

U.S. House of Representatives
Permanent Select Committee on Intelligence



**Investigative Report on the Terrorist
Attacks on U.S. Facilities in Benghazi,
Libya, September 11-12, 2012**

A report by Chairman Mike Rogers and Ranking Member C.A. Dutch
Ruppersberger of the Permanent Select Committee on Intelligence

U.S. House of Representatives
113th Congress
November 21, 2014



HPSCI-2014-2583

Executive Summary

The House Permanent Select Committee on Intelligence (“HPSCI” or “the Committee”) conducted a comprehensive and exhaustive investigation into the tragic attacks against two U.S. facilities in Benghazi, Libya on September 11-12, 2012. The nearly two-year investigation focused on the activities of the Intelligence Community (“IC”) before, during, and after the attacks. During the course of thousands of hours of detailed investigation, HPSCI reviewed thousands of pages of intelligence assessments, cables, notes, and emails; held 20 Committee events and hearings; and conducted detailed interviews with senior intelligence officials and eyewitnesses to the attacks, including eight security personnel on the ground in Benghazi that night.

This report details the findings and conclusions of HPSCI’s investigation. In summary, the Committee first concludes that the CIA ensured sufficient security for CIA facilities in Benghazi and, without a requirement to do so, ably and bravely assisted the State Department on the night of the attacks. Their actions saved lives. Appropriate U.S. personnel made reasonable tactical decisions that night, and the Committee found no evidence that there was either a stand down order or a denial of available air support. The Committee, however, received evidence that the State Department security personnel, resources, and equipment were unable to counter the terrorist threat that day and required CIA assistance.

Second, the Committee finds that there was no intelligence failure prior to the attacks. In the months prior, the IC provided intelligence about previous attacks and the increased threat environment in Benghazi, but the IC did not have specific, tactical warning of the September 11 attacks.

Third, the Committee finds that a mixed group of individuals, including those affiliated with Al-Qa’ida, participated in the attacks on U.S. facilities in Benghazi, although the Committee finds that the intelligence was and remains conflicting about the identities, affiliations, and motivations of the attackers.

Fourth, the Committee concludes that after the attacks, the early intelligence assessments and the Administration’s initial public narrative on the causes and motivations for the attacks were not fully accurate. There was a stream of contradictory and conflicting intelligence that came in after the attacks. The Committee found intelligence to support CIA’s initial assessment that the attacks had evolved out of a protest in Benghazi; but it also found contrary intelligence, which ultimately proved to be the correct intelligence. There was no protest. The CIA only changed its initial assessment about a protest on September 24, 2012, when closed caption television footage became available on September 18, 2012 (two days after Ambassador Susan Rice spoke), and after the FBI began publishing its interviews with U.S. officials on the ground on September 22, 2012.

Fifth, the Committee finds that the process used to generate the talking points HPSCI asked for—and which were used for Ambassador Rice’s public appearances—was flawed. HPSCI asked for the talking points solely to aid Members’ ability to communicate publicly using the best available intelligence at the time, and mistakes were made in the process of how those talking points were developed.

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Finally, the Committee found no evidence that any officer was intimidated, wrongly forced to sign a nondisclosure agreement or otherwise kept from speaking to Congress, or polygraphed because of their presence in Benghazi. The Committee also found no evidence that the CIA conducted unauthorized activities in Benghazi and no evidence that the IC shipped arms to Syria.

This report, and the nearly two years of intensive investigation it reflects, is meant to serve as the definitive House statement on the Intelligence Community's activities before, during, and after the tragic events that caused the deaths of four brave Americans. Despite the highly sensitive nature of these activities, the report has endeavored to make the facts and conclusions within this report widely and publicly available so that the American public can separate the actual facts from the swirl of rumors and unsupported allegations. Only with a full accounting of the facts can we ensure that tragedies like the one that took the lives of Ambassador Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty never happen again.

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Introduction

On September 11, 2012, armed militias with ties to terrorist organizations, including al-Qa'ida, attacked the State Department Temporary Mission Facility (TMF) and the CIA's Annex in Benghazi, Libya. The attacks killed Ambassador Christopher Stevens and State Department Information Officer Sean Smith. Security personnel from CIA's Annex in Benghazi responded to the attacks, rescued the remaining State Department officers, and brought them back to the CIA Annex. The CIA also launched, in coordination with the U.S. military, a security team from Tripoli to aid in the security of the remaining facility in Benghazi and to rescue the then-missing Ambassador Stevens. Upon learning that Ambassador Stevens was dead, the Tripoli Team traveled to the Annex. Within minutes of their arrival, a well-coordinated and deadly mortar attack killed security officers Tyrone Woods and Glen Doherty, and severely wounded two others. Following the mortar attack, the CIA Chief of Benghazi Base, the lead officer on the ground, determined that the CIA Annex was no longer defensible, and all U.S. personnel evacuated to the Benghazi airport. After Ambassador Stevens' body was recovered, all U.S. personnel departed on two flights to Tripoli.

Immediately after being notified of the attacks, the House Permanent Select Committee on Intelligence launched an investigation to focus on the role of the Intelligence Community (IC) before, during, and after the attacks. The Committee conducted twenty full Committee events; interviewed nine eyewitnesses present in Benghazi during the attacks; reviewed thousands of pages of intelligence reports, cables, assessments, and emails; and received responses to dozens of questions for the record. The Committee continues to inquire about the IC's role in efforts to find those who conducted the attacks and bring those responsible to justice.

As the Committee focused its review on the U.S. Intelligence Community, this report does not assess State Department or Defense Department activities other than where those activities impact, or were impacted by, the work of the intelligence community.¹

Finally, this report provides as much information as possible for public consideration. It includes descriptions of events based on firsthand accounts of the events that night, including the perspectives of the eight surviving U.S. personnel and the CIA's Chief of Benghazi Base, who were present during the attacks. The Committee also interviewed the CIA's Chief of Station in Tripoli. Most of these CIA personnel remain under cover. Their continued anonymity and the confidentiality of their specific tactics and security protocols are critical to their ability to continue to defend U.S. installations and personnel.² With this in mind, in the course of this investigation, and through the publication of this report, the Committee has sought to declassify as much information as possible while protecting names, sources, methods, and operational information that would damage national security if revealed. The unredacted version of this Report, and all supporting documentation, no matter the classification level, has been made available to all HPSCI Members.

¹ To the maximum degree possible, within the constraints of classification, the Committee has coordinated with other committees of jurisdiction.

² To protect their identities, this report refers to them either by their position or Officer #1-8.

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No classified information redacted or excluded in any way changes the key facts, findings or conclusions contained in this bipartisan report.

Timeline of Events on September 11 and 12, 2012³

Timeline (all times are local)⁴⁵⁶⁷⁸

Before the attack	Libyan security officials are outside of the TMF.
09:42 PM	DS personnel alert the CIA Annex and U.S. Embassy in Tripoli of the attack. State Diplomatic Security (DS) personnel and local guard force run across the TMF compound. The Libyan security officials depart. Three DS officers are in the Threat Operations Center (TOC). Attackers appear at the front gate.
09:43PM	A small explosion, probably an RPG, is visible near main gate. Several attackers come through the gate and are on the TMF compound.
09:45 PM	Attackers with terrorist paraphernalia enter the compound. Several attackers are in front of the main gate.
09:46 PM	Some attackers leave the compound in a vehicle.
09:46 PM	Other attackers reenter the TMF front gate.
09:46 PM	CIA personnel at the Annex gather weapons and equipment.
09:57 PM	There is fire at the guard house.
10:01 PM	Villa C is engulfed in smoke.
10:03 PM	Annex security team departs for the TMF.
10:06 PM	Attackers loot a building on the compound.

³ This timeline was developed from the totality of evidence compiled by HPSCI throughout the course of the investigation, including surveillance, and reconnaissance (ISR) video footage; FBI intelligence reports; CIA cables; and email traffic. The timeline is also largely corroborated by witnesses' personal recollections. Some of the details of the precise timing that night varied among eyewitnesses, which is expected when witnesses rely on their recollections of a chaotic event.

⁴ Video Footage of CIA Annex and State Department TMF September 11-12, 2012.

⁵ FBI Briefing on Benghazi Investigation January 13, 2013.

⁶ Predator ISR video footage of Benghazi September 11-12, 2012.

⁷ As described in this narrative, seven additional personnel arrived from Tripoli to assist the Temporary Mission Facility and the Annex, bringing the total to 35 U.S. personnel on the ground that night.

⁸ DoD ISR was controlled by Joint Special Operations Command (JSOC) liaison in Stuttgart, Germany.

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10:18 PM A State Department diplomatic security officer throws a smoke grenade to cover his movement across the compound.

10:32 PM Fewer attackers present.

10:32 PM DS agents enter Villa B.

10:35 PM Three DS agents from Compound B take a vehicle from the area near the TOC to Compound C.

10:40 PM DS agents encounter friendly locals.

10:43 PM DS agents go to the TOC to get gas masks and then return to look for Ambassador Stevens and Sean Smith.

10:45 PM First video evidence of CIA Annex Team at TMF.

10:50 PM Several U.S. personnel and local friendly forces are near Compound C and look for Ambassador Stevens. Some Annex personnel and local guard forces try to set up a perimeter, while others search for Ambassador Stevens.

10:56 PM Small arms fire increases.

11:10 PM Another explosion on the TMF accompanied by additional small arms fire.

11:11 PM An unarmed Predator arrives and provides intelligence, surveillance, and reconnaissance (ISR) of the compound for the first time.

11:16 PM Additional small arms fired.

11:19 PM DS agents evacuate compound in first vehicle. CIA security team and friendly local militia remain at the TMF.

11:21 PM U.S. personnel are on a roof at the TMF.

11:21 PM DS agents arrive at the Annex.

11:31 PM Annex security team departs the TMF compound. Small arms fired on the TMF compound.

11:36 PM Annex security team returns to the Annex.

11:45 PM Mass looting at TMF. Over 100 people on or outside the TMF
-12:45 AM compound.

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12:15 AM Tripoli Team departs Tripoli airport en route to Benghazi airport.

12:30 AM Security team repels an attack on the Annex.
-1:00 AM

01:11 AM More small arms fire is directed at an Annex flood light.

01:23 AM Tripoli Team is on the Benghazi airport tarmac.

01:50 AM Multiple men are on the street outside the Annex.

01:56 AM Two suspicious men are observed walking in an area near the Annex.

02:00 Security team repels another attack on the Annex.
-2:30AM

02:30-5:14AM No suspicious activity experienced at the Annex.

04:53 AM Tripoli Team leaves Benghazi airport en route to the Annex.

05:04 AM Tripoli Team and Libyan militia arrive at the Annex.

05:14 AM RPG attack on the Annex.

05:15 AM Mortar attacks on the Annex. Five mortars land within 1 minute and 9 seconds.

06:14 AM Libya Shield militia vehicles return to evacuate the Annex.

06:33 AM Libya Shield convoy departs the Annex with all personnel en route to the airport.

06:55 AM Convoy arrives at the airport.

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I. 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.

On September 11, 2012, the United States maintained a total of 28 U.S. personnel in Benghazi, at both the CIA's Base (the Annex) and the State Department's mission facility, called the Temporary Mission Facility (TMF). Ambassador Stevens traveled to Benghazi from Tripoli on September 10, 2012, to be present at a September 11 ceremony establishing a new American Corner at a local Benghazi school with the Turkish chief of mission in Benghazi.⁹ He had other meetings planned that week, during which CIA was to provide additional security.¹⁰

At approximately 9:40 PM on September 11, 2012, dozens of armed men approached the State Department's Benghazi facility. As the men approached, three Libyan security officers in a car outside the TMF drove away without warning U.S. personnel.¹¹ The attackers quickly breached the front gate. Within 20 minutes, the attackers had subdued local guard forces and set fire, using gasoline, to the February 17th Brigade guard house and Villa C, the main building of the Benghazi Mission where Ambassador Stevens, Sean Smith, and the Diplomatic Security (DS) agent were located. The State Department had contracted with the February 17th Brigade and the Blue Mountain Group to provide local security for the TMF facility. All available information indicates that the February 17th Brigade guards were inside the walls of the compound and did not detect or report information about the attackers before the attackers breached the gate.¹²

The attackers included members of several Islamic extremist groups, including al-Qa'ida in the Lands of the Islamic Maghreb (AQIM), Libya-based Ansar al-Sharia (AAS) and the Muhammad Jamal Network (MJN).¹³

At 9:42 PM, a State DS officer in the TMF's Tactical Operations Center (TOC) called the Benghazi CIA security team leader on his cell phone to alert him that the TMF was under attack and to request assistance.¹⁴ The CIA Annex was approximately 2.4 kilometers driving distance from the TMF.¹⁵ Within 19 minutes of the attack, Ambassador Stevens, Mr. Smith, and the DS agent who attempted to remain secure in a safe room were forced to leave due to the smoke. They suffered

⁹ American Corners are partnerships between the Public Affairs sections of United States Embassies and host institutions. They provide access to current and reliable information from and about the United States to the general public overseas via book collections, the Internet, and local programming.

¹⁰HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pg. 20.

¹¹ HPSCI Transcript, "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks," November 15, 2012 pg. 18; FBI Briefing on Benghazi Investigation January 13, 2013; video footage; FBI interviews indicate that they left because they had only one gun and were frightened. HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pg. 8.

¹² HPSCI Transcript "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks," November 15, 2012; video footage.

¹³ NCTC "Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks" September 9, 2013 (Authored by CIA, NCTC, and FBI); CIA WIRE: "Terrorists and Extremists Reportedly Associated with the Benghazi Attacks," September 9, 2013.

¹⁴ HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pgs. 7-8, 17.

¹⁵ NCTC Presentation "The Benghazi Attacks," November, 15, 2012 slide 4.

debilitating effects from smoke inhalation as Villa C burned. All three tried to escape by crawling along the floor towards a window. Due to the thick smoke, the DS agent lost contact with Ambassador Stevens and Mr. Smith along the escape route. After crawling out of a window and realizing that the Ambassador and Mr. Smith were not with him, the DS agent, under gunfire, repeatedly re-entered the burning building to search for them, but was unsuccessful.¹⁶

Security officers from CIA's Benghazi Annex recalled hearing explosions from an unknown location around 9:40 PM.¹⁷ After receiving a phone call from the TMF's area security officer that assistance was needed, the Benghazi CIA security team chief immediately assembled his five available team members to share what he knew and order them to prepare for a rescue mission.¹⁸ He also alerted the CIA Deputy Chief of Base who notified the Benghazi Chief of Base.¹⁹ Meanwhile, the security team members prepared their weapons, equipment, and vehicles to depart for the TMF in 5 to 6 minutes.²⁰

After departing the Annex, the security team tried unsuccessfully to secure heavy weapons from militia members it encountered along the way. The security team also faced resistance, including gunfire, along the route.²¹ Although it is not clear at what exact time the team arrived at the TMF, the Committee confirmed they were on the TMF compound no more than 42 minutes after they departed the Annex.²²

The State Department security officers who notified the CIA Annex in Benghazi also notified the State Department Regional Security Officer (RSO) in Tripoli. That officer subsequently notified the leader of CIA's security team in Tripoli. The leader of security in Tripoli then met with the CIA Chief of Station in Tripoli and U.S. military officers in Tripoli to discuss their options.²³ Throughout the night, the CIA security and U.S. military officers who made up the "Tripoli Team" acted in concert, operating under appropriate authorities. CIA's Tripoli security chief led the team and maintained operational control of its actions. He transferred tactical control to the U.S. military officers at appropriate times, depending on the specific action.²⁴

The U.S. military personnel's first action was to proactively redirect an unarmed DoD Predator reconnaissance plane that was collecting intelligence over Darnah, Libya, to cover Benghazi.²⁵ The Tripoli Team also monitored the situation and immediately began planning a rescue operation. According to the CIA's Tripoli security team chief, they started getting reports from the field that Villa

¹⁶ HPSCI Transcript, "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks," November 15, 2012 pg. 20.

¹⁷ HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pg. 8.

¹⁸ HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pg. 20.

¹⁹ HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pg. 19-20.

²⁰ HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pg. 8; HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pg. 15. The 21-minute period between the initial breach of the TMF and the departure of the CIA rescue team from the Annex is described later in this report.

²¹ HPSCI Transcript "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks," November 15, 2012.

²² Video footage.

²³ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 2-4.

²⁴ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 9-10.

²⁵ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 3-4.

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C was on fire. Further, they were told that the Benghazi-based team had not yet located Ambassador Stevens, and had one individual killed and others wounded. At that time, the Chief of Station in Tripoli helped the Team secure transport, and within 45 minutes the Team was moving to the airfield.²⁶

The Chief of Station in Tripoli and other Members of the Tripoli Team confirmed that the Team left Tripoli Station within 45 minutes of being notified.²⁷ Traffic delayed the Team's arrival at the Tripoli airport.²⁸ They departed the Tripoli airport on a 60-minute chartered flight for Benghazi at about 12:15 AM.²⁹

While the Tripoli Team mobilized and moved to the Tripoli airport, the Annex security team joined State Department officers and helpful members of the February 17th Brigade in fighting the attackers at the TMF. 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.³⁰ The Annex security team loaded all U.S. personnel into vehicles to return to the Annex, with the first vehicle departing at 11:19 PM and the second vehicle departing at 11:30 PM.³¹ The unarmed DoD Predator arrived and began recording events on the ground at approximately 11:11 PM, eight minutes prior to the first vehicle's departure and after the first attack had ended.³²

As the State Department officers exited the Benghazi TMF in the first vehicle heading east, they encountered heavy gunfire and a roadblock en route to the Annex.³³ The CIA officers who departed 11 minutes later headed west, avoided the roadblock, and returned to the Annex without incident.³⁴ All U.S. personnel from the Annex at the TMF, with the exception of Ambassador Stevens, were accounted for at the CIA Annex by 11:36 PM. At this point, there were 26 Americans at the Annex, 14 of whom were trained security personnel.³⁵

Within approximately one hour, at about 12:30 AM, the attackers began one of several attempts

²⁶ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 4-5.

²⁷ HPSCI Transcript "Subcommittee Interview with the former Chief of Tripoli Station," April 1, 2014 pg. 7.

²⁸ HPSCI Transcript "Subcommittee Interview with Officers 6 and 7," December 3, 2013 pg. 4, 25-26.

²⁹ HPSCI Transcript "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks," November 15, 2012 pg. 26.

³⁰ HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pg. 23.

³¹ HPSCI Transcript "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks," November 15, 2012; Video footage; HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013; HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013.

³² Predator ISR video footage of Benghazi September 11-12, 2012.

³³ HPSCI Transcript "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks," November 15, 2012 pgs. 25-26 and 28.

³⁴ HPSCI Transcript "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks," November 15, 2012 pgs. 25-26 and 28.

³⁵ HPSCI Transcript "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks," November 15, 2012 pgs. 25-26 and 28.

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to assault the Annex. Some of this attack was captured on video.³⁶ CIA personnel recounted that the attacks included RPGs, satchel charges, gelatin explosives, and small arms fire, with around five to ten people amassing in the adjacent field. These security personnel were able to repel the attackers. Around 2:00 to 2:30 AM, there was a second attempt on the compound that lasted about 5 to 10 minutes that was also repelled.³⁷ The personnel on the ground consistently described a second short attack at the Annex that occurred somewhere between 2:00 and 2:30 AM, followed by a lull of activity before the Tripoli Team arrived at the Annex at 4:53 AM.³⁸

The Tripoli Team, composed of seven U.S. personnel (five CIA and two U.S. military), arrived at the Benghazi airport just before the Predator observed them on the tarmac at 1:23 AM.³⁹ The Team's mission at that point was to locate and rescue Ambassador Stevens.⁴⁰ The Tripoli Team later received reports from Tripoli Station that the Ambassador was at a local hospital.⁴¹

Prior to landing in Benghazi, the DoD members of the Tripoli Team made arrangements with General Hasani, the commander of Libya's then-fledgling special forces cadre in Benghazi, for a Hilux truck, weapons, and an escort. The Team believed that General Hasani would be the most reliable interlocutor in Benghazi, but no truck was available when the Tripoli Team landed. The U.S. military Team Leader tried to call General Hasani, but the General's phone was apparently turned off.⁴²

While holding on the tarmac of the Benghazi airport without their pre-arranged transportation, the Team was approached by about 30 militiamen from different groups offering assistance. It was not entirely clear to the Team which groups were present, which were trustworthy, and which posed a threat. The Team had to vet militia members on the spot.⁴³

The Tripoli Team intended to travel to the hospital because they had received reports that there was a wounded American alive at the hospital.⁴⁴ But their mission was further complicated on the tarmac because the local militia at the airport did not want to take them to the hospital.⁴⁵ It was not clear why those individuals did not want to travel to the hospital.⁴⁶ Additionally, the Team received some confusing (and ultimately inaccurate) intelligence reports; first that Ansar al-Sharia held the security

³⁶ Video footage.

