA Director David Petraeus (Mar. 19, 2016).

<sup>7</sup> *Id.*

<sup>8</sup> House Permanent Select Committee on Intelligence, *Benghazi Hearing* (Nov. 15, 2012).

<sup>9</sup> *U.S. Captured Benghazi Suspect in Secret Raid*, Washington Post (June 17, 2014) (online at [www.washingtonpost.com/world/national-security/us-captured-benghazi-suspect-in-secret-raid/2014/06/17/7ef8746e-f5cf-11e3-a3a5-42be35962a52\\_story.html](http://www.washingtonpost.com/world/national-security/us-captured-benghazi-suspect-in-secret-raid/2014/06/17/7ef8746e-f5cf-11e3-a3a5-42be35962a52_story.html)).

<sup>10</sup> *Brazen Figure May Hold Key to Mysteries*, New York Times (June 17, 2014) (online at [www.nytimes.com/2014/06/18/world/middleeast/apprehension-of-ahmed-abu-khattala-may-begin-to-answer-questions-on-assault.html](http://www.nytimes.com/2014/06/18/world/middleeast/apprehension-of-ahmed-abu-khattala-may-begin-to-answer-questions-on-assault.html)).