³⁷ HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pgs. 37-38.

³⁸ HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pg. 38; HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pg. 141.

³⁹ HPSCI Transcript, "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks," November 15, 2012; Predator ISR video footage of Benghazi September 11-12, 2012.

⁴⁰ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 10-12.

⁴¹ HPSCI Transcript, "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks," November 15, 2012 pg. 29.

⁴² HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 10-12.

⁴³ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 10-12.

⁴⁴ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pg. 11.

⁴⁵ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 10-12.

⁴⁶ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 10-12.

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contract for the hospital;⁴⁷ and second that the Ambassador's cell phone had been located nearby.⁴⁸

The confusion at the airport lasted for about three and a half hours until the Tripoli Team received a report that a deceased Westerner had been identified at the hospital. The Chief of Station in Tripoli then ordered the team to return to its original mission, which was to move to the Benghazi Annex to collect non-security personnel and transport them to the airport for evacuation to Tripoli.⁴⁹

Once the Tripoli Team announced its intention to go to the Annex, four Toyota Land Cruisers arrived. The Tripoli Team was hesitant to use the vehicles, but the Team had few options.⁵⁰ Thus, the Tripoli Team departed the airport for the Annex in the Libyan Shield militia vehicles at 4:53 AM, was held up briefly at a checkpoint, and arrived at the Annex at 5:04 AM. The Team invited into the Annex one militia member whose assistance would prove critically valuable to the evacuation of the Annex. The Libyan militia vehicles remain parked outside the Annex until the final attack began.⁵¹

After much review, HPSCI uncovered no evidence that the Libyan Shield militia played a role in the final attack or tipped off the attackers of the Tripoli Team's presence.

Once the Tripoli Team arrived at the Annex, the Tripoli security chief conferred with the Benghazi Chief of Base and organized an evacuation of non-essential personnel from the Annex.⁵² Meanwhile, the other Tripoli Team officers spread out to assess the situation, locate all personnel, and fill any security gaps. Glen Doherty, who was a member of the Tripoli Team, climbed up to the roof of the main building to assist his friend and colleague Ty Woods with physical security.⁵³

At 5:15 AM, about 11 minutes after the Tripoli Team's arrival at the Annex, terrorists conducted a short but deadly and coordinated attack against the Annex from multiple directions. Attackers launched a complex coordinated attack on the Annex that included a salvo of five mortar rounds, with an RPG and small arms fire.⁵⁴ The first mortar round hit the north wall. The second and third mortar rounds were direct hits on the roof of building #3. The fourth mortar landed just outside the Annex compound. The fifth mortar round was a direct hit on building #3. The three deadly mortars landed within a few meters of each other during a one minute and nine second period. The Tripoli security chief recalled that the mortar fire was far more accurate than anything he had seen during his tour in

⁴⁷ CIA's January 8, 2014 response to a Committee inquiry states that at the time of the attacks "Ansar al-Sharia was tasked with providing security for a different hospital in Benghazi—the al-Jala hospital—as part of the local government's effort to delegate security responsibility to militias to counter rising instability and to moderate the group's extremist agenda."⁴⁷

⁴⁸ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pg. 13; HPSCI Staff MFR "FBI Update on Benghazi Investigation," February 7, 2014.

⁴⁹ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 12-13.

⁵⁰ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 13-16.

⁵¹ Predator ISR video footage of Benghazi September 11-12, 2012; HPSCI Transcript "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks," November 15, 2012 pgs. 29-31.

⁵² HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pg. 20.

⁵³ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pg. 20.

⁵⁴ HPSCI Transcript "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC "Presentation on the Benghazi Attacks," November 15, 2012 pgs. 30-31.

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Afghanistan when the Taliban launched mortars three times a day against his base and were “lucky to put one inside the wire.”⁵⁵

The attack on the Annex mortally wounded Woods and Doherty and severely wounded another CIA security officer and one State Department DS Officer. Following the mortar fire, the remaining members of the security team rescued and began treating the wounded officers while repelling attackers, who continued to fire on the Annex for a short time. The Benghazi and Tripoli security team leaders discussed whether they should try to stay to protect the Annex. They decided that they could not secure the roofs of the Annex due to the indirect fire and their lack of appropriate weapons. Chief of Base in Benghazi concurred with their assessment and approved the evacuation.⁵⁶

The Libyan Shield militia members who had remained in the vehicles departed the Annex compound as soon as the RPG round hit the north wall and were not available to facilitate an immediate evacuation. The Libyan Shield official who entered the Annex with the Tripoli Team remained sheltered with the U.S. personnel and he called the vehicles back. The Libyan Shield official arranged for vehicles to transport all remaining personnel from the Annex to the airport. The Libyan Shield vehicles returned at 6:14 AM. All remaining U.S. personnel loaded in the vehicles and departed the Annex at 6:33 AM for the airport. The convoy arrived at the airport at 6:55 AM.⁵⁷

During this time, the Libyan government, in coordination with the U.S. State Department, arranged to have the body of Ambassador Stevens delivered to the airport. All U.S. personnel, including the bodies of the four dead Americans, departed Benghazi for Tripoli on two flights, one at about 7:30 AM and the other at about 10:00 AM. By 11:35 AM, all U.S. personnel had arrived in Tripoli.⁵⁸

- II. In the months prior to the attacks, the IC provided intelligence about previous attacks and the increased threat in Benghazi, but it did not have specific, tactical warning of the September 11 attacks. The CIA was conducting no unauthorized activity in Benghazi and was not collecting and shipping arms to Syria. The CIA ensured sufficient security for CIA facilities in Benghazi and was able to assist the State Department in Benghazi.**

Finding #1: There is no evidence of an intelligence failure. Prior to the Benghazi attacks, the CIA provided sufficient strategic warning of the deteriorating threat environment to U.S. decision-makers, including those at the State Department. The IC did not fail to provide specific, tactical warning of the attacks in Benghazi because it had no credible intelligence about the attacks before they began.

⁵⁵ Video footage; HPSCI Transcript “Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC “Presentation on the Benghazi Attacks,” November 15, 2012 pgs. 30-31; HPSCI Transcript “Subcommittee Staff Interview with Officer 8,” December 13, 2013 pg. 20.

⁵⁶ HPSCI Transcript “Subcommittee Staff Interview with Officer 8,” December 13, 2013 pgs. 26-27.

⁵⁷ Video footage; Predator ISR video footage of Benghazi September 11-12, 2012; ⁵⁷ HPSCI Transcript “Subcommittee Staff Interview with Officer 8,” December 13, 2013 pgs. 27-28; HPSCI Transcript “Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks,” November 15, 2012 pg. 31.

⁵⁸ HPSCI Transcript “Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks,” November 15, 2012 pg. 33.

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One of the first questions HPSCI pursued is whether the U.S. government had or should have had intelligence that could have prevented or disrupted the attacks, and thus whether there was an intelligence failure. Accordingly, soon after the attacks, HPSCI requested and reviewed the volume of the IC's reporting about Libya, and specifically material produced by the CIA in the months leading up to the attacks.⁵⁹

HPSCI found no evidence of an intelligence failure, and an internal CIA analytic review provided to the Committee on January 4, 2013, corroborates the Committee's findings. Specifically, during 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.⁶⁰ In numerous analytical products, CIA specifically highlighted the threats to Western interests in eastern Libya.⁶¹ For example, CIA published a WIRE 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 2012.⁶² Throughout 2012, there were more than 20 attacks against Western and international interests in Benghazi.⁶³ The IC monitored these attacks and other extremist activities in North Africa, and it published hundreds of reports and assessments related to threats to Western interests in the region before the September 11 attacks.⁶⁴

These reports and assessments, which were available to senior U.S. policymakers, including those at the State Department and the White House, made clear that there were serious and credible threats to American interests and facilities in the region and in Benghazi specifically. This information was also available to U.S. personnel in Libya. Indeed, CIA's Chief of Tripoli Station testified that he actually had a long conversation with Ambassador Stevens the Saturday before the Ambassador traveled to Benghazi and reviewed the security situation.⁶⁵

Given the volume of threat information provided by the IC, the Committee concludes that any U.S. official responsible for facilities or personnel in Benghazi had sufficient warning of the deteriorating security situation in Benghazi and the demonstrated intent and capability of anti-U.S. extremists in the region to attack Western, and specifically, U.S. targets.

⁵⁹ HPSCI review of Benghazi Intelligence Review (October 2012 ODNI-provided package of 429 intelligence cables, reports, and assessments ranging from February to October 2012).

⁶⁰ CIA "Analytic Line Review on CIA's Assessments of the 11-12 September 2012 Attacks in Benghazi," January 4, 2013.

⁶¹ CIA WIRE "Terrorism: AQIM Growing Diverse Network in Libya," August 27, 2012; CIA WIRE "Libya: Recent Attacks Highlight Persistent Threats in Eastern Libya," August 1, 2014; CIA WIRE "Libya: Al-Qa'ida Establishing Sanctuary," July 6, 2014; CIA WIRE "Libya: Recurring Internal Violence Highlights Security Challenges Facing Successor Government," June 26, 2012; CIA WIRE "Libya: Attack on British Diplomatic Convoy Underscores Risks to Western Interests," June 11, 2012.

⁶² CIA "Analytic Line Review on CIA's Assessments of the 11-12 September 2012 Attacks in Benghazi," January 4, 2013.

⁶³ HPSCI Transcript "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC "Presentation on the Benghazi Attacks," November 15, 2012 pg. 11.

⁶⁴ HPSCI review of Benghazi Intelligence Review (October 2012 ODNI-provided package of 429 intelligence cables, reports, and assessments ranging from February to October 2012).

⁶⁵ HPSCI Transcript "Subcommittee Interview with the former Chief of Tripoli Station," April 1, 2014 pg. 13.

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HPSCI also reviewed why the IC did not provide an immediate and specific tactical warning of the attacks in Benghazi. 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, 2012.⁶⁶ 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.

After the attacks, CIA reported on September 15, 2012, that [REDACTED], a former Transitional National Council security official in Benghazi, said he received, very shortly before the attack, information of a possible imminent attack against the TMF and tried to notify the Libyan Intelligence Service the day of the attacks. However, he was unable to make contact and relay the information.⁶⁷ CIA's Chief of Tripoli Station sent this information to senior CIA officers on September 16, 2012, including then-Deputy Director Michael Morell. Mr. Morell directed that analysts review the information to determine if there was anything there that would change their assessments of what happened.⁶⁸

This specific report by [REDACTED] to the Libyans—if it even occurred—remains uncorroborated.

Finding #2: CIA provided sufficient security personnel, resources, and equipment to defend against the known terrorist threat and to enable CIA operations in Benghazi. There is no evidence that the CIA turned down requests for additional security resources at the Annex.

An adequate number of highly trained security personnel defended the Annex, which also contained physical security features to enable secure CIA operations despite the increased threat in the region. Indeed, CIA security officers demonstrated that capability during the attacks. Security personnel used their vehicles and weapons to simultaneously mount a rescue operation at the TMF while also defending the CIA Annex.⁶⁹ Concurrent with both of those operations, CIA deployed a separate team from Tripoli with additional security officers to rescue Ambassador Stevens and further bolster CIA's defensive capabilities in Benghazi.⁷⁰ Even after the deadly mortar strikes at the Annex, some remaining CIA officers at the Annex believed they could continue to defend the Annex without additional support.⁷¹

According to the first of two site vulnerability assessments conducted by the CIA prior to the attacks, the Annex's physical security features included numerous advantages over those of the TMF.⁷² The TMF's lone advantage was that it was larger and was less vulnerable from the street. The TMF's distance from the street allowed for added protection from a bomb blast at or near the walls of one of the facilities, and would provide additional time for security officers to respond before attackers could reach

⁶⁶ HPSCI review of Benghazi Intelligence Review (October 2012 ODNI-provided package of 429 intelligence cables, reports, and assessments ranging from February to October 2012).

⁶⁷ CIA Email: "Fw: Per your request – more explanation on Tripoli Station assessment on attacks".

⁶⁸ CIA Email to SSCI Staff, "Answers to SSCI Benghazi Questions from August 2013," September 6, 2013.

⁶⁹ HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pg. 11.

⁷⁰ HPSCI Transcript, "Full Committee Hearing with CIA's former Chief of Benghazi Base," May 22, 2013, pg. 13.

⁷¹ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pg. 26.

⁷² Benghazi Base, Libya Comparative Analysis: Site Vulnerability, [REDACTED].

were pending with the U.S. Embassy in Tripoli.⁷⁸ The CIA security contractors noted the security flaws of the TMF. In their view, it was a very large compound with too few guards and large spaces for attackers, such as snipers, to hide.⁷⁹

Upon arriving at the TMF the night of the attacks, the CIA security team observed that some, perhaps all, of the DS agents were unarmed and one of them was not wearing shoes.⁸⁰ At the Annex, only one DS agent participated in the defense of the Annex, but he was in a defensive position on the roof of Annex building #3 when it was hit with the mortar rounds and was severely injured. The other DS agents remained in a secure area with the CIA case officers and support staff.

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.⁸¹ 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.⁸²

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.⁸³

⁷⁸ HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pg. 38.

⁷⁹ HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pg. 37.

⁸⁰ HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pgs. 115-116.

⁸¹ Fox News "Was Syrian weapons shipment factor in ambassador's Benghazi visit?," October 25, 2012.

⁸² HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013; HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013; HPSCI Transcript "Subcommittee Interview with Officers 6 and 7," December 3, 2013; HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013; HPSCI Transcript "Full Committee Hearing with CIA's former Chief of Benghazi Base," May 22, 2013, pg. 34; HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pg. 11; HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pg. 7; HPSCI Transcript "Subcommittee Interview with Officers 6 and 7," December 3, 2013 pg. 74; HPSCI Transcript "Subcommittee Interview with the former Chief of Tripoli Station," April 1, 2014 pgs. 67-68.

⁸³ HPSCI Transcript "Full Committee Hearing with Deputy CIA Director Michael Morell," May 22, 2013 pgs. 62-64; HPSCI Transcript "Subcommittee Interview with the former Chief of Tripoli Station," April 1, 2014 pgs. 67-68.

III. Al-Qa'ida-affiliated groups participated in the attacks on U.S. facilities in Benghazi, and the appropriate U.S. personnel made reasonable tactical decisions about how to respond to the attacks and rescue fellow Americans. There was neither a stand down order nor a denial of available air support, and no American was left behind.

Finding #5: A mixed group, including members of al-Qa'ida in the lands of the Islamic Maghreb (AQIM), al-Qa'ida in the Arabian Peninsula (AQAP), al-Qa'ida in Iraq (AQI), the Muhammad Jamal Network (MJN), Ansar al-Sharia (AAS), and Abu Abaydah Ibn Jarah Battalion (UJB) participated in the attacks, along with Qadafi loyalists.

In addition to individual assessments immediately following the attacks, the IC has produced a series of six assessments intended to comprehensively identify terrorists and extremists associated with the Benghazi attacks. According to those assessments, AAS, AQIM, and MJN were involved in the attacks while members of AQAP, AQI, and UJB also participated. Additionally, reports stated that Qadafi loyalists likely joined in the attacks.⁸⁴ In the most recent of those six assessments, the IC identified 85 individuals who had some level of participation in the attacks and an additional four known extremists who are affiliated with the suspected attackers. That assessment relies on 146 citations that include reports from CIA, NSA, FBI, DoD, the State Department, and the Open Source Center.⁸⁵ The FBI continues to pursue a subset of individuals who they believe participated in the attacks. The IC continues to collect intelligence on these individuals as well as search for others that may have not yet been identified.

The discussion below highlights the intelligence on some of the key attackers and, in some cases, their affiliation with al-Qa'ida. The lack of a coherent structure among Libyan militias and terrorists groups, with often overlapping allegiances, is a challenge to identifying those involved.⁸⁶

AAS posted a video on YouTube on September 12, 2012, claiming participation in the attacks, but it took down the posting shortly thereafter.⁸⁷ In September 2013, AAS reportedly pledged its support to AQIM.⁸⁸ Abu Khattalah, an AAS leader, was probably one of the ringleaders of the attacks and was at the TMF that night.⁸⁹ Media outlets reported in August 2013 that federal authorities filed criminal charges on several Benghazi suspects, including Abu Khattalah, and he was subsequently

⁸⁴ “[The deputy Libyan interior minister] said the Libyan government suspected the gunmen were loyal to former leader Moammar Gaddafi.” Washington Post, “Chaos at U.S. Consulate in Libya,” September, 12, 2012.

⁸⁵ CIA WIRE “Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks,” January 28, 2013; CIA WIRE “Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks,” February 26, 2013; CIA WIRE “Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks,” August 12, 2013; CIA WIRE “Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks,” September 9, 2013; CIA WIRE “Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks,” March 24, 2014; CIA WIRE “Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks,” July 24, 2014.

⁸⁶ NCTC Current: “Libya: Update on Benghazi Suspects,” September 11, 2013.

⁸⁷ HPSCI Transcript, “Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks,” November 15, 2012 pg 46.

⁸⁸ CIA Extremist Profile – ██████████ August 28, 2013.

⁸⁹ HPSCI Transcript, “Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks,” November 15, 2012 pg. 65.

detained and transported to the United States for trial.⁹⁰ Sufyan bin Qumu, the spiritual leader of AAS-Darnah, a former Guantanamo Bay detainee, and a trainee at an al-Qa'ida terrorist training camp in Afghanistan in 1993, probably played some role in the attacks,⁹¹ even though reliable intelligence indicates that Qumu was not in Benghazi on the night of the attacks.⁹² Qumu and Khattalah were both AAS leaders at the time, knew each other, and ran in the same circles, but the nature of their relationship is still not fully clear.

Ample intelligence reporting from multiple sources indicates Khattalah's role in the attacks. For example, CIA's then-Chief of Base in Benghazi told Committee staff that available sources suggest that Abu Khattalah and his group were responsible for the attacks.⁹³

⁹⁴ [REDACTED]. In an August 2013 CNN interview, Khattalah acknowledged that he was at the TMF after the attacks but denied he was involved in the violence.⁹⁵ On June 17, 2014, the White House announced, and it was widely reported, that the U.S. successfully conducted a unilateral operation in Benghazi, Libya to capture Khattalah.⁹⁶ He is now in U.S. federal custody.

According to a February 7, 2014, FBI briefing to Committee staff, [REDACTED] indicates that [REDACTED] and ordered them to attack the TMF on September 11—in response to both the anti-Islamic video and Ayman al-Zawahiri's fatwa to avenge the death of al-Qa'ida deputy Abu Yaha al-Libi. According to these reports, [REDACTED] If true, this evidence would corroborate an earlier [REDACTED] report [REDACTED] that indicated [REDACTED] ordered the attacks in revenge for the death of al-Libi and other intelligence [REDACTED] that other extremists were involved.⁹⁷

Another suspect, Faraj al Chalabi, was an al-Qa'ida terrorist linked to the 1994 terrorist murder of two German tourists.⁹⁸ In February 2014, CIA assessed that he was the amir of a group that claimed responsibility for recent attacks against U.S. facilities and citizens in Libya and pledged to conduct more

⁹⁰ New York Times "U.S. Charges Libyan Milita Leader in Benghazi Attack," August 6, 2013; Indictment, United States v. Khatallah, No. 1:14-cr-00141 (D.D.C. June 26, 2014).

⁹¹ Department of Defense Joint Task Force Guantanamo Bay, Cuba "Update Recommendation to Transfer to the Control of Another Country for Continued Detention (TRCD) for Guantanamo Detainee, ISN: USLY-000557DP (S).

⁹² FBI Briefing to HPSCI Staff "FBI Update on Benghazi Investigation," February 7, 2014.

⁹³ HPSCI Staff MFR "Meeting with the former Chief of Benghazi Base," December 14, 2012.

⁹⁴ CIA WIRE "Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks," March 24, 2014.

⁹⁵ NCTC "Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks," September 9, 2013 (Authored by CIA, NCTC, and FBI); CNN "First Criminal Charges Filed in Benghazi Attack Probe," August 7, 2013 www.cnn.com/2013/08/06/politics/benghazi-charges/

⁹⁶ Statement by the President on the Apprehension of Ahmed Abu Khattalah, June, 17, 2014 www.whitehouse.gov

⁹⁷ CIA WIRE "Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks" March 24, 2014.

⁹⁸ NCTC "Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks," September 9, 2013 (Authored by CIA, NCTC, and FBI).

attacks, most likely against U.S. interests in Libya.⁹⁹ He was detained in Pakistan shortly after the Benghazi attacks and was later sent to Libya, where he was eventually released in June 2013.¹⁰⁰ NCTC assessed in June 2013 that he almost certainly would reengage in plotting against U.S. and Western interests.¹⁰¹ On July 15, 2014, press reported that Chalabi's body was recovered the previous day. Chalabi was reportedly seen two days prior, in the custody of a local militia in Marj, Libya.¹⁰²

The IC began to receive intelligence on the attackers and their affiliations immediately following the attacks. In January 2013, CIA conducted a review of the analytic products between September 12, 2012, and October 11, 2012, that addressed the attacks. The review found that CIA accurately assessed on September 12 and 13, 2012, that members of AAS and of various al-Qa'ida affiliates perpetrated the attacks. As new reporting provided greater information and detail, CIA gained corroborating reporting to support their previous assessments. This line of analysis remained consistent through the timeframe of the line analytic review and continues to be supported today.¹⁰³

Finding #6: Appropriate personnel on the ground in Benghazi made the decision to send CIA officers to rescue the State Department officers at the TMF.

Eyewitness testimony and video footage confirm the initial testimony to the Committee by NCTC Director Olsen that the CIA deployed an Annex security team to the TMF soon after the attacks began. Specifically, upon receiving the first call of an attack from an assistant Regional Security Officer at 9:42PM, the Annex security team leader gathered the five other available security officers that were at the Annex, and he told them what he knew. They immediately began putting on their gear and preparing vehicles for a rescue operation.¹⁰⁴

The Annex security team leader then informed the Deputy Chief of Base in Benghazi, who informed his supervisor about the incident at the TMF. As the security officers were putting on their gear, the Benghazi Chief of Base, his deputy, and the Annex security team leader discussed the rescue operation. They discussed the security team's lack of information about exactly what the situation was and their lack of heavy weaponry. The Chief of Base in Benghazi began calling local militias to try to get additional security assistance. He was especially interested in locating pick-up trucks with large caliber machine guns. The Chief of Base made several phone calls, but his initial efforts were unsuccessful.¹⁰⁵ According to the team members, it took about five minutes to prepare their weapons, ammunition, gear, equipment, and vehicles.¹⁰⁶ After that, they prepared to depart for the TMF. After 21

⁹⁹ CIA WIRe "Libya: Benghazi Attacks Suspect Probably Targeting U.S. Interests," February 11, 2014.

¹⁰⁰ Fox News "Libyans Release Suspect Linked to Benghazi Attack," June 27, 2013.

¹⁰¹ NCTC "Snapshot of the Worldwide Terrorist Threat to U.S. Interests," June 26, 2013.

¹⁰² CNN "Where are the Benghazi Suspects," July 15, 2014.

¹⁰³ CIA WIRe "Libya: Benghazi Attacks Suspect Probably Targeting U.S. Interests," February 11, 2014.

¹⁰⁴ Video footage; HPSCI Transcript, "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks," November 15, 2012 pg 20; HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pgs. 18-20; and HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pgs. 16-17.

¹⁰⁵ HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pgs. 18-22, 45, 50, 61, 67-68; HPSCI Transcript "Full Committee Hearing with the former CIA Chief of Benghazi Base," May 22, 2013 pgs. 23-24.

¹⁰⁶ HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pg. 15.

minutes, before receiving arrangements for support from local militias, the team departed in two vehicles for the TMF.¹⁰⁷¹⁰⁸¹⁰⁹

The Committee found no evidence that any individual from the Annex called CIA Headquarters or CIA officers in Tripoli to seek approval to launch the rescue mission. The CIA security team chief in Benghazi, in consultation with the Chief of Base, made the decision to organize the rescue mission and to commence the operation. The Benghazi security team did not receive any orders from CIA Headquarters or Tripoli with regard to the rescue operation.

Finding #7: Prior to the CIA security team departing for the TMF, the Annex leadership deliberated thoughtfully, reasonably, and quickly about whether further security could be provided to the team. Although some security officers voiced a greater urgency to depart for the TMF, no officer at CIA was ever told to stand down.

The evidence from eyewitness testimony, ISR video footage, closed-circuit television recordings, and other sources provides no support for the allegation that there was any stand-down order. Rather, there were mere tactical disagreements about the speed with which the team should depart prior to securing additional security assets.¹¹⁰

The 21-minute period between the time the Annex personnel first learned of the attack and when they departed reflects the time the Team needed to put on gear and the time during which the Chief of Base in Benghazi tried to secure local militias to assist in the mission. Annex leadership also considered the impact of the departure of the security officers on the security of the Annex. The Annex had minimal security forces available for the 93 minutes that the team was gone, and there was neither a requirement nor an expectation for the CIA security personnel to defend the State Department's facility in Benghazi. Nonetheless, some Annex team members wanted urgently to depart the Annex for the TMF to save their State Department colleagues. The Chief of Base in Benghazi, however, ordered the team to wait so that the seniors on the ground could ascertain the situation at the TMF and whether they could secure heavy weaponry support from local militias.¹¹¹

¹⁰⁷ Video footage.

¹⁰⁸ HPSCI Transcript, "Full Committee Hearing with DNI Clapper, ADCIA Morell, D/NCTC Olsen, and Under Secretary Kennedy, which included the NCTC Presentation on the Benghazi Attacks," November 15, 2012 pg. 20.

¹⁰⁹ The 21 minutes is discussed extensively in the next section of this report.

¹¹⁰ HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pgs. 17-19, 27-28,44, 50, 80, 83, 88-89; HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pgs. 18-22, 45, 50, 61, 67-68; HPSCI Transcript "Full Committee Hearing with the former CIA Chief of Benghazi Base," May 22, 2013 pgs. 23-24.

¹¹¹ One officer felt that the 21 minute delay was too long. His testimony on the timeline is, however, internally inconsistent. His testimony is also inconsistent with other officers on the ground and with then-Deputy Director of the CIA Michael Morell. Given this officer's inconsistent testimony, HPSCI used all other eyewitnesses' accounts to confirm the timeline. HPSCI Transcript "Full Committee Hearing with the former CIA Chief of Benghazi Base," May 22, 2013 pgs. 23-24; HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pgs. 18-22, 45, 50, 61, 67-68; HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pg. 17-19, 27-28,44, 50, 80, 83, 88-89; HPSCI Transcript "Full Committee Hearing with Deputy CIA Director Michael Morell," May 22, 2013 pgs. 35-36.

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Based on all of the available evidence, the Committee concludes that the Annex team left in a timely and appropriate manner. None of the officials who testified believed that the 21-minute delay was due to a stand down order from CIA headquarters or from Tripoli Station. Indeed, Deputy Director Morell also testified that the decision to seek militia support was a “very prudent decision and I believe that that was the Benghazi senior intelligence official's decision to make, and I have not questioned that decision and I don't believe any of my senior officers have questioned that decision.” He also said: “It has occurred to me that had the Benghazi senior intelligence official sent them the moment they were ready at that 15 minute mark and they had gotten to the TMF and they had all been killed, what I would be explaining to you now is why the Benghazi senior intelligence official was not more careful and did not try to get some help.”¹¹²

Testimony from an active, senior CIA official who has personal experience in crisis situations and who testified at a hearing with Mr. Morell, provided a detailed validation of Morell's assessment. He said:

A lot of folks that have not been in the situation where they are in charge in an emergency that is in a military situation or a situation involving violence, sometimes they think the decision that that person in charge, that commander is making is just do you go right now or do you not go, when the reality is there [are] a lot of choices that you can make in that situation, there is a lot of nuance, and the choice you make can have grave implications for a lot of people.

I have been involved. I have had to roll out as part of a response force and I have been part of the decision-making process on rolling out as part of a response force, and I have been the person in charge. And I wish I could tell you I have done it perfect every time, but I haven't. I have been involved in some hasty roll outs, I have directed some hasty roll outs, and it is very fortunate that I didn't contribute to making the situation worse.

But I think our chief in Benghazi did the right thing. The situation of violence, you know, partway across town, not a lot of information, knowing that it could be very bad and choosing to develop the situation, try to get a little bit more information and try to get some tactical assistance before having people launch in the direction of the TMF. I have looked at it a bunch of ways. I think he made the right call.

I have seen situations where people rolled out right away and they ended up having to be rescued. I have seen situations where people rolled out right away and they got ambushed on the way because it was part of an enemy plan. I have seen situations where people got lost, vehicles rolled over, and so forth, and instead of coming to the assistance of somebody, you actually detracted from the assistance that they were going to get.

So I think he made a good call trying to develop a little bit more information and a little bit more tactical support before rolling out. It is possible to wait too long in those situations, you know. It is a call the person is making at the moment based on a lot of inputs and a lack of information

¹¹² HPSCI Transcript “Full Committee Hearing with Deputy CIA Director Michael Morell,” May 22, 2013 pgs. 35-36.

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and some bogus information. But I think the Chief made the right call, tried hard to gain some advantages so the response team would have better odds of success and better command of the information situation. That wasn't coming and then they rolled out.¹¹³

Finding #8: The decision to send CIA officers from Tripoli to Benghazi to rescue the Ambassador and bolster security of the U.S. personnel in Benghazi was a tactical decision appropriately made by the senior officers on the ground.

After hearing of the attacks in Benghazi, the CIA security team in Tripoli responded immediately and without hesitation, even without a command order. There was an inherent assumption that a security team would depart as soon as possible. The Tripoli Team departed within 45 minutes of receiving their first phone call about the attacks. Indeed, when receiving the first reports from the Annex team at the TMF that Villa C was on fire, the Chief of Station in Tripoli quickly assisted the security team in gathering necessary assets, including a chartered plane that landed in Benghazi by 1:00 AM.¹¹⁴

Finding #9: The Tripoli Team's decision not to move to the hospital to retrieve Ambassador Stevens was based on the best intelligence at the time.

The Tripoli Team initially departed as a CIA quick reaction force to support CIA officers. Once they were on the ground in Benghazi and received reports that Ambassador Stevens was missing and perhaps at the hospital, tactical control of the team was handed to the U.S. military personnel who were part of the Tripoli Team. Together with the lead U.S. military officer, the CIA Tripoli Team lead had decided that the Annex team was successfully defending the U.S. personnel at the Annex and that the Tripoli Team should move to the hospital to rescue the Ambassador.

While planning the movement and trying to arrange secure transportation, the Chief of Station in Tripoli called to inform the officers in Benghazi that Ansar al-Sharia had the security contract for that hospital. Ansar al-Sharia had already posted online that the group was involved in the attack on the TMF.¹¹⁵ Testimony revealed that the militia at the airport would not offer the Tripoli Team assistance in getting to the hospital.¹¹⁶ Once it was confirmed that the Ambassador had been killed, the mission changed back from a rescue operation to its original mission—to secure and evacuate all the non-essential personnel from the Annex.¹¹⁷

Information available after the attacks confirms that the reports the Team received at the time were not accurate. The CIA has no information that Ansar al-Sharia provided security for the Benghazi Medical Center prior to or during the attacks on the U.S. facilities in Benghazi. Instead, at the time of the attacks, Ansar al-Sharia was tasked with providing security for a different hospital in Benghazi—the al-Jala hospital—as part of the local government's effort to delegate security responsibility to militias to counter rising instability and to moderate the group's extremist agenda, according to clandestine

¹¹³ HPSCI Transcript "Full Committee Hearing with Deputy CIA Director Michael Morell," May 22, 2013 pgs. 36-37.

¹¹⁴ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 5-8.

¹¹⁵ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 12-13.

¹¹⁶ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 12-13.

¹¹⁷ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 12-13.

reporting.¹¹⁸

Finding #10: The CIA received all military support that was available. Neither the CIA nor DOD denied requests for air support. One CIA security officer requested a Spectre gunship that he believed was available, but his commanding officer did not relay the request because he correctly knew the gunship was not available.

This review did not set out to assess the Defense Department's activities during the attacks. The House Armed Services Committee report, however, thoroughly addresses the military response to the Benghazi attacks. That report demonstrates that senior-level officials at DoD made decisions in a timely manner and did not delay in ordering forces to respond. The report also said there was no stand down order issued and that the DoD response was limited by DoD's force posture leading up to the attacks. The HASC report concluded that the U.S. military's response to the Benghazi attack was severely degraded because of the location and readiness posture of the U.S forces, and because of lack of clarity about how the terrorist action was unfolding.¹¹⁹

When the Benghazi security team was ready to depart for the TMF, one officer twice suggested that it might be a good idea if there were a Spectre gunship and a surveillance flight in the air.¹²⁰ Surveillance support had already been directed to Benghazi prior to that request. Specifically, after hearing of the attacks and conferring in Tripoli, officers in Tripoli conferred with military operators in Tripoli and learned there was an unarmed Predator available over Darnah, Libya, which was collecting on other matters. Security personnel consulted with the Tripoli operations center, passed the TMF coordinates to the military operators, and they directed, through an AFRICOM liaison officer in Stuttgart, Germany, the Predator UAV to fly over Benghazi.¹²¹ After this first aircraft began running low on fuel, it was replaced by a separate unarmed Predator UAV.

A member of the security team who served in Tripoli four months earlier had inquired about the availability of air assets and believed a Spectre gunship was based and available in Sigonella, Italy. He assumed that it was still available that night, though he admitted that it was not his job to know whether it was available.¹²² Those officers who had attended emergency action committee meetings had discussed intimately what, if any, U.S. military resources were in the area. Those officers knew exactly what was and was not in the area, and they understood that there was no air support or any other assets in the general area. Once the aircraft carrier pulled out at the end of Operation Freedom Falcon, the officers knew air support was not in the area.¹²³

The lack of local air support was well-known. Indeed, an [REDACTED] cable from CIA headquarters to personnel in Libya that predated the attacks explained that "the primary course of action

¹¹⁸ CIA Email to HPSCI Staff, January 8, 2014.

¹¹⁹ House Armed Services Committee "Majority Interim Report: Benghazi Investigation Update," pgs. 13-22.

¹²⁰ HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pg. 17.

¹²¹ HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pgs. 8-17, 25, 37-38.

¹²² HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pgs. 17-20, 27, 38, 50-53, 61, 100-108, 157-158.

¹²³ HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pgs. 41-43.

for officers operating in Libya during a personnel recovery scenario should be to move away from enemy activity as there is no mechanism/authorities in place for the field to leverage Emergency Close Air Support. The Base should be prepared to recover its officer(s) with local resources within its capabilities and limitations.”¹²⁴

IV. After the attacks, the early intelligence assessments and the Administration’s initial public narrative on the causes and motivations for the attacks were not fully accurate. HPSCI asked for the talking points, which Ambassador Rice ended up using for her talk show appearances on September 16, solely to aid the Members’ ability to communicate publicly using the best available intelligence at the time. The process and edits made to these talking points was flawed.

Finding #11: Ambassador Rice’s September 16 public statements about the existence of a protest, as well as some of the underlying intelligence reports, proved to be inaccurate.

After reviewing hundreds of pages of raw intelligence, as well as open source information, it was clear that between the time when the attacks occurred and when the Administration, through Ambassador Susan Rice, appeared on the Sunday talk shows, intelligence analysts and policymakers received a stream of piecemeal intelligence regarding the identities/affiliations and motivations of the attackers, as well as the level of planning and/or coordination. Much of the early intelligence was conflicting, and two years later, intelligence gaps remain.

Various witnesses and senior military officials serving in the Obama Administration testified to this Committee, the House Armed Services Committee, and the Senate Armed Services Committee that they knew from the moment the attacks began that the attacks were deliberate terrorist acts against U.S. interests.¹²⁵ No witness has reported believing at any point that the attacks were anything but terrorist acts.

Along those lines, in the Rose Garden on September 12, 2012, President Obama said that four “extraordinary Americans were killed in an attack on our diplomatic post in Benghazi,” and said that: “[n]o 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.”

However, it was not clear whether the terrorist attacks were committed by al-Qa’ida or by various groups of other bad actors, some of who may have been affiliated with al-Qa’ida. Early CIA, NCTC, DIA, and CJCS intelligence assessments on September 12th and 13th stated that members of AAS and various al-Qa’ida affiliates “likely,” “probably,” or “possibl[y]” participated in the attacks.¹²⁶

¹²⁴ CIA Cable “DIRECTOR [REDACTED]” [REDACTED]

¹²⁵ HASC Briefing Transcript “DOD’s Preparation for the Terrorist Attacks in Benghazi (Part II, AFRICOM),” June 26, 2013; FOX News The Benghazi Transcripts: Top Defense officials briefed Obama on ‘attack’ not video or protest, January 13, 2013 <http://foxnews.com/politics/2014/01/14/benghazi-transcripts-top-defense-officials-briefed-obama-on-attack-not-video-or/>

¹²⁶ CIA “Executive Update,” September 12, 2012; CIA “Libya Spot Commentary,” September 12, 2012 1200EDT; NCTC Libya Crisis Update “Ansar al-Shari’a Likely Conducted Benghazi Attack,” September 12, 2012 1200 EDT; DIA “Libya: Terrorists Likely Involved in Attack on U.S. Consulate in Benghazi,” September 12, 2012; NCTC Libya Spot Report.

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For example, on September 12, NCTC reported: “Ansar al Shar’ia, with support from other Islamic extremists in the area, probably perpetrated yesterday’s attack on the U.S. Consulate in Benghazi.”¹²⁷ None of the reports made a definitive assessment of attribution or affiliation that first week after the attacks. A September 12 DIA report, for example, spoke of “unidentified terrorists,”¹²⁸ and an NCTC assessment reported that the “Benghazi populace” heard about a security breach at the U.S. Embassy in Cairo and they decided to storm the facility in Benghazi.¹²⁹ Libyan government officials told the media that the perpetrators of the attacks were loyalists of ousted and deceased Libyan leader Muammar Qadhafi.¹³⁰

On September 14, CIA Director Petraeus spoke extensively to the Committee about AAS and AQIM’s participation in the attacks. However, he did not say that they conducted or orchestrated the attacks. In November 2012, he testified that the CIA still “cannot yet establish responsibility, but there are several data points we are continuing to follow.”¹³¹

Weeks after the attacks, intelligence reports similarly remarked on the “fragmentary and contradictory reporting about who organized the attack,” and that it is “unclear if any group or person exercised overall command and control and if the extremist group leaders directed their members to participate in the attacks or the attackers did so on their own.”¹³² To this day, significant intelligence gaps regarding the identities, affiliations and motivations of the attackers remain.¹³³

As for motivation, while Reuters published a series of news articles right after the attacks that included interviews of individuals who claimed they were eyewitnesses to protests at the compound,¹³⁴ there were also early reports that the attacks were not spurred by a protest in Benghazi.¹³⁵ The first CIA assessment about the attacks, a September 12th Executive Update, said “the presence of armed assailants from the incident’s outset suggests this was an intentional assault and not the escalation of a peaceful protest.”¹³⁶ On September 15, the CIA assessed that the attacks were inspired by the September 11 storming of the U.S. Embassy in Cairo.¹³⁷ On September 12, the DIA reported that there were no indications of preoperational planning, but that a mix of terrorists attackers “likely leveraged a target of

“Elements of Ansar al-Sharia Probably Conducted Benghazi Attack,” September 13, 2012 0600 EDT; CJCS “Terrorism: Threats Emanating from North Africa Grow...,” September 13, 2013; DIA “Possible Terrorist Involvement and Motivations Behind the U.S. Consulate Attack in Benghazi,” September 13, 2012.

¹²⁷ NCTC, “Libya Crisis Update,” September 12, 2012 (1200).

¹²⁸ DIA, “Libya: Terrorists Likely Involved in Attack on U.S. Consulate in Benghazi,” September 12, 2012.

¹²⁹ NCTC, “Libya Crisis Update,” September 12, 2012 (1200).

¹³⁰ Washington Post, “Chaos at U.S. Consulate in Libya,” September, 12, 2012.

¹³¹ David Petraeus, “Full Committee Hearing on Benghazi,” November 16, 2012 pg. 10.

¹³² CIA/NCTC, “Response to Questions on the People Involved in the Benghazi Attacks,” September 23, 2012.

¹³³ CIA, “Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks,” March 24, 2014.

¹³⁴ Reuters, “Obama Vows to Track Down Ambassador’s Killers,” September 12, 2012.

¹³⁵ One CIA assessment about the attacks, a September 12th Executive Update, said 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.” CIA, “Libya: Executive Update,” September 12, 2012.

¹³⁶ CIA “Executive Update,” September 12, 2012

¹³⁷ CIA, “Libya: Variety of Extremists Participated in Benghazi Attacks,” September 15, 2012.

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opportunity amidst security vulnerabilities created by protest activity.”¹³⁸ Weeks afterwards, CIA and NCTC reported that “the attack probably was not specifically planned for 11 September.”¹³⁹ 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.¹⁴⁰

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. He also indicated he got an email from the Chief of Station in Tripoli (who was not in Benghazi for the attacks) on the morning of Saturday, September 15, which he read as part of his morning reading that day.¹⁴¹ That email stated that Tripoli Station “assesses the 11-12 September attacks in Benghazi were not spurred by local protests.” Chief of Station continued: “We lack any ground-truth information that protest actually occurred, specifically in the vicinity of the consulate and leading up to the attack. We therefore judge events unfolded in a much different manner than in Tunis, Cairo, Khartoum, and Sanaa, which appear to be the result of escalating mob violence.”¹⁴²

Mr. Morell testified that this assessment “jumped out” at him immediately because it contradicted the analyst views. He therefore asked his Executive Assistant to request that the Chief of Station provide supporting information. Mr. Morell also testified that CIA Chiefs of Station “do not/not make analytic calls for the Agency.” Rather, their job is to “collect information, not to do the analysis.” Nonetheless, he testified, their “views are taken very seriously by both senior CIA officers and by CIA analysts, but the analytic side of the Agency, which has access to all the relevant information, makes the official CIA call on any analytic issue.”¹⁴³

On Sunday, September 16, 2012, Ambassador Rice stated:

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 transpired in Cairo. In Cairo, as you know, a few hours earlier, there was a violent protest that was undertaken in reaction to this very offensive video that was disseminated. We believe that folks in Benghazi, a small number of people came to the Embassy to—or to the consulate, rather, to replicate the sort of challenge that was posed in Cairo. And then as that unfolded, it seems to have been hijacked, let us say, by some individual clusters of extremists who came with heavier weapons, weapons that as you know—in the wake of the revolution in Libya are—are quite common and accessible. And it then evolved from there.¹⁴⁴

¹³⁸ DIA, “Libya: Terrorists Likely Involved in Attack on U.S. Consulate in Benghazi,” September 12, 2012.

¹³⁹ CIA/NCTC, “Response to Questions on the People Involved in the Benghazi Attacks,” September 23, 2012.

¹⁴⁰ CIA provided a binder of intelligence reporting that supported and refuted the idea that a protest occurred.

¹⁴¹ Michael Morell, “Statement for the Record,” April 2, 2014, page 17.

¹⁴² CIA “Line Analytic Review of Benghazi Analysis” January 4, 2013; CIA Email Chief of Tripoli Station to Senior CIA Officers September 16, 2012 6:29 A.M.

¹⁴³ Michael Morell, “Statement for the Record,” April 2, 2014, page 18.

¹⁴⁴ Susan Rice, Interview with Jake Tapper, *This Week*, September 16, 2012.

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She referred to what happened in Cairo and Benghazi as a “direct result of a heinous and offensive video that was widely disseminated.”¹⁴⁵

On Saturday September 14, 2012, Deputy National Security Advisor, Ben Rhodes, wrote in an email titled “PREP CALL with Susan: Saturday at 4:00 ET” that one of the goals of Administration public statements should be “To underscore that these protests are rooted in an Internet video, and not a broader failure of policy.”¹⁴⁶

Whatever the larger policy issues, the conclusion that the “protests” were fully “rooted in a video” was incorrect, as were the underlying, early intelligence estimates concerning the video. 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 that ran on September 24th that CIA now assessed that no protest had occurred outside the TMF.¹⁴⁷ The FBI reports were the first formally reported indications that a protest did not occur in Benghazi.

Accordingly, Ambassador Rice’s November 27, 2012, comments following her meeting with Acting CIA Director Morell, Senator McCain, Senator Graham, and Senator Ayotte acknowledged that the conclusion was incorrect. Following that meeting, she told reporters:

In the course of the meeting, we explained that the talking points provided by the intelligence community, and the initial assessment upon which they were based were incorrect in a key respect: there was no protest or demonstration in Benghazi.

She continued:

While, we certainly wish that we had perfect information just days after the terrorist attack, as is often the case, the intelligence assessment has evolved. We stressed that neither I nor anyone else in the Administration intended to mislead the American people at any stage in this process, and the Administration updated Congress and the American people as our assessments evolved.¹⁴⁸

In fact, the intelligence assessments continue to evolve to this day, and the investigations into the motivations of the individual attackers are still ongoing. Part of the difficulty in making definitive assessments could in part be due to the fact that the two attacks can be distinguished by their apparent level of sophistication. For example, against the TMF, the attackers ignited diesel fuel, while against the Annex, the attackers used sophisticated mortar firing techniques. Secondly, Libya was, and remains, a chaotic place replete with skilled, armed fighters. As former CIA Director General David Petraeus explained, these groups retained their weapons and therefore did not need a lot of lead time to prepare

¹⁴⁵ Susan Rice, Interview with Jake Tapper, *This Week*, September 16, 2012.

¹⁴⁶ Email from Benjamin Rhodes, Deputy National Security Advisor, to senior Administration officials “RE: Prep Call with Susan: Saturday at 4:00 pm ET,” September 14, 2012 8:09 PM.

¹⁴⁷ CIA WIRE “Libya: Updated Assessment of Benghazi Attacks,” September 24, 2012.

¹⁴⁸ Washington Post “Susan Rice, CIA Director Meet with GOP Critics on Libya,” November 27, 2012.

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attacks.¹⁴⁹ The sophistication of the attacks does not necessarily imply lengthy pre-planning. Finally, Libya does not have a fully functioning government that can assist while providing the requisite security.

Finding #12: Deputy CIA Director Michael Morell made significant changes to the talking points.

For her public comments, Ambassador Rice used talking points developed at the request of HPSCI.¹⁵⁰

At the end of the September 14 briefing with Director Petraeus, HPSCI Ranking Member Dutch Ruppersberger requested unclassified talking points to ensure members could speak about the events without compromising classified information.¹⁵¹ He did not ask for more than what was known and could be discussed publicly.

Michael Morell testified at length about his role in the talking points, the coordination process within CIA, his interactions with the State Department and the White House, and why he believed the interagency process produced such a poor product.¹⁵² He was aware of the State Department's interest and comments on the talking points, yet neither he, Director Petraeus, nor any other authority at CIA appears to have had any idea that Ambassador Rice or other Administration officials would use these talking points to explain the attacks to the American people.

Mr. Morell explained that he had initial concerns about an earlier draft of the talking points because he did not want the CIA to appear "self-serving and defensive" by creating the impression that the CIA had warned the State Department, "implying that if other parts of the government had been responsive the attacks may not have occurred and lives may not have been lost."¹⁵³

Mr. Morell then made a large number of edits after a September 15 White House Deputies Committee meeting, which occurred via secure teleconference (not in person). The meeting addressed threats to facilities in North Africa, the Middle East, and South Asia. The Benghazi talking points were not on the meeting agenda and came up only when Mr. Morell raised them at the end of the meeting. Mr. Morell testified that at the end of the meeting, he raised the issue of the talking points. He said, "I was aware that there were some concerns in the interagency over the talking points, that I had concerns of my own, and that I would work on the talking points and circulate them to deputies for final coordination." According to Mr. Morell, there was no other discussion about the talking points at the Deputies Committee meeting or anywhere else until he sent out his next draft for final coordination. Mr. Morell testified that he checked with his executive assistant and a number of other meeting participants and confirmed that his recollection was accurate.

¹⁴⁹ David Petraeus, "Hearing on Benghazi," November 16, 2012, pp. 55-56.

¹⁵⁰ NBC "Meet the Press" Transcript February 23, 2014.

¹⁵¹ David Petraeus, "Hearing on Benghazi," November 16, 2012, pg. 19.

¹⁵² Michael Morell, "Hearing on Benghazi and the Obama Administration," April 2, 2014, CQ Congressional Transcripts. The specific changes to the talking points have been released to the public and declassified testimony from Michael Morell is attached to this report.

¹⁵³ Michael Morell, "Statement for the Record," April 2, 2014, pgs. 12-13.

After the Deputies Committee meeting, Mr. Morell removed the warning language and removed the word “Islamic” from the sentence: “There are indications that Islamic extremists participated in the attacks.”¹⁵⁴ He testified that he did so “because I did not think it wise to say something publicly—in particular a religious reference—that might add even more volatility to an already agitated situation in the Middle East and North Africa.”¹⁵⁵

He also testified that he was not aware of previous edits, to include the removal of “al-Qa’ida” from an earlier draft. Additionally, Mr. Morell stated:

The fact that they [the talking points] were not more robust, however, was in no way due to White House political influence, State Department concerns about how the Department might be portrayed publicly, or any interagency bureaucratic battles. The fact that they were not more robust was a reflection of how little we knew at the time, a reflection of what officers inside and outside CIA thought needed to be protected, and a reflection of what I thought would be fair to say about what CIA had or had not previously warned.¹⁵⁶

He testified that he made this judgment based on his 30 years as an analyst.

Finding #13: CIA’s Office of Public Affairs also made substantive changes to the talking points by removing the reference to “ties to al-Qa’ida” in the second bullet of the original draft.

As the declassified talking points emails reveal, CIA’s Office of Public Affairs made three critical changes to the talking points. The office deleted the phrase “with ties to al-Qa’ida” in the second bullet of the original draft; changed the word “attacks” in the first bullet of the talking points to “demonstrations;” and changed the assertion that Islamic extremists “participated in the attacks” to “participated in violent demonstrations.” According to Mr. Morell, the emails indicate that OPA was itself “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 on any one person or group, and finally, that the information pointing to any particular group was limited, and therefore we needed to be careful in talking in any certain terms about who was responsible.”¹⁵⁷ As it relates to the last change, Mr. Morell testified that:

[T]his change, which I admit was not elegant, was in response to a concern expressed by an NCS officer, and shared by [the Director of the Office of Terrorism Analysis], that the original phrasing could be interpreted to suggest that we had direct evidence that it was the extremists who were definitely responsible for the deaths of the Americans. And at that point in time, we did not have such evidence.¹⁵⁸

¹⁵⁴ Michael Morell, “Statement for the Record,” April 2, 2014, pg. 15.

¹⁵⁵ Michael Morell, “Statement for the Record,” April 2, 2014, page 15.

¹⁵⁶ HPSCI Transcript “Full Committee Hearing with Deputy CIA Director Michael Morell” May 22, 2013.

¹⁵⁷ HPSCI Transcript “Full Committee Hearing with Deputy CIA Director Michael Morell” May 22, 2013 pg.13.

¹⁵⁸ HPSCI Transcript “Full Committee Hearing with Deputy CIA Director Michael Morell” May 22, 2013 pg. 14.

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Mr. Morell reported to the Committee that a clear lesson from CIA's review of the talking points is not to have the Office of Public Affairs at the center of the coordination process.¹⁵⁹ Substantive changes to analytic assessments, even those designed for public consumption, must be managed by the substantive experts to ensure accuracy.

Finding #14: Overall, the CIA could have placed more weight on eyewitness sources on the ground and should have challenged its initial assessments about the existence of a protest earlier.

CIA's initial September 12th Executive Update 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."¹⁶⁰ 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. 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, 2014.¹⁶¹

Further, as the CIA concedes, once that initial assessment about a protest was made, CIA compounded its error by not sufficiently challenging the assessment and by using imprecise language. The CIA Line Analytic Review of the Benghazi Attacks concluded in part:

The view that the attack grew out of a protest at the TMF shaped subsequent IC analysis and affected the phrasing of the judgments in the analytic products. CIA initially did not closely question if a protest had occurred in Benghazi or demonstrate the sequence of events by which it ostensibly led to the attack, because analysts did not view the notion of a protest leading to an attack as implausible before the dissemination of credible reporting that there was no protest. As a result, however, CIA highlighted only some of the supporting intelligence of a protest and compounded the error by using imprecise language suggesting the attacks evolved out of protests, leaving the impression that random demonstrators may have perpetrated the attacks and clouding our assessment that individuals with links to al-Qa'ida and Islamic extremist militia groups were involved in the assault.¹⁶²

The review added that the word "spontaneously," which was used in the 13 September WIRE article to describe how the attacks in Benghazi began, implied that those who attacked the TMF reacted without forethought to events they did not anticipate or control. However, because CIA already assessed that the perpetrators of the attacks in Benghazi acted purposefully in response to events in Cairo, a more accurate word would have been "opportunistically."¹⁶³

¹⁵⁹ HPSCI Transcript "Full Committee Hearing with Deputy CIA Director Michael Morell" May 22, 2013 pg. 39.

¹⁶⁰ CIA "Executive Update" September 12, 2012.

¹⁶¹ FBI "Attack on the Temporary Mission Facility in Benghazi Libya (Redacted FBI Intelligence Reports)," March 6, 2013.

¹⁶² CIA "Analytic Line Review on CIA's Assessments of the 11-12 September 2012 Attacks in Benghazi," January 4, 2013.

¹⁶³ CIA "Analytic Line Review on CIA's Assessments of the 11-12 September 2012 Attacks in Benghazi," January 4, 2013.

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Furthermore, as mentioned previously in this report, on September 16, the CIA's Chief of Station in Tripoli sent to the then-Deputy Director of CIA and others at the CIA an email stating the Station's view that they lacked any "ground truth reporting" that a protest occurred and that the attacks did not appear to be the "result of escalating mob violence."¹⁶⁴

Additionally, the Chief of Tripoli Station testified that he coordinated on analytic products following the crisis and removed references to the attacks being "hastily planned." He also highlighted why, based on his conversations with the security personnel who had been on the ground, the analysts should not rely on the [REDACTED] intelligence indicating that a protest occurred.¹⁶⁵

On September 16, 2012, the Directorate of Intelligence agreed with the Chief of Tripoli Station's assessment that a "well-coordinated extremist force conducted the attack on the US Consulate and Base in Benghazi," and that clandestine reporting and signals intelligence "to date suggests the attackers opportunistically seized on earlier protests in Cairo—and possibly planned protests in Benghazi—to execute a deliberate attack on US interests." But it also stated that they continued to have "contradictory reporting about whether nonviolent demonstrations occurred prior to the directed attack on the US Consulate." It concluded by saying that the Station's assessment is the "most definitive account to date indicating that there were no peaceful protests on the day of the attack."¹⁶⁶

Despite this assessment, the 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, 2012.¹⁶⁷ The FBI reports were the first formally reported indications that a protest did not occur in Benghazi.

V. In the course of HPSCI's investigation, while some agencies were slow to respond to Committee inquiries, after an extensive and comprehensive search, there is no evidence that any officer was intimidated, forced to sign NDAs, or otherwise kept from speaking to Congress, or polygraphed because of their presence in Benghazi.

Finding #15: CIA did not intimidate or prevent any officer from speaking to Congress or otherwise telling his story.

According to eyewitness testimony and documentation provided in the appendices to this report, CIA's Office of Security requested that the six CIA independent contractors who were present in Benghazi sign contract addendums and new non-disclosure agreements in a conference room just prior to the May 20, 2013, CIA Memorial Ceremony that honored Glen Doherty and Tyrone Woods, among others.

¹⁶⁴ CIA "Line Analytic Review of Benghazi Analysis," January 4, 2013; CIA Email Chief of Tripoli Station to Senior CIA Officers, September 16, 2012 6:29 A.M.

¹⁶⁵ HPSCI Transcript "Subcommittee Interview with the former Chief of Tripoli Station," April 1, 2014 pg. 18.

¹⁶⁶ CIA Memorandum For Director David Petraeus and Deputy Director Michael Morell "In response to a question about recent attacks on U.S. diplomatic facilities in Benghazi," September 16, 2012.

¹⁶⁷ CIA WIRE "Libya: Updated Assessment of Benghazi Attacks," September 24, 2012.

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All CIA personnel interviewed by the Committee testified that they did not feel intimidated, dissuaded, or otherwise prevented from telling their story.¹⁶⁸ Further, the non-disclosure agreements they signed included a clause that: “I understand that nothing contained in this agreement prohibits me from reporting intelligence activities that I consider to be unlawful or improper directly to the Intelligence Oversight Board established by the President, or to any successor body that the President may establish, or to the Select Committee on Intelligence of the House of Representatives or the Senate. I recognize that there are established procedures for bringing such matters to the attention of the Agency’s Inspector General or to the Director, Central Intelligence....”¹⁶⁹

Three of the contractors testified that they signed contract addendums because their contracts lacked an “administrative services” section, which would have provided a contractual mechanism for CIA to reimburse them for their travel expenses to attend the ceremony. Those three stated that signing a new NDA along with a contract addendum was standard operating procedure and is something they have done many times. These three officers also testified that a CIA staff officer read them a draft letter from DCIA Brennan at the meeting.¹⁷⁰ This draft letter was signed on May 30, addressed to the witnesses, and informed them that HPSCI and SSCI requested to hear their first hand accounts. The letter also provides information on how to arrange meetings with the Committees.¹⁷¹

The testimony of these three contract security personnel corroborates CIA’s explanation of the circumstances surrounding the secrecy agreements. CIA briefed the Committee and provided documentation asserting that CIA requested the contract security officers to sign new non-disclosure agreements so CIA could pay them for administrative services (e.g. travel to CIA to be notified of Congress’s request to meet with them), rather than mission activities that were outlined in their contracts. CIA has provided evidence to the Committee that confirms that other contract security personnel signed contract addendums and updated non-disclosure agreements (not just the Benghazi security personnel). CIA’s written explanation to the Committee follows:

Congress mandated that the agencies notify every individual on the ground in Benghazi on 11 September, 2012 that the Congress was interested in speaking with them. CIA required a secure means to provide such notice. CIA therefore determined to provide the notice by directing the GRS ICs (independent contractors) to travel to CIA Headquarters so notice could be provided securely. CIA cannot require the IC’s to travel except for government business purposes. Given these ICs had been in Benghazi on 11 September 2012 because they were performing under their contracts, their travel to receive notice qualified as an official government business purpose—an administrative purpose rather than a mission purpose—for which the CIA could require their travel, provided CIA paid their expenses. CIA therefore determined to schedule the travel so

¹⁶⁸ HPSCI Transcript “Full Committee Hearing with CIA’s former Chief of Benghazi Base,” May 22, 2013; HPSCI Transcript “Subcommittee Interview with Officers 1 and 2,” November 13, 2013. pg. 48; HPSCI Transcript “Subcommittee Interview with Officers 3, 4, and 5,” November 14, 2013 pgs. 24-36, 30-32, 34-36, 39-40, 64-73, 83-87, 97-99, 103, 124-127, 151-153; HPSCI Transcript “Subcommittee Interview with Officers 6 and 7,” December 3, 2013 pgs. 36-38, 47-48; HPSCI Transcript “Subcommittee Staff Interview with Officer 8,” December 13, 2013 pg. 43.

¹⁶⁹ Signed Non-Disclosure Agreement by CIA officer in Benghazi May 20, 2013.

¹⁷⁰ HPSCI Transcript “Subcommittee Interview with Officers 1 and 2,” November 13, 2013; HPSCI Transcript “Subcommittee Interview with Officers 6 and 7,” December 3, 2013.

¹⁷¹ CIA Director Brennan letter to CIA officers in Benghazi May 30, 2013.

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CIA could provide the mandated notice during the same period of time as the CIA's Annual Memorial Day Ceremony as this would provide the ICs the choice of attending the ceremony if they so desired. The GRS ICs traveled to CIA Headquarters as directed, and CIA officers read them my letter notifying them of Congress's interest in hearing their first-hand accounts of what occurred on the ground in Benghazi. In order to make clear that all GRS ICs could be required to come to CIA Headquarters for administrative purposes related to OCONUS incidence, including to speak to Congress if Congress requested, unbeknown to CIA senior leadership, CIA decided to modify the Statements of Work in all GRS IC contracts, including the two specifically brought back in order to receive the mandated notice. These modifications to the Statements of Work required all ICs who signed the contract modifications to execute new CIA secrecy agreements...¹⁷²

The other three of the six contractors who signed new NDAs testified that they believed CIA's request for the new NDAs appeared odd. However, similar to the other three contractors, one of those contractors conceded that he had to sign a contract addendum on May 20 because he had already resigned from the Agency and the Agency needed to amend the contract to administratively justify reimbursing him for his travel expenses. Another contractor stated that he had to sign a contract addendum on May 20 because he was taking on different job responsibilities at CIA. Finally, the third contractor stated that he did not sign a contract addendum that day at all, which turned out to be inaccurate.¹⁷³ The CIA submitted evidence to the Committee proving all three officers signed contract amendments on May 20, 2013.¹⁷⁴

These three security personnel are no longer contracted with the CIA and co-authored a book about their experiences in Benghazi—further showing that they are not being dissuaded or intimidated from telling their story.¹⁷⁵ The NDAs they signed also outline their agreement to submit any intelligence related manuscripts to CIA's Publication Review Board. They stated that they have already contacted CIA and intend to fully comply with pre-publication review requirements.

While the CIA's decision to request that the six independent security contractors sign new NDAs at the CIA Memorial Service may have been ill-timed considering the gravity of the Memorial Service, it was not improper.

Additionally, Director Brennan's negative response to HPSCI Chairman Rogers, August 2, 2013, letter asking whether any officer, either staff or contractor, had "been required to sign any non-disclosure agreement because of their presence at Benghazi or their participation in any activity related to the Benghazi attacks,"¹⁷⁶ was factually accurate. But, it should have taken into account the perception and public allegations that CIA personnel had been forced to sign Benghazi-related NDAs. The Chief of

¹⁷² CIA Response to SSCI RFI "Circumstances of GRS IC Signing Secrecy Agreements," December 12, 2013.

¹⁷³ HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pgs. 24-36, 30-32, 34-36, 39-40, 64-73, 83-87, 97-99, 103, 124-127, 151-153.

¹⁷⁴ Non Disclosure Agreements of CIA Benghazi contract officers signed May 20, 2013; Contract Addendums of CIA Benghazi contract officers Signed May 20, 2013.

¹⁷⁵ The Washington Times "Benghazi Security Squat Nabs Book Deal for \$3M," June 28, 2013

<http://www.washingtontimes.com>

¹⁷⁶ Chairman Rogers Letter to DCIA Brennan August 2, 2013.

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Contracts in the CIA's Office of Security informed the Committee in writing:

"The signing of the NDA was solely in conjunction with the modifications to the SOW (statement of work) and the contracts. There was no direction or other pressure placed upon me to specifically have the Benghazi survivors sign the NDAs."¹⁷⁷

As described above, the NDAs do not mention Benghazi. However, three of the personnel asked to sign them testified that they felt it was at least odd, and they perceived that the NDAs could have been related to Benghazi.

Finding #16: There is no evidence that the CIA conducted any unusual polygraph exams related to Benghazi.

CIA witnesses consistently testified that they had not undergone a polygraph examination following the Benghazi attacks. CIA confirmed that it had not conducted a polygraph examination of any officer following their assignments in Benghazi.¹⁷⁸

Finding #17: While at times the agencies were slow to respond, ultimately the CIA, NCTC, FBI, and other Executive Branch agencies fully cooperated with the Committee's investigation.

Executive Branch agencies have testified at 20 events and provided thousands of pages of emails, documents, and evidence. DCIA Brennan wrote a letter to Benghazi eyewitnesses informing them of our interest in speaking with them and advising them of different methods they could use to speak to the Committee.¹⁷⁹ He also wrote a letter to Chairman Rogers affirming CIA leadership has consistently made clear to staff and contractors that they may communicate about the Benghazi attacks with the Committee. Director Brennan made all CIA personnel available in a timely fashion. The course of gathering and reviewing the large volume of information, investigating the issue in a deliberate manner, and minor logistical issues are largely responsible for the fact that most of the interviews did not take place until November 2013. All witnesses questioned expressed that nobody had attempted to intimidate them from or prevent them from testifying to the Committee. Many told Committee Members and Staff that they had no interest in talking with Congress and were hoping to continue their careers without having to revisit this issue again.

CIA responses to questions for the record and requests for information were fulsome (although it often took months and multiple requests for the CIA to provide responsive information). NCTC quickly compiled all available intelligence and evidentiary information to compile the November 15, 2012 presentation to the Committee that was eventually shared with the full House of Representatives. The presentation, which proved to be accurate, was exemplary.

ODNI's submission of all IC intelligence reporting and analysis leading up to and in response to

¹⁷⁷ CIA Email to HPSCI Staff December 16, 2013.

¹⁷⁸ HPSCI Transcript "Subcommittee Interview with Officers 1 and 2," November 13, 2013 pgs. 43-44; HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pg. 73-74.

¹⁷⁹ CIA Director Brennan letter to CIA officers in Benghazi, May 30, 2013.

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the Benghazi attacks was initially incomplete and hastily organized. The package was described to the Committee as comprehensive but critical documents were missing and the package was far from thorough. The White House initially allowed ODNI to only make available the various versions of the talking points on a limited, a read-only basis. After repeated Member inquiries and senior level engagements, the ODNI eventually released the documents.

The FBI, which is also investigating the attacks, has actively participated in Committee hearings and has provided verbal updates to staff, consistent with its need to protect ongoing investigations and prosecutions. The Committee understands and appreciates FBI's need to protect investigations and prosecutions, but it did find the FBI to have over-relied on this justification at times, without actually determining whether classified, closed-door testimony would have had a negative impact. Nonetheless, the Committee finds that the FBI ultimately was sufficiently forthcoming.

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Conclusion

This report is the result of nearly two years of intensive investigation. The House Permanent Select Committee on Intelligence reviewed thousands of pages of intelligence assessments, cables, notes, and emails; held 20 Committee events and hearings; and conducted detailed interviews with senior intelligence officials and eyewitnesses to the attacks, including eight security personnel on the ground in Benghazi that night. Members and Staff spent thousands of hours intensively looking at every aspect of the tragedy. The report is therefore meant to serve as the definitive House statement on the Intelligence Community's activities before, during and after the tragic events that caused the deaths of four brave Americans. Despite the highly sensitive nature of these activities, the report has endeavored to make the facts and conclusions within this report widely and publicly available so that the American public can separate actual fact from rumor and unsupported innuendo. Only with a full accounting of the facts can we ensure that tragedies like this one never happen again.

Appendices

1. Additional Views
2. Minority Views
3. November 15, 2012 NCTC Presentation Slides
4. HPSCI Full Committee Hearing Transcript: November 15, 2012 NCTC Presentation
5. HPSCI Full Committee Hearing Transcript: May 22, 2013 DDCIA Morell Testimony
6. Copy of one of the Benghazi Contractor NDAs

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Appendix 1

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ADDITIONAL VIEWS OF CHAIRMAN ROGERS AND REPRESENTATIVES CONAWAY,
MILLER, AND KING

The events in Benghazi, Libya, on September 11-12, 2012, reveal both successes and failures, which can be summarized simply as follows:

- The CIA officers who responded to the terrorist attacks in Benghazi saved American lives. Without their efforts, the terrorists would have killed many more Americans.
- Senior State Department officials dismissed repeated threat warnings and denied requests for additional security in eastern Libya thereby placing U.S. personnel at unnecessary risk.
- 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 a lack of clarity about how the terrorist action was unfolding.
- Senior U.S. officials perpetuated an inaccurate story that matched the Administration's misguided view that the United States was nearing a victory over al-Qa'ida.
- The Administration's failed policies continue to undermine the national security interests of the United States.

A Mixed Story of Heroism and Policy Failure

Benghazi, in part, is a story of heroism. The quick actions of CIA's Chief of Tripoli Station, Chief of Benghazi Base, the CIA security officers, and U.S. military personnel saved American lives on the night of September 11, 2012. Tyrone Woods and Glen Doherty were part of a devoted band of brothers that continues to work in the shadows, in some of the most dangerous places on earth, with no expectation of public acclaim. With remarkable bravery and limited resources, these CIA officers left their base, scaled walls, repeatedly crawled into smoke-filled rooms, rescued their State Department colleagues, searched for and recovered the body of Sean Smith, and battled trained terrorists with greater firepower to defend U.S. interests in Benghazi. Had they been asked to, these men would have stayed and continued to fight.

The bravery of these men, however, contrasts with the failure of senior U.S. officials to provide for the defense of U.S. interests against a known and growing terrorist threat in the region. Americans who serve in dangerous locations will always assume some risk. For example, collecting intelligence about terrorist threats to America often requires Americans to live and work in insecure environments. It is, however, the responsibility and duty of policymakers and senior U.S. officials to monitor evolving threats to U.S. personnel and take action to reduce or address that risk. In this case, U.S. military assets were not positioned or

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prepared to aid Americans in Libya, and the State Department failed to provide sufficient security for its facility in Benghazi. Those are the known failures of Benghazi.

America will always rely on the patriotism, bravery, and expertise of Americans who place themselves in harm's way to pursue and defend America's interests. We should celebrate all Americans on the front lines, honor those who lost their lives in service to us, and take every step possible to avoid such tragedies in the future.

The Administration's False View of the Terrorist Threat

Throughout his first term—and particularly during the 2012 presidential election cycle—President Obama consistently stated that al-Qa'ida is on the decline, especially by highlighting the death of Osama bin Laden at the hands of U.S. Special Forces. This sentiment was echoed repeatedly by various Administration officials. For example, on April 30, 2012, then-National Security Adviser for Counterterrorism and Homeland Security John Brennan told an audience at the Woodrow Wilson Center: “When we assess the al-Qa'ida of 2012, I think it's fair to say that, as a result of our efforts, the United States is more secure and the American people are safer.”¹ On June 12, 2012, then-U.S. Ambassador to the United Nations Susan Rice told graduates of the Ohio State University that “al-Qa'ida is on its way to defeat.”² Even after the Benghazi attacks, the administration's narrative continued. A media report found that the President had described al-Qa'ida as being “decimated,” “on the path to defeat,” or some other variation at least 32 times in the 50 days following the Benghazi attacks.³

This repeated assessment did not comport with the facts. Counterterrorism pressure against al-Qa'ida in Pakistan encouraged the decentralization of the organization. As a result, al-Qa'ida affiliates increased their capability and operations in expanding safe havens across the Middle East and Africa, including Afghanistan, Syria, Iraq, Yemen, Somalia, Egypt, Mali, Algeria, Tunisia, Gaza, and Libya. From some of these safe havens, al-Qa'ida affiliates and like-minded global jihadists fomented instability and continued to plot against western interests.⁴ The al-Qa'ida affiliates remain generally responsive to al-Qa'ida senior leadership in Pakistan.⁵

¹ John Brennan Assistant to the President for Homeland Security and Counterterrorism, Remarks at the Woodrow Wilson International Center for Scholars in Washington, DC on April 30, 2012.

² Commencement Address by Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations, at the Ohio State University. <http://usun.state.gov/briefing/statements/192044.htm>

³ CNSNews.com Obama Has Touted Al Qaeda's Demise 32 Times since Benghazi Attack. November 1, 2012. <http://cnsnews.com/news/article/obama-touts-al-qaeda-s-demise-32-times-benghazi-attack-0>

⁴ Statement for the Record “HPSCI Hearing: Worldwide Threat Assessment of the U.S. Intelligence Community” April 11, 2013 pgs. 3-5.

⁵ Statement for the Record “HPSCI Hearing: The Islamic State of Iraq and the Levant” July 17, 2014. The Islamic State of Iraq and the Levant recently split from al-Qa'ida, but it is perhaps more intent on plotting against the United States and Western interests abroad.

In recent years, al-Qa'ida senior leadership has directed some affiliates to refrain from publically announcing their affiliation with al-Qa'ida in an effort to avert U.S. counterterrorism pressure.⁶

The Obama Administration's public reaction to the Benghazi terrorist attacks—focusing on limited intelligence reporting about a spontaneous protest caused by an anti-Islam film while downplaying reports indicating the attacks were preplanned and carried out by known al-Qa'ida associates—highlights the Administration's misguided view of the terrorist threat.

State Department Failures

The Administration's flawed perception that al-Qa'ida was on the decline contributed to inadequate Diplomatic Security protection in Benghazi. Evidence received by HPSCI largely confirms the findings of other investigations that, prior to the attacks, the State Department did not respond sufficiently to the deteriorating threat environment in eastern Libya.⁷ These failures were not due to inadequate reporting by the intelligence community about threats to U.S. and Western interests in Benghazi. The IC provided updates to relevant agencies, including the State Department, on the deteriorating security environment in Benghazi.

First, previous reports state that senior officials at the State Department, including then-Secretary Hillary Clinton, received numerous reports of attacks in and around Benghazi. Those same officials, however, did not approve repeated requests for additional security. We hope that other ongoing investigations, which focus on the State Department, will uncover the responsible officials and hold them accountable for this failure.

Eyewitness accounts received by HPSCI provide concrete examples of the effects of those decisions. DS officers themselves felt ill-equipped and ill-trained to contend with the threat environment in Benghazi. According to HPSCI evidence, DS agents talked about their concerns and about their requests for additional resources. At least one member of the CIA security team testified that prior to September 11, 2012, he warned DS agents that they were going to die at the Temporary Mission Facility (TMF) if they were attacked. CIA personnel also assessed that the TMF was a very large compound with too few guards and lots of space for attackers, such as snipers, to hide.⁸ Finally, testimony suggests that some of the DS agents'

⁶ CIA WIRe "Terrorism: AQI Endorses Establishment of Syria-Based al-Nusrah Front" February 21, 2012; CIA WIRe "Terrorism: Al-Qa'ida Reiterates Syria Strategy to AQI" March 28, 2012.

⁷ House Committees "Interim Progress Report for the Members of the House Republican Conference on the Events Surrounding the September 11, 2011 Terrorist Attacks in Benghazi, Libya" April 23, 2013; House Committee on Oversight and Government Reform "Interim Report on the Accountability Review Board" September 16, 2013; Senate Select Committee on Intelligence "Review of the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012" January 15, 2014; House Committee on Foreign Affairs Majority Staff Report Benghazi: "Where is the State Department Accountability" February 7, 2014.

⁸ HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5" November 14, 2013 pgs. 13-15, 37-38, and 110-112.

performance in defense of the TMF was lacking and only one of the DS agents participated in the defense of the Annex during the final deadly attack there. Other DS officers were described as combat-ineffective and may have been in shock.⁹

Limited U.S. Military Ability to Respond

The House Armed Services Committee Benghazi report concluded that the U.S. military's response to the Benghazi attack was severely degraded because of the location and readiness posture of the U.S. forces, and because of lack of clarity about how the terrorist action was unfolding.¹⁰ Eyewitness testimony received by HPSCI validates that finding. After the attacks began, the CIA expected to wait approximately 18 hours for AFRICOM personnel recovery or combat search and rescue assets to arrive.^{11,12}

CIA Communication with Headquarters

The on-the-record testimony and available evidence make clear that the leaders on the ground in Benghazi expeditiously considered critical tactical factors, including the difficult decision of whether it was safe to leave the Annex exposed and unguarded by the mobile security force in order to perform a rescue mission of the TMF, and whether the team was likely to be ambushed between the Annex and the TMF. There is no evidence that anybody in Washington or in Tripoli played any role in this tactical decisionmaking process. Further, allegations that the Chief of Tripoli Station was in some way dissuaded from sending an emergency message to Washington are also false. Tripoli Station was sending regular situation reports back to Washington and the Chief of Tripoli Station was in continuous electronic communication with appropriate authorities at CIA Headquarters. He had no need for and did not ever consider sending an emergency message.

Ambassador Rice's Inaccurate Public Statements Remain Unexplained

Ambassador Rice's November 27, 2012, comments following her meeting with Acting CIA Director Morell, Senator McCain, Senator Graham, and Senator Ayotte suggest that she relied on the CIA-drafted talking points for her media appearances in September 2012. Following that meeting, she told reporters:

⁹ HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5" November 14, 2013 pgs. 115-118.

¹⁰ House Armed Services Committee "Majority Interim Report: Benghazi Investigation Update" pgs. 13-22.

¹¹ Ibid.

¹² HPSCI Transcript "Subcommittee Interview with the former Chief of Tripoli Station" April 1, 2014 pg. 12-13 and 43-44.

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In the course of the meeting, we explained that the talking points provided by the Intelligence Community, and the initial assessment upon which they were based, were incorrect in a key respect: there was no protest or demonstration in Benghazi.¹³

It is unclear whether, prior to her media appearances in September 2012, Ambassador Rice received briefings on the available eyewitness accounts or other assessments that suggested there was not a protest. As then-Deputy Director of the CIA Michael Morell testified, he was aware that there was conflicting information about whether or not there was a protest.¹⁴ He further testified that he had informed policy-makers through the Deputies Committee at the White House that there was conflicting information. In fact, in an adamant email on September 15, 2012, the Chief of Station in Tripoli stated that there had been no protest.¹⁵ Deputy Director Morell testified that he informed the Deputies Committee that the Chief of Station held a view that contradicted assessments that there was a protest.¹⁶ What is not currently known is whether any of the information or the views of those on the ground in Libya was communicated to Susan Rice by the White House prior to her press appearances on September 16, 2012.

It is also not yet known whether she had knowledge of the previous attacks in Benghazi, the deteriorating threat environment in Benghazi, or the terrorist groups that posed a threat to U.S. interests in Benghazi. As the face of the U.S. Government, Ambassador Rice had the responsibility to understand the full context and communicate truthfully to the American people. While Chairman Rogers was in receipt of the same talking points that Ambassador Rice used, he immediately questioned Ambassador Rice's conclusion that that the attack was a spontaneous demonstration in response to the anti-Islamic video. Instead he focused on what he knew about the attacks. He said:

It seemed to be a military-style, coordinated (attack). They had indirect fire, coordinated with direct fire, rocket attacks. They were able to launch two different separate attacks on locations there near the consulate and they repelled a fairly significant Libyan force that came to rescue the Embassy. And then it was on 9/11 and there is other information, classified information, that we have that just makes you stop for a minute and pause.

It is unclear why Ambassador Rice appeared to rely so heavily on talking points drafted for the Committee when the HPSCI Chairman disregarded those very talking points as useless. We trust that the truth about what Ambassador Rice knew in the days before and after the attacks will come to light in the course of other ongoing investigations.

Then-Deputy Director of the CIA Michael Morell's Role in The Talking Points

¹³ Washington Post "Susan Rice, CIA Director Meet with GOP Critics on Libya" November 27, 2012.

¹⁴ Michael Morell, "Hearing on Benghazi and the Obama Administration," April 2, 2014 pg 24, CQ Congressional Transcripts.

¹⁵ Michael Morell, "Hearing on Benghazi and the Obama Administration," April 2, 2014 pg 24, CQ Congressional Transcripts.

¹⁶ Michael Morell, "Hearing on Benghazi and the Obama Administration," April 2, 2014 pg 24, CQ Congressional Transcripts.

Michael Morell testified at length about his role in developing the talking points used by Susan Rice to describe the attacks. He admitted that the process was flawed and produced a poor product.¹⁷ Mr. Morell admitted he understood the State Department's concerns with the original draft of the talking points that highlighted previous threat warnings and attacks in the region.¹⁸

Mr. Morell made a large number of edits after a September 15 White House Deputies Committee meeting. He removed the warning language and removed the word "Islamic" from the sentence: "There are indications that Islamic extremists participated in the attacks."¹⁹ He testified that he did so "because I did not think it wise to say something publicly—in particular a religious reference—that might add even more volatility to an already agitated situation in the Middle East and North Africa."²⁰ Mr. Morell also testified that his edits were not due to White House influence or State Department concerns. Rather, his edits were based on what he thought was "fair to say."²¹

We conclude that Mr. Morell operated beyond his role as CIA Deputy Director and inserted himself into a policy-making and public-affairs role. Rather than simply providing policymakers the facts as best understood, he made edits based on what he felt was "fair to say." It is simply unfathomable that the White House's policy preferences, or the concerns of the State Department senior officials, did not factor into his calculation about what was fair. For these reasons, we believe that Mr. Morell's testimony was at times inconsistent and incomplete.

Insufficient Action to Bring Benghazi Attackers to Justice

The Executive Branch has not exerted sufficient effort to bring the Benghazi attackers to justice. The Committee has conducted four closed hearings and several briefings on the efforts to identify, track, and bring to justice the Benghazi attackers. Specifically, Majority Members of HPSCI have found that the government limited itself by treating the investigation as a criminal matter, rather than a counterterrorism mission. Moreover, policy decisions preclude agencies from using available authorities and resources to address the growing al Qaeda threat are placing the United States at undue risk.

The FBI-led investigation was hampered by the dangerous environment. FBI investigators did not get on the ground in Benghazi until three weeks after the attacks and did not stay in Benghazi overnight. They were unable to conduct extensive interviews of locals who

¹⁷ Michael Morell, "Hearing on Benghazi and the Obama Administration," April 2, 2014, CQ Congressional Transcripts. The specific changes to the talking points have been released to the public and declassified testimony from Michael Morell is attached to this report.

¹⁸ Michael Morell, "Statement for the Record," April 2, 2014, pp. 12-13.

¹⁹ Michael Morell, "Statement for the Record," April 2, 2014, page 15.

²⁰ Michael Morell, "Statement for the Record," April 2, 2014, page 15.

²¹ HPSCI Transcript "Full Committee Hearing with Deputy CIA Director Michael Morell" May 22, 2013.

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may have witnessed the attacks. FBI labored to build a criminal case against a subset of suspected attackers, but the Libyan government was either unwilling or incapable of protecting U.S. officials in Benghazi—even for short periods of time.

Senior officials from the National Counterterrorism Center, CIA, the Department of Defense, and the FBI testified before the Committee on the efforts against the Benghazi attackers. It is clear that there was inadequate interagency coordination in response to the attacks. Further, based on FBI and DoD testimony, the Administration devoted inadequate resources to this effort and lacked a sense of urgency.

The capture of Ansar al Sharia commander Abu Khattalah is a noteworthy success. The delay in the operation, however, highlights the Administration's low risk tolerance and inability to track multiple targets at one time. The government was pursuing Abu Khattalah for an extensive period of time and developed several joint operations to capture him. As publicly reported, the United States was poised to conduct a capture operation in the Fall of 2013. However, the Administration abandoned that operation, even though he had been openly operating in Benghazi for months and was interviewed by CNN and New York Times reporters. Following his capture, the Department of Justice charged and plans to try Khattalah for conspiracy to provide material support and resources to terrorists resulting in death.

Interagency testimony following the capture operation indicated that the U.S. Government still has not dedicated sufficient resources to capturing additional Benghazi suspects. This assessment should not be construed to minimize the exemplary brave and heroic actions of the defense, law enforcement, and intelligence officers involved in the capture operation. If the Administration prioritized these operations, brought additional resources and authorities to bear, and exercised its will to act unilaterally, it could better free itself of unnecessary self-imposed constraints.

Despite the Administration's wish that al-Qa'ida posed a diminishing threat following the death of Osama bin Laden, the Benghazi terrorist attacks were just one of a new and increasing number of global plots to kill Americans. Prior to and following the Benghazi terrorist attacks, the Obama Administration has failed to devote the appropriate focus and resources to the threat al-Qa'ida, its affiliates, and like-minded groups pose to U.S. and Western interests.

Conclusion

The events in Benghazi are a tragic outcome of years of flawed policies. Risk is inherent in many locations when Americans bravely serve to protect America's interests. But bad policy decisions can significantly increase that risk. In Libya, the Administration took limited military action against the government, but failed to establish a functioning government to control the

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terrain or provide sufficient security for the Americans remaining in the rapidly deteriorating country. A few dozen courageous Americans volunteered to live and work in Benghazi. The CIA professionals located there were appropriately collecting foreign intelligence on the burgeoning terrorist safe haven. The men who protected those intelligence professionals proactively put their lives on the lines to rescue their poorly-equipped State Department colleagues on September 11, 2012. Two of those CIA officers lost their lives.

Rather than acknowledge that its policy in Libya contributed to the deaths of these Americans, the Administration became attached to the notion that the attacks were caused by a video. Rather than recognize that the threat from al-Qa'ida and its affiliates had not decreased, but had in fact increased, the Administration continued to perpetuate the myth that it had nearly defeated al-Qa'ida. White House communicators want desperately for Benghazi not to be about White House policy.²² Tragedies like Benghazi, however, will happen with more frequency when policies do not acknowledge the threats we face.

This Committee concluded that there was no stand down order. There were no illegal intelligence activities on the ground in the days before the attacks. There was no intimidation or threats to witnesses. But there is responsibility for the tragedy nonetheless. The blame rests with those who refused to recognize risk and think strategically. The blame rests with those officials who failed to ensure America's front-line professionals had the tools, resources, authorities, and assets to succeed in the fight we are in.

²² Email from Benjamin Rhodes, Deputy National Security Advisor, to senior Administration officials "RE: Prep Call with Susan: Saturday at 4:00 pm ET" September 14, 2012 8:09 PM. "To underscore that these protests are rooted in an Internet video, and not a broader failure of policy."²²

Appendix 2

MINORITY VIEWS

Our starting point for this inquiry was a tragedy that took the lives of four patriotic Americans who were serving their country in Benghazi, Libya, on September 11, 2012. Throughout this inquiry, we kept them firmly in our mind, as well as their brave colleagues who made wise decisions and worked together to rescue the remaining 24 Americans and get them to safety in Tripoli and bring home the four Americans who did not survive.

We also kept firmly in our mind who the villains were: the attackers who committed this heinous crime. Period. Not the President of the United States. Not the Secretary of State or any other senior official. Not the intelligence analysts who were trying to make sense of a stream of contradictory information in a crisis environment. And certainly, not anyone who was on the ground in Libya that tragic night saving lives.

The House Intelligence Committee spent nearly two years looking at every aspect of the Intelligence Community's activities before, during and after the attacks of September 11, 2012, in Benghazi Libya. The Committee spent thousands of hours in the course of the investigation, which included poring over pages of intelligence assessments, cables, notes and emails. The Committee held twenty briefings and hearings and conducted detailed interviews with senior intelligence officials and eyewitnesses to the attacks, including eight security personnel on the ground in Benghazi that night. The result is a bipartisan, factual, definitive report on what the Intelligence Community did and did not do.

This report shows that there was no intelligence failure surrounding the Benghazi attacks that killed Ambassador Chris Stevens and three other brave Americans. Our investigation found the Intelligence Community warned about an increased threat environment, but did not have specific tactical warning of an attack before it happened, which is consistent with testimony that the attacks appeared to be opportunistic. It also found that a mixed group of individuals including those associated with Al-Qaeda, Qaddafi loyalists and other Libyan militias participated in the attack. Additionally, the report shows there was no "stand down order" given to American personnel attempting to offer assistance that evening, and no American was left behind.

The report also shows that the process used to develop the talking points was flawed, but that the talking points reflected the conflicting intelligence assessments in the days immediately following the crisis. Finally, the report demonstrates that there was no illegal activity or illegal arms sales occurring at U.S. facilities in Benghazi. And there was absolutely no evidence, in documents or testimony, that the Intelligence Community's assessments were politically motivated in any way.

These are all bipartisan conclusions based solely on objective facts. Where we differ from the Majority at times is in their characterization of some of those facts.

First, the Majority unjustly claims that the attacks were a symptom of a “failure of senior U.S. officials to provide for the defense of U.S. interests against a known and growing terrorist threat in the region” and of the devotion to the President’s narrative that al-Qa’ida is on the decline. In truth, there is no support for these claims.

No Administration official downplayed these attacks or said that they were anything but a terrorist attack. In the Rose Garden on September 12, President Obama referred to the attacks as “acts of terror.” The President and senior Administration officials also consistently demonstrated a sophisticated understanding of the changing terrorist threat by distinguishing between the limited threat now posed by core al-Qa’ida in Pakistan and the growing threat posed by al-Qa’ida affiliates and sympathizers in Libya, Yemen, Syria, North Africa and elsewhere. By referring only to “al-Qa’ida” and only providing partial quotes from the President’s September 20, 2012 speech, the Majority takes the Administration’s statements out of context in order to make a case that the Administration did not understand or wanted to minimize the threat environment prior to the 2012 elections.

President Obama actually said on September 20, 2012, that the U.S. has only decimated “al Qaeda’s top leadership in the border regions around Pakistan,” but, he emphasized that “in Yemen, in Libya, in other of these places – increasingly in places like Syria – what you see is these elements that don’t have the same capacity that a bin Laden or core al Qaeda had, but can still cause a lot of damage, and we’ve got to make sure that we remain vigilant and are focused on preventing them from doing us any harm.”

John Brennan, as then Assistant to the President, said in April 2012, prior to the Benghazi attacks:

“We’ve always been clear that the end of bin Laden would neither mark the end of al-Qa’ida nor our resolve to destroy it. And when we assess the al-Qa’ida of 2012, I think it is fair to say that, as a result of efforts, the United States is more secure and the American people are safer. Here’s why: In Pakistan, al-Qa’ida’s leadership ranks have continued to suffer heavy losses. With its more skilled and experienced commanders being lost so quickly, al-Qa’ida has had trouble replacing them. Today, it is increasingly clear that – compared to 9/11 [2001] – the core al-Qa’ida leadership is a shadow of its former self.

“Despite the great progress we’ve made against al-Qa’ida, it would be a mistake to believe this threat has passed. Al-Qa’ida and its associated forces still have the intent to attack the United States. And we have seen lone individuals, including American citizens – often inspired by al-Qa’ida’s murderous ideology – kill innocent Americans and seek to do us harm.”

Based on a fair review of the written record and witness testimony, there was no effort by the Administration or the Intelligence Community to minimize or mischaracterize the serious, terrorist nature of the Benghazi attacks.

The bipartisan 9/11 Commission – an independent group that is not in business to promote the political agenda of either party – in its July 2014 Reflections on the Tenth Anniversary of The 9/11 Commission Report found:

“The dedicated men and women in the U.S. military and intelligence services have hit ‘core’ al Qaeda – the Afghanistan and Pakistan based organization that struck the United States – with hammer blows, most notably by killing Usama bin Ladin. But that does not mean that al Qaeda no longer poses a threat. Al Qaeda-affiliated groups are gaining strength throughout the greater Middle East.

“While the various al Qaeda spinoffs are primarily focused on regional conflicts, they hate the United States and will not forego opportunities to strike at the U.S. homeland. Strenuous counterterrorism efforts will remain a fact of our national life for the foreseeable future.”

There has been no failure of leadership by the Administration that hunted down and killed Usama bin Ladin and continues to aggressively pursue today’s terrorist threats.

What was not known then, and to this day remains unclear, is who all the Benghazi attackers were and their motivations and affiliations. But, what is certainly known is that there was no AQ mastermind as there was on 9/11/2001, and that there was no long term AQ plot to attack Benghazi. The intelligence proves that the attacks were “opportunistic.”

Extremists who were already well-armed and well-trained took advantage of regional violence on September 11, 2012, to attack the State Department facility by burning and looting, and then, with hours of more time, mounted a mortar attack against the CIA Annex. They were able to implement an “off-the-shelf” plan quickly. There is absolutely no intelligence to date that indicates there was more than one day of planning before the attacks.

Current information still indicates that there was also a mix of motivations and triggers: the breach of the US Embassy wall in Cairo on September 11, 2012, the offensive anti-Islam film that sparked the violence in Cairo, revenge for US actions against terrorist leaders, the anniversary of the first 9/11, and general anti-US sentiment, among others. Ascribing a sinister or political motive to Ambassador Rice’s comments on the Sunday talk shows in the days after the attacks is to ignore the objective facts. As the bipartisan report shows, there was ample

intelligence supporting her statements, and she rightfully stated that the latest assessments could change.

The Committee reviewed that early intelligence and media reporting stating that, as what occurred in Egypt and other places in the region, a “protest” on September 11 preceded the violent attacks. In her Sunday show appearances, Ambassador Rice indicated there was a protest. The existence of a protest turned out not to be accurate, but as the bipartisan report notes, at the time of her appearance, there was conflicting intelligence as to exactly what preceded the attack. The bipartisan report also found the Intelligence Community could have responded more quickly to more reliable information received four days later that there was no protest.

In their views, the Majority attributes the failure of Ambassador Rice to mention that information on television to a political motive, but the factual record does not support the conclusion that there was an intent to mislead the American people. The intelligence assessments from analysts and other professionals was simply conflicted in the days immediately following the crisis.

Second, the Majority inappropriately faults Deputy CIA Director Michael Morell for assuming a policy role when he edited the talking points. He testified willingly, repeatedly and credibly that he and CIA analysts wrote and edited the unclassified talking points for this Committee with the sole objective of being accurate in a manner that did not harm any intelligence sources or law enforcement investigation, particularly as apprehended suspected attackers would be prosecuted in US federal court. This motivation is appropriate for the CIA Deputy Director, and reflected his analytical background.

We agree with the Majority—as does Mr. Morell—that the process that produced those talking points was flawed, and that some of the substantive edits made were not “elegant.” But, we believe that Mr. Morell deserves credit for testifying freely and openly, and for taking the initiative to identify for the Committee the lessons he learned from the experience. The Majority does not cite any evidence for any political motivations, but rather resorts to conjecture, calling it “unfathomable” that he did not. Indeed, it was not unfathomable. Mr. Morell is an intelligence professional with 30 years of experience and an impeccable record. Without evidence to the contrary—which does not exist—there is no reason to doubt him.

Third, the Majority unfairly faults the Executive Branch for not exerting sufficient effort to bring the Benghazi attackers to justice. There has been no shortage of intense effort by the Administration that hunted down and killed Usama bin Ladin to continue to aggressively pursue today’s terrorist threats. Like all Americans, we look forward to the day when all the attackers are identified, located and brought to justice. But we understand the enormous difficulty that the

environment in Libya poses for our law enforcement officials looking to locate witnesses, collect evidence and build the legal case. The successful capture of suspected Benghazi attacker abu-Khattalah, without harm to civilians or others, is very encouraging and shows that our criminal justice system is well-positioned to prosecute terrorist suspects. We do not share the Majority's view that this matter should be pursued outside the criminal realm, nor do we agree with the underlying assumption that somehow simply referring to this matter as a "counterterrorism mission" would magically result in all attackers being identified and removed from the battlefield.

Finally, the Majority concludes that the responsibility of tragedy "rests with those officials who failed to ensure America's front-line professional had the tools, resources, authorities, and assets to succeed in the fight we are in." The facts, however, show that the responsibility for the attacks lies with the attackers. State Department resources were obviously insufficient to repel the attacks and Defense Department assets were obviously not in the area at the time, but those facts do not mean that responsibility for the attacks rests with these departments.

Conclusion

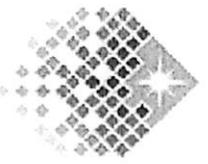
Ultimately, while there are disagreements, we are very pleased that we've come together to produce a bipartisan report that focuses exclusively on facts. This report provides the authoritative record of the Intelligence Community's performance before, during and after the attacks. We hope the American people can now feel informed of what really happened and can push aside the rumors and unsupported claims. We also hope that any other inquiries into the Benghazi attacks use our findings as a definitive record of events and do not needlessly replicate or redo what we have done so carefully and methodically.

And we will end where we began: remembering and honoring the four dedicated fallen Americans in Benghazi, being enormously proud of the brave American personnel who rescued every other colleague that night, and being ever grateful to all American intelligence personnel for their unrelenting determination to inform policymakers to the best of their ability and to keep our nation safe.

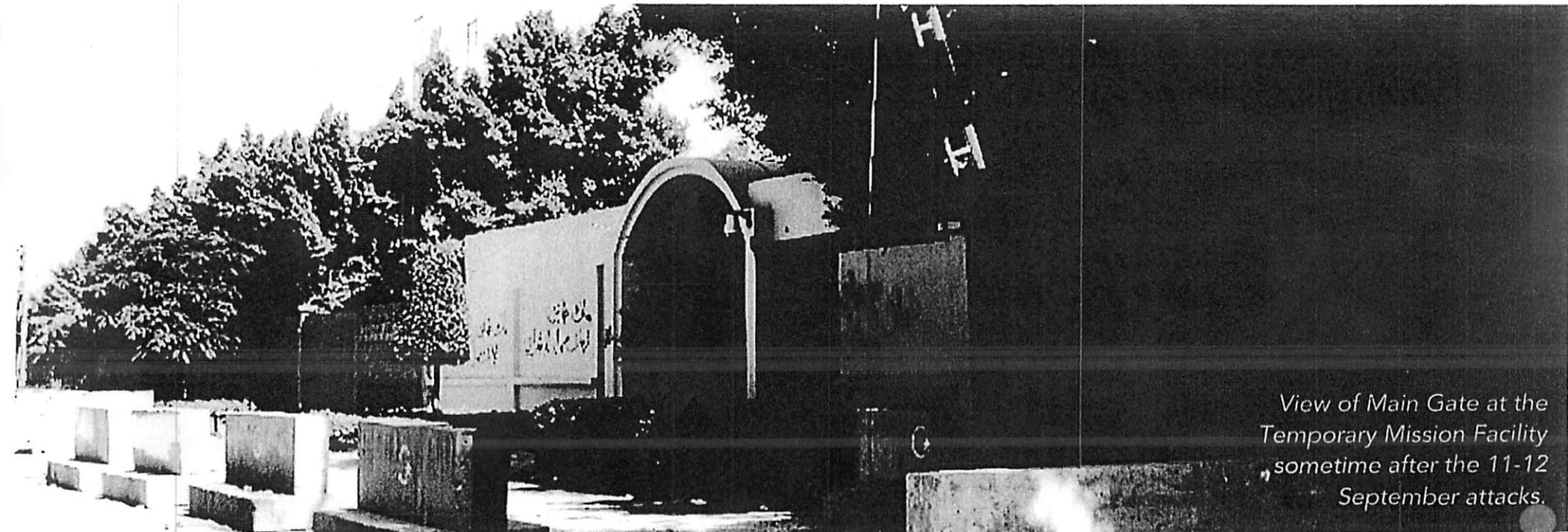
Appendix 3



THE BENGHAZI ATTACKS



TOP SECRET//HCS//SI//ORCON//NOFORN



View of Main Gate at the
Temporary Mission Facility
sometime after the 11-12
September attacks.

Crete

Mediterranean Sea

TUNISIA

★ TRIPOLI

Benghazi

Gulf of Sidra



ALGERIA

LIBYA

EGYPT

NIGER

CHAD

SUDAN

Benina
International
Airport



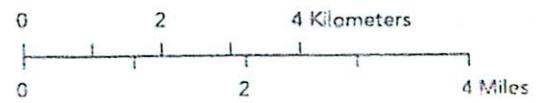
Benghazi

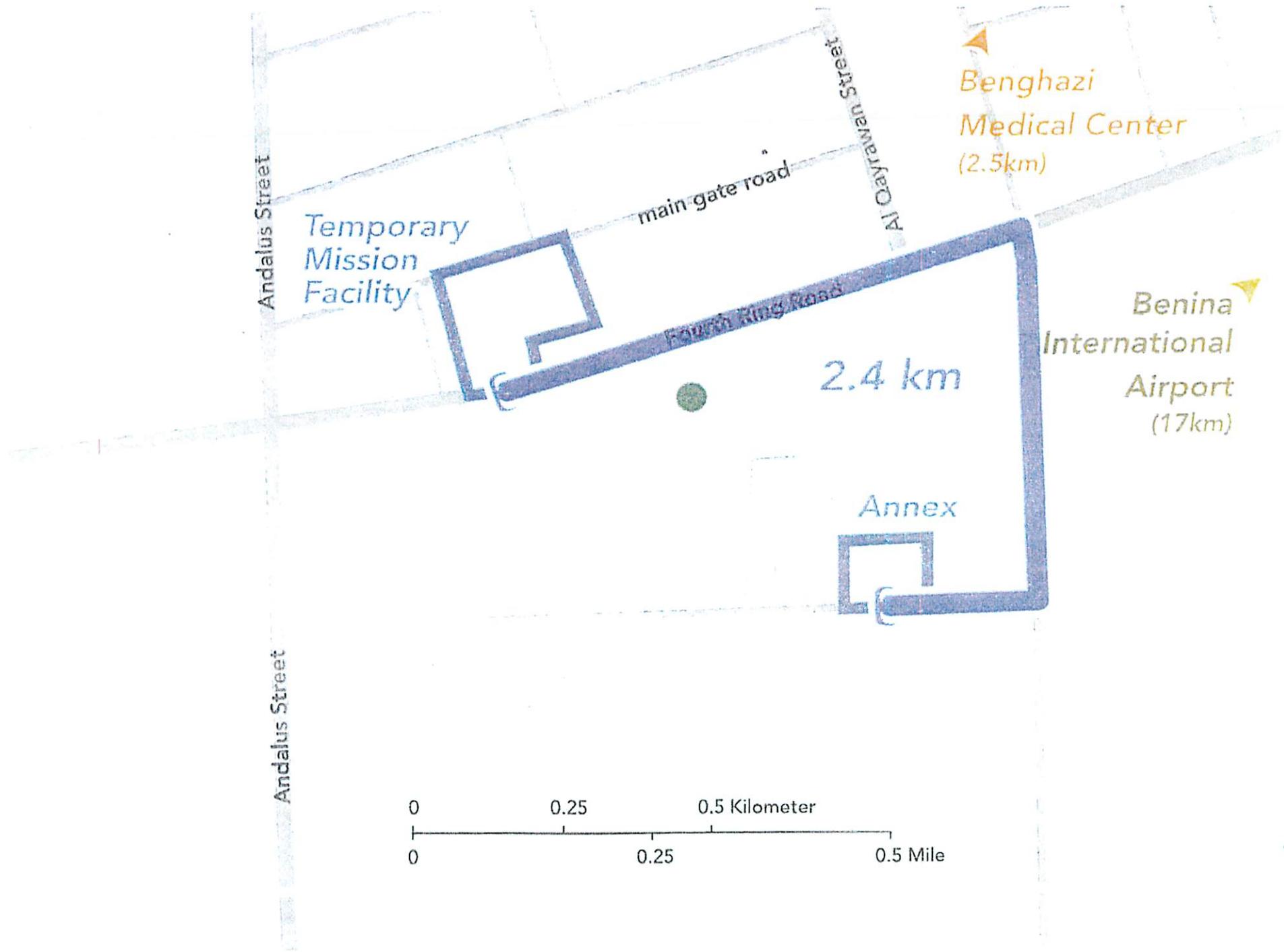


⊙ Benghazi
Medical Center

Temporary
Mission
Facility ⊙ ⊙ Annex

Med.
Sea





Andalus Street

Temporary Mission Facility

main gate road

Al Qayman Street

Benghazi Medical Center
(2.5km)

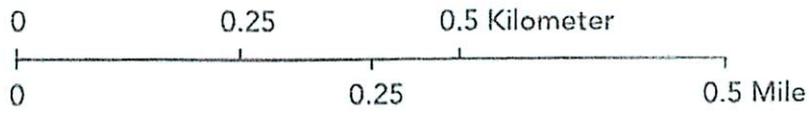
Fourth Ring Road

2.4 km

Benina International Airport
(17km)

Annex

Andalus Street



Temporary Mission Facility



Benghazi
Medical Center
(2.5km)

Benina
International
Airport
(17km)

Guard House

Main Gate
(C-1)

194 m

193 m

main gate road

Main Driveway

Main Building
(Villa C)

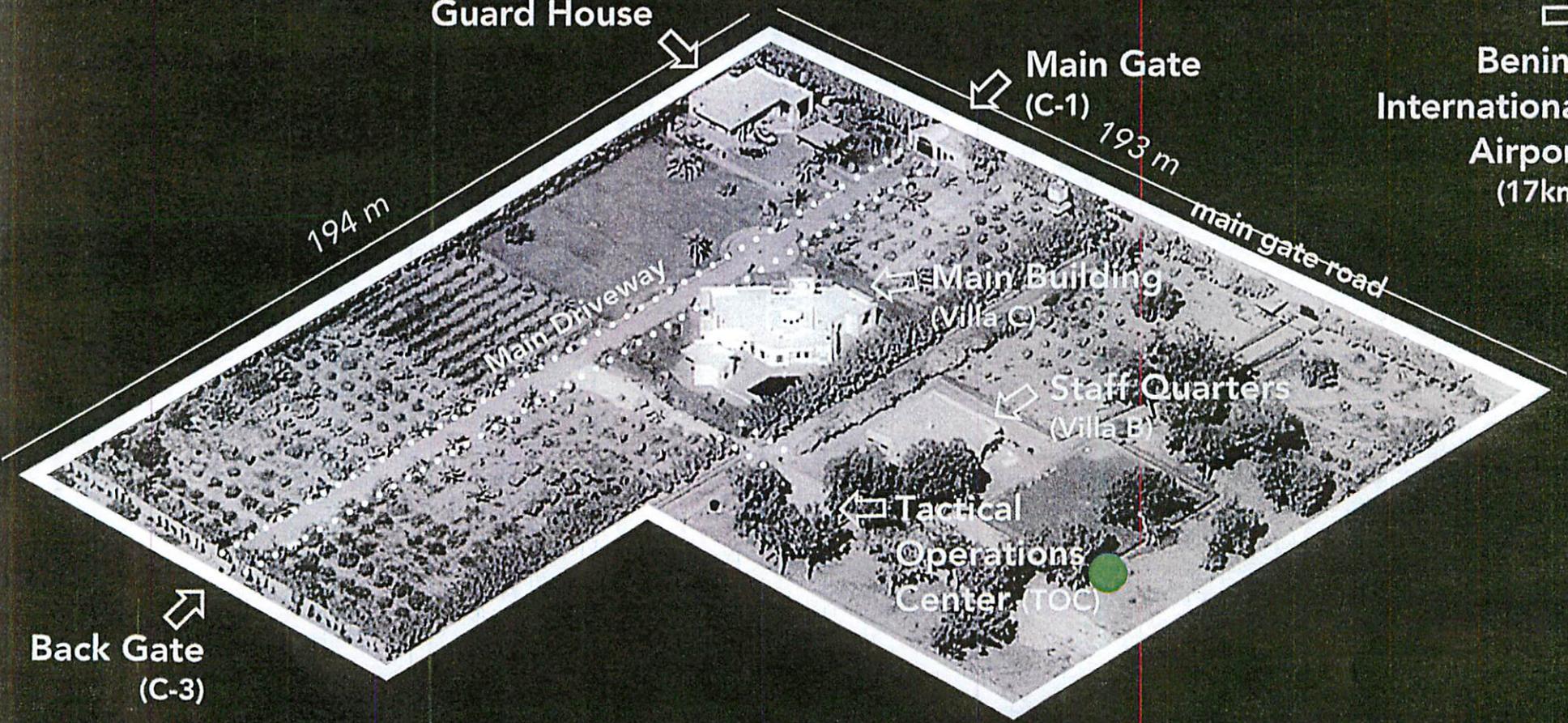
Staff Quarters
(Villa B)

Tactical
Operations
Center (TOC)

Back Gate
(C-3)

Fourth Ring Road

Annex
(700m)





2130-2145

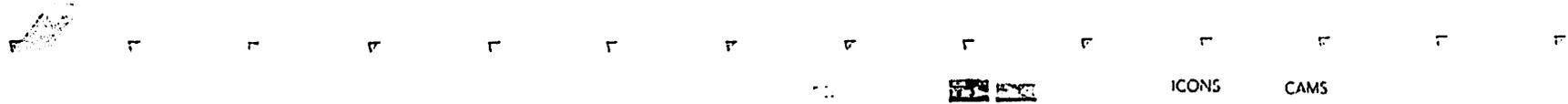


Attack on TMF Begins

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Sensitive Information

2130



ICONS

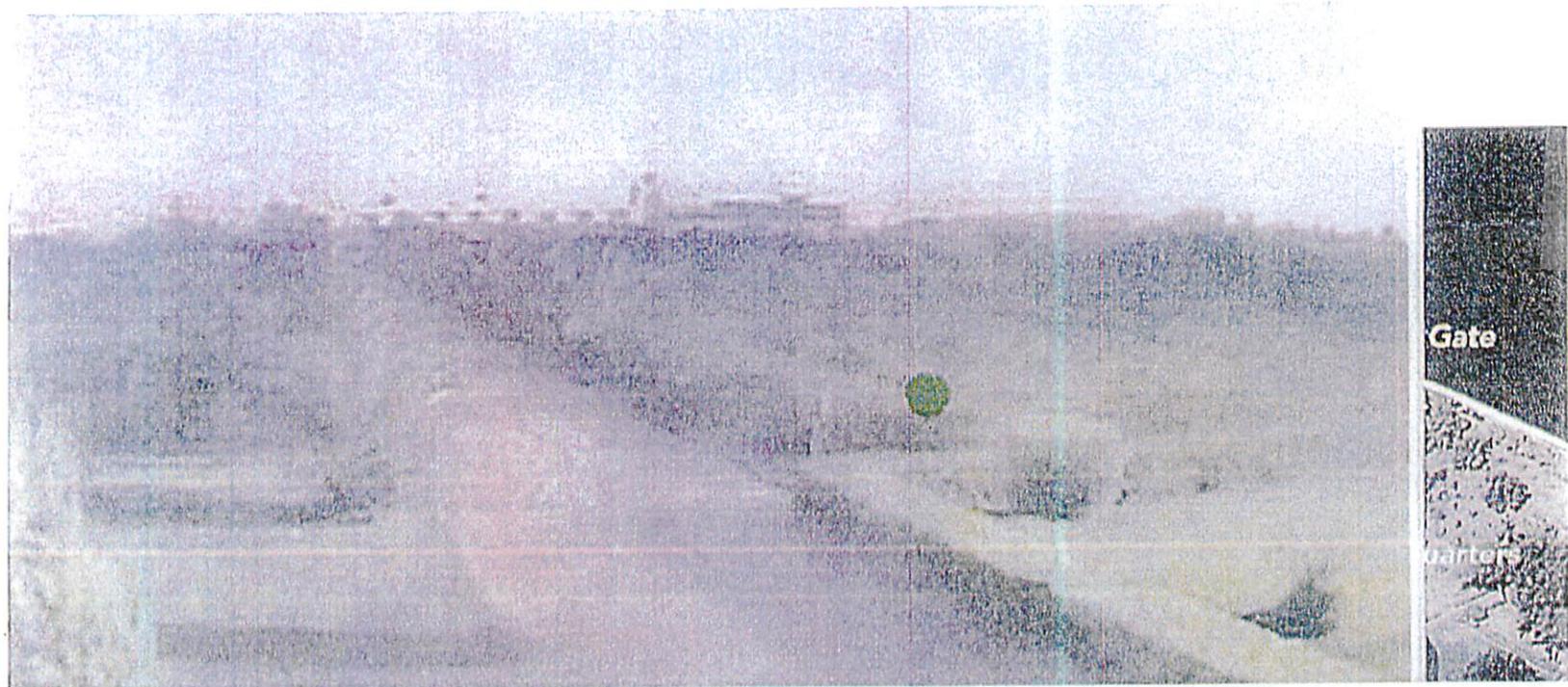
CAMS



2130-2145



Attack on TMF Begins



2130

ICONS

CAMS



2130

2145

2200

2230

2245

2315

2345

0445

0515

1135

EXTRAS





2130-2145



Attack on TMF Begins

- No protest at the TMF immediately prior to the attack
- Some attackers are armed, while others are not armed
- Attackers are moving in multiple directions

2130



ICONS

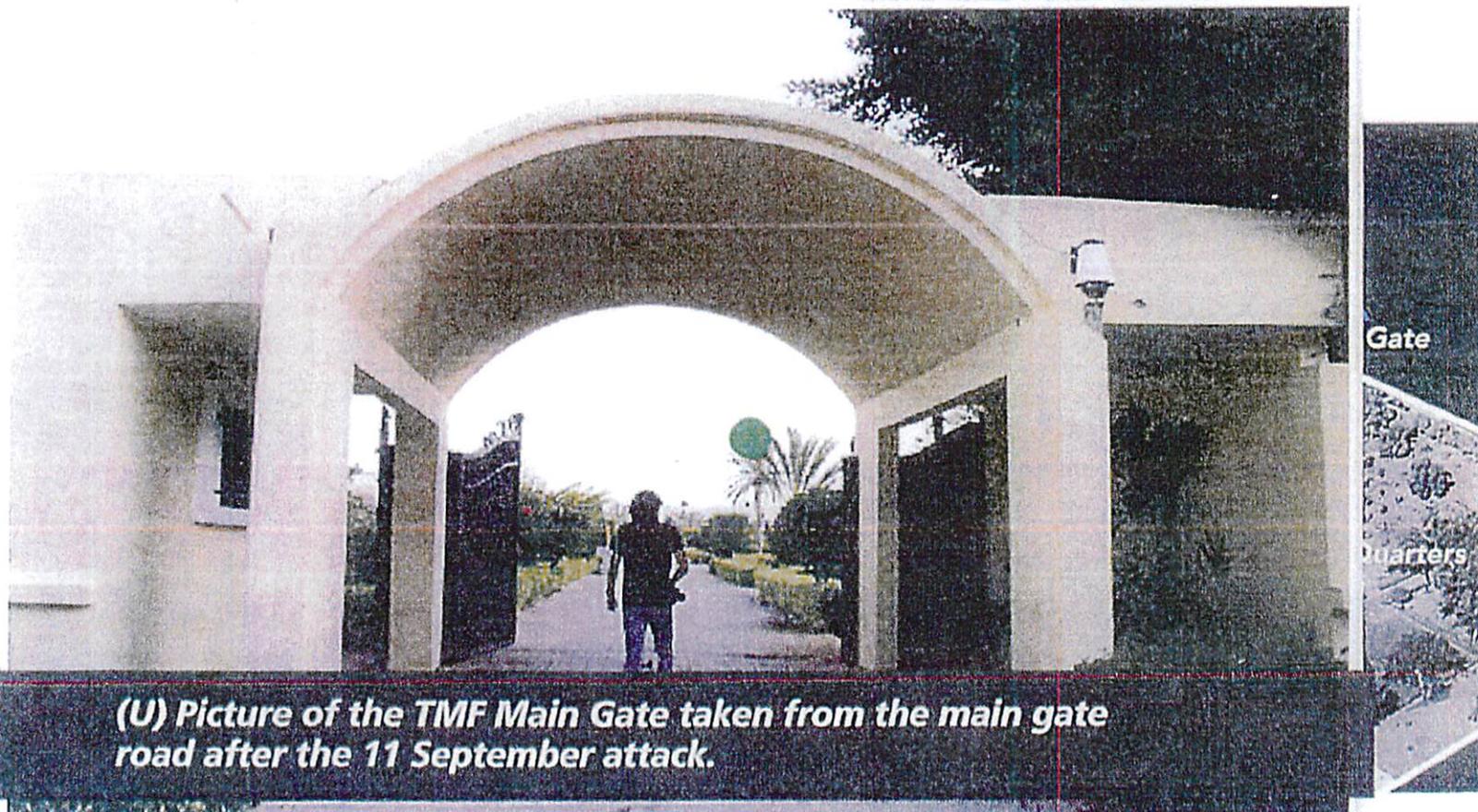
CAMS



2145-2200



US Personnel in Safe Rooms, Attackers Set Fires



(U) Picture of the TMF Main Gate taken from the main gate road after the 11 September attack.

2145

ICONS

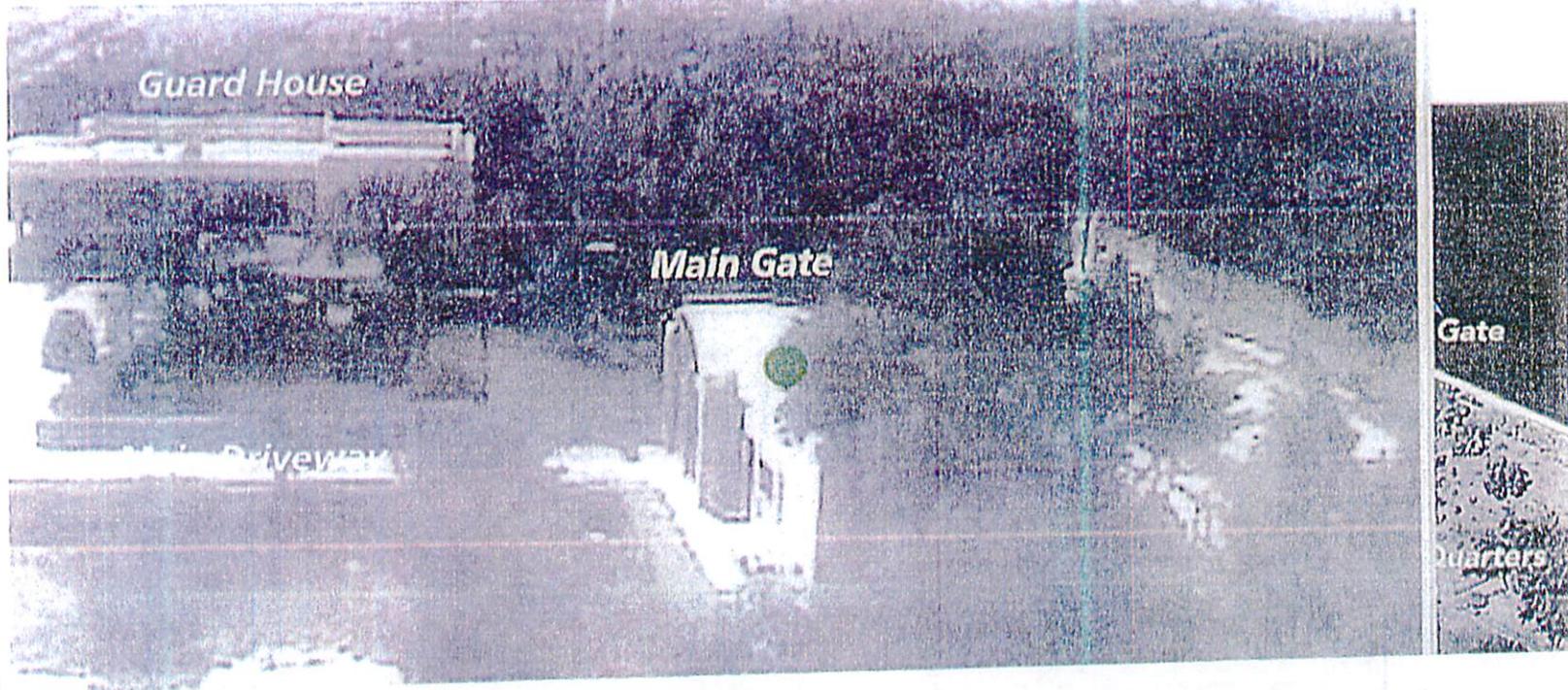
CAMS



2145-2200



US Personnel in Safe Rooms, Attackers Set Fires



2145



ICONS

CAMS



2145-2200



US Personnel in Safe Rooms, Attackers Set Fires

- Attackers do not appear well-coordinated



2145



ICONS

CAMS

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2200-2230



Agent Separated from Ambassador and IMO, Atta

TMF



Gate

Quarters

TYPE

FILE

ICONS

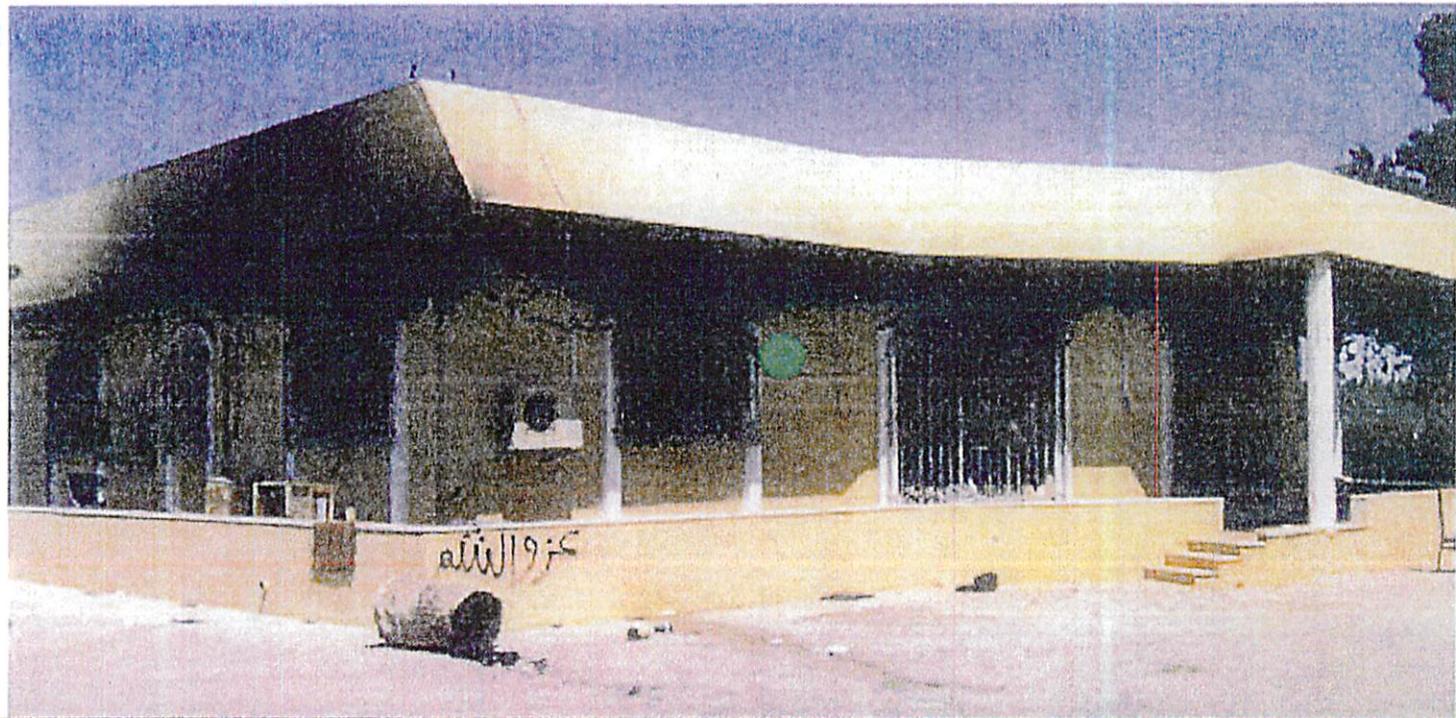
CAMS



2200-2230



Agent Separated from Ambassador and IMO, Atta TMF



Gate

quarters

(U) Side of Staff Quarters building, taken sometime after 11 September attack.

2200



ICONS

CAMS



2200-2230



Agent Separated from Ambassador and IMO, Attackers Loot TMF. Annex Team Arrives Near TMF

- No organized effort to breach each building



2200



ICONS

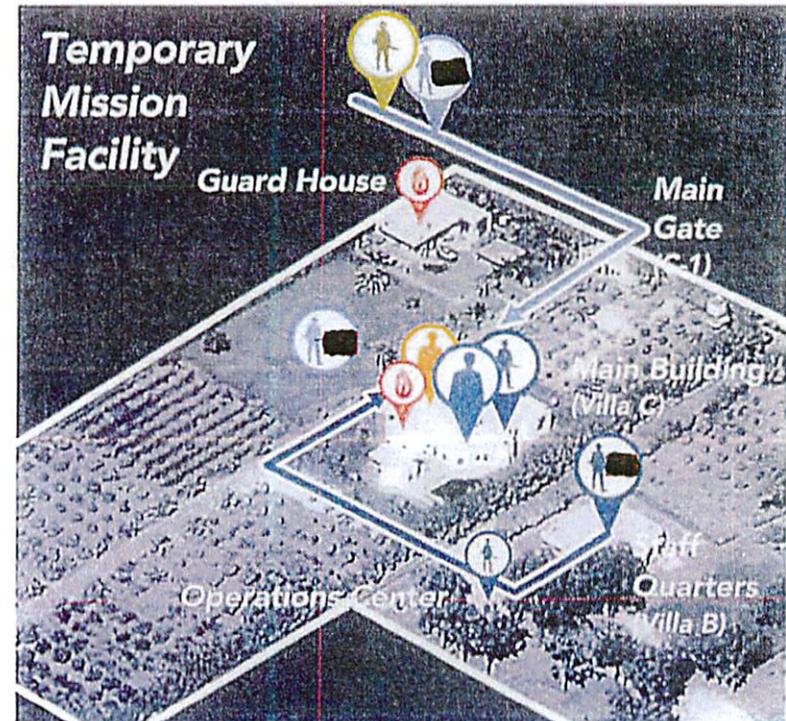
CAMS



2230-2245



IMO Found Deceased, Annex Team Fights Way On to TMF



2230

ICONS

CAMS



2230-2245



IMO Found Deceased, Annex Team Fights Way On to



2230



ICONS

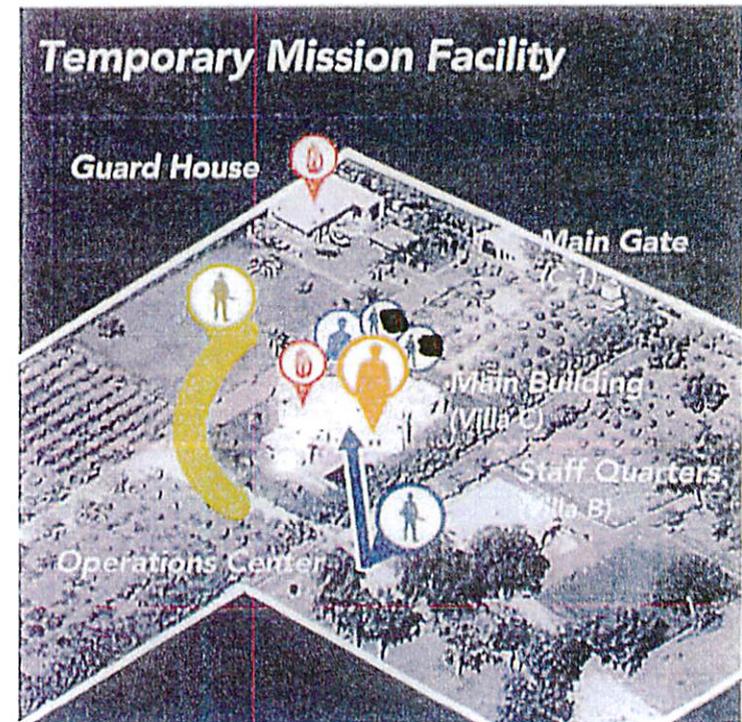
CAMS



2245-2315



Agents and Annex Team Continue Search for Ambassador



2245



ICONS

CAMS



2245-2315



Agents and Annex Team Continue Search for



(U) Picture of the Guard House on fire taken sometime after the initial attack on the night of 11 September.

2245

ICONS

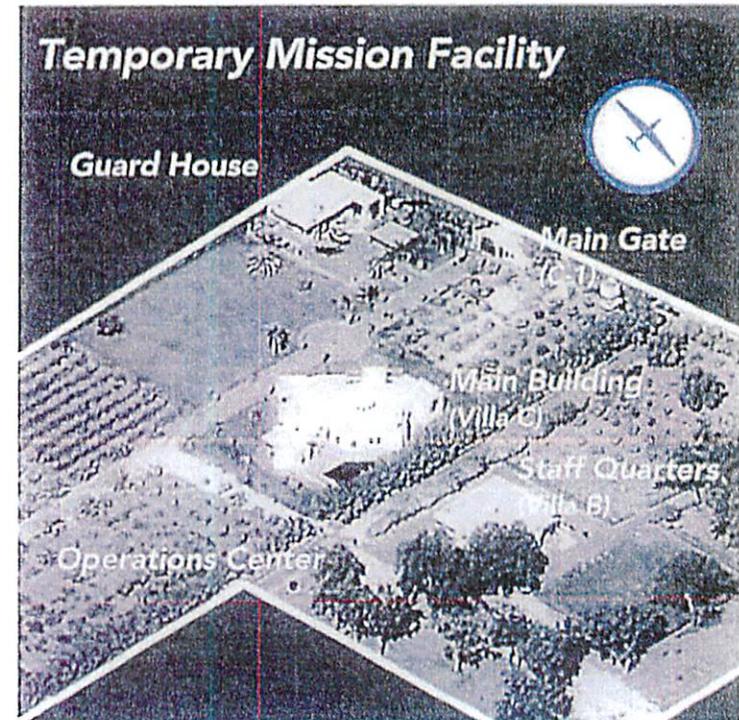
CAMS



2245-2315



Agents and Annex Team Continue Search for Ambassador



2245



ICONS

CAMS



2245-2315



Agents and Annex Team Continue Search for Ambassador

- Predator on scene providing surveillance
- Probable roadblock near the TMF



2245



ICONS

CAMS



2315-2330



Agents Depart TMF, Attacked En Route to Annex



Gate

Quarters

(U) Picture taken sometime after 11 September attack shows the Main Building and main driveway of the Temporary Mission Facility.

2315

ICONS

CAMS

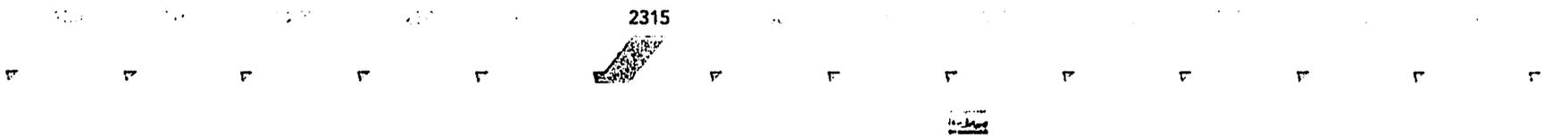


2315-2330



Agents Depart TMF, Attacked En Route to Annex

- Security situation at TMF worsening

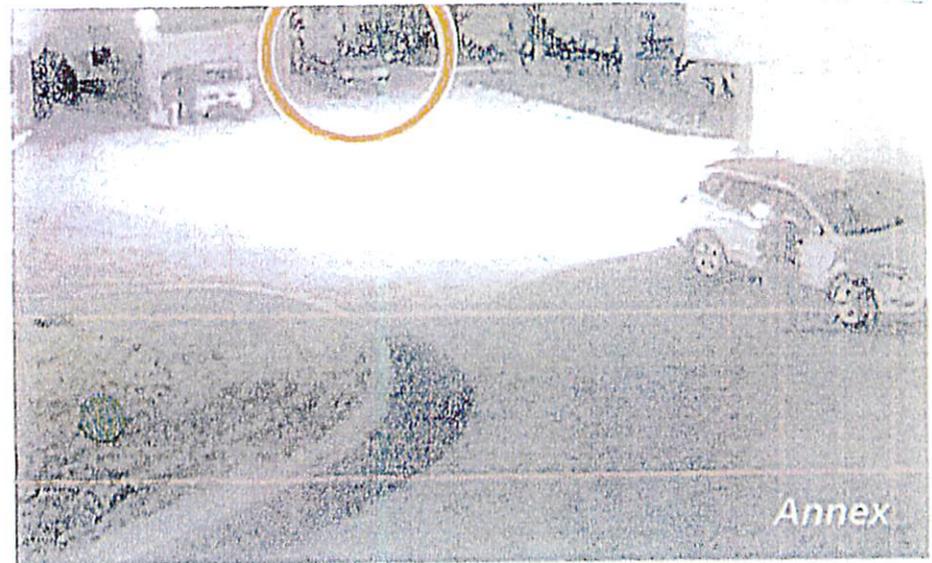
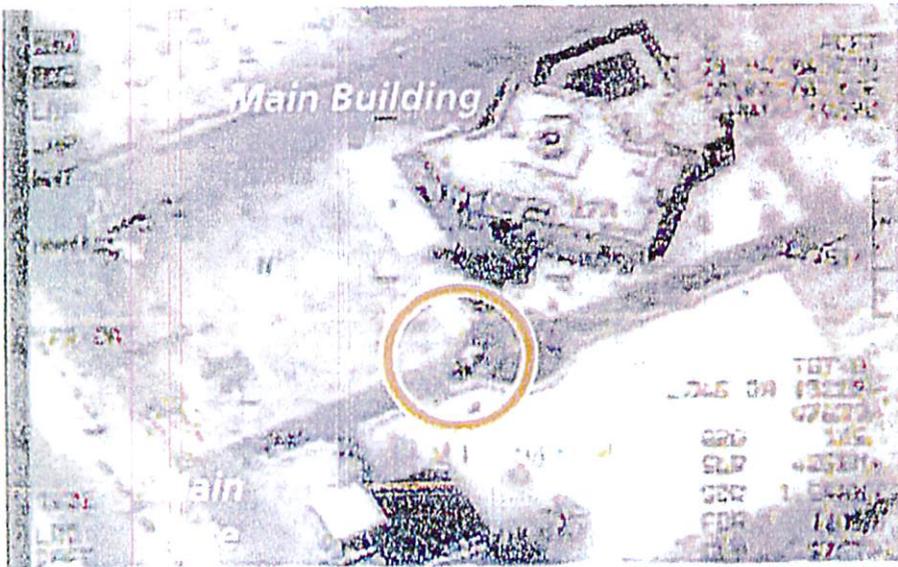




2330-2345



Annex Team Departs TMF and Arrives at Annex, All US Personnel at Annex Except Ambassador



2330



2330-2345



Annex Team Departs TMF and Arrives at Annex, All US Personnel at Annex Except Ambassador

- All US personnel, except the Ambassador, are now at the Annex



2330

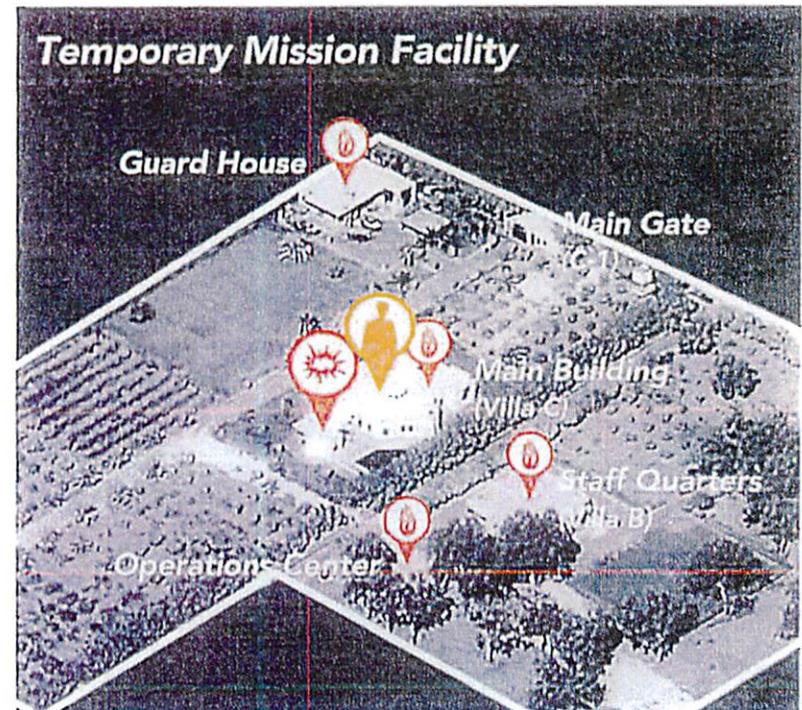




2345-0100



Looting and Explosions at TMF, Tripoli Team En Route to Benghazi





2345-0100



Looting and Explosions at TMF, Tripoli Team En Route



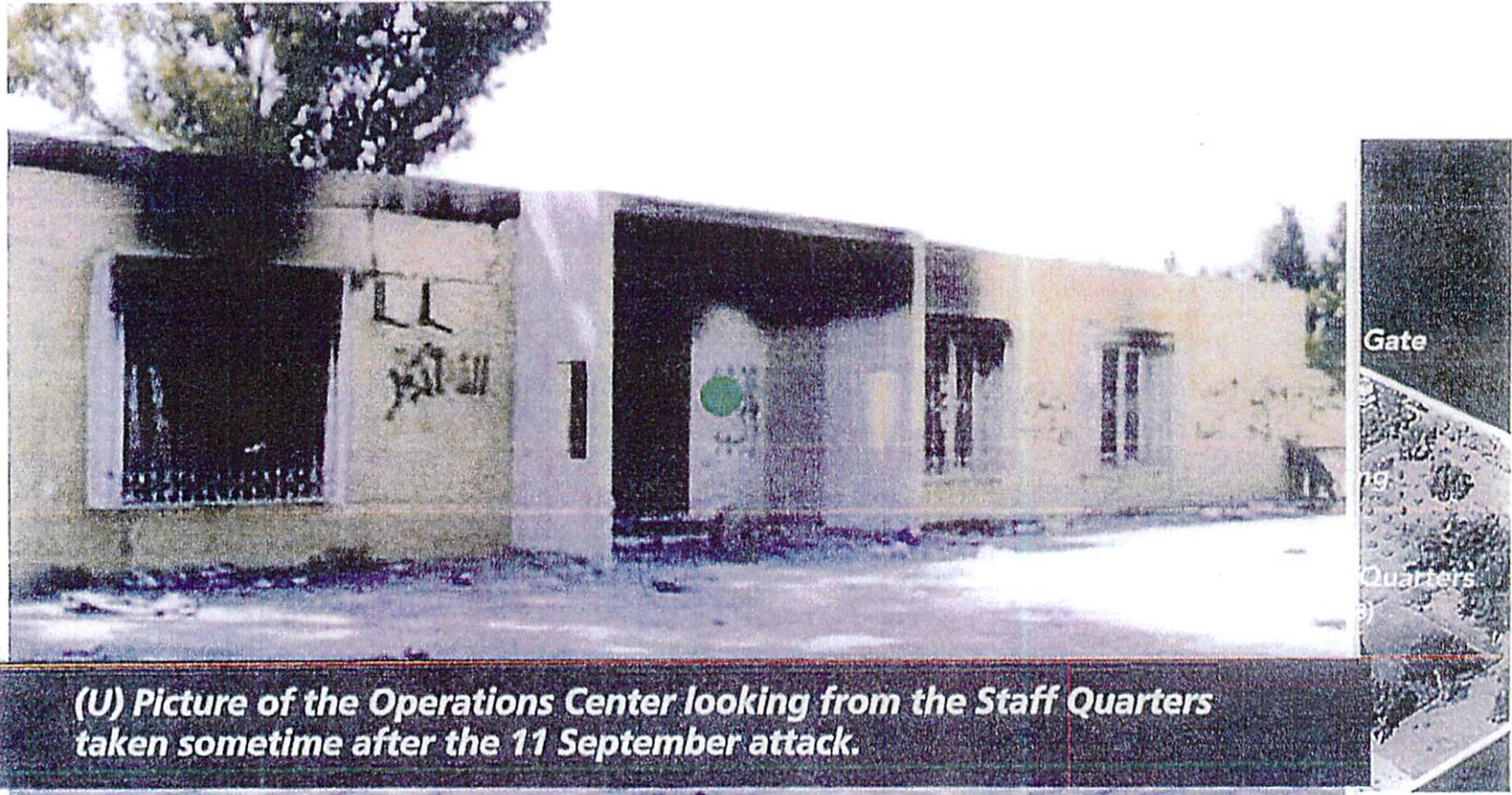
(U) Picture of Main Building pool house area taken sometime after the 11 September attack.



2345-0100



Looting and Explosions at TMF, Tripoli Team En Route



(U) Picture of the Operations Center looking from the Staff Quarters taken sometime after the 11 September attack.



2345-0100



Looting and Explosions at TMF, Tripoli Team En Route to Benghazi

- TMF not secure



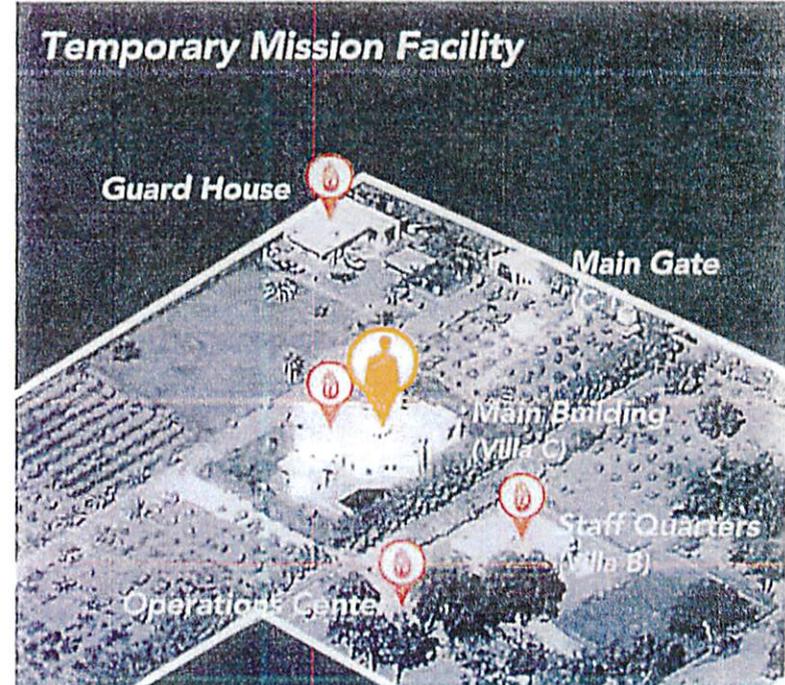
- Locals loot TMF



0100-0115



Locals Find Ambassador and Take Him to Hospital, Annex Attacked



0100



0100-0115



Locals Find Ambassador and Take Him to Hospital, Annex Attacked

- Locals find Ambassador and take him to hospital ●
- First major attack on Annex is repulsed, followed by a lull



0115-0400



Tripoli Team Arrives in Benghazi, US Learns of Ambassador's Death

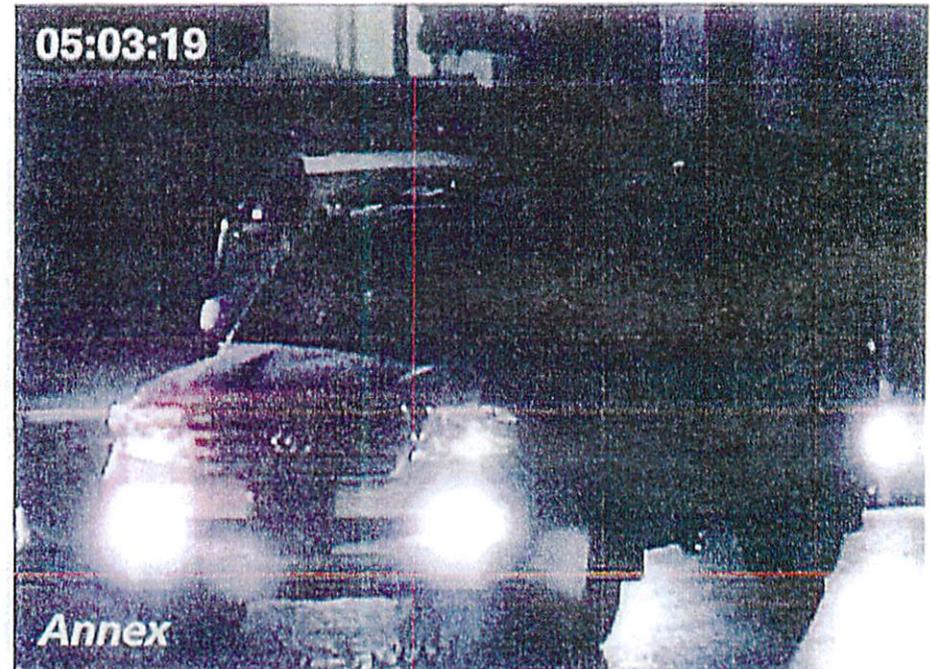




0430-0515



Tripoli Team Travels from Airport to Annex with Libyan Militia



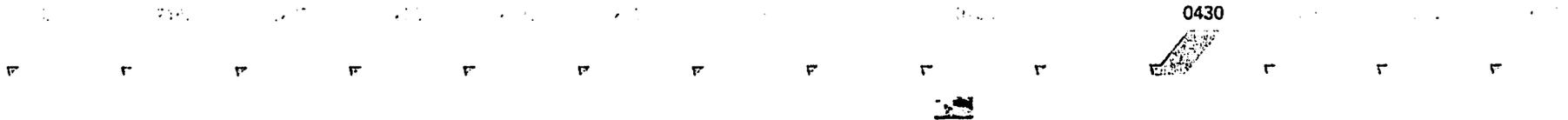


0430-0515



Tripoli Team Travels from Airport to Annex with Libvan Militia

- Security at the Annex increases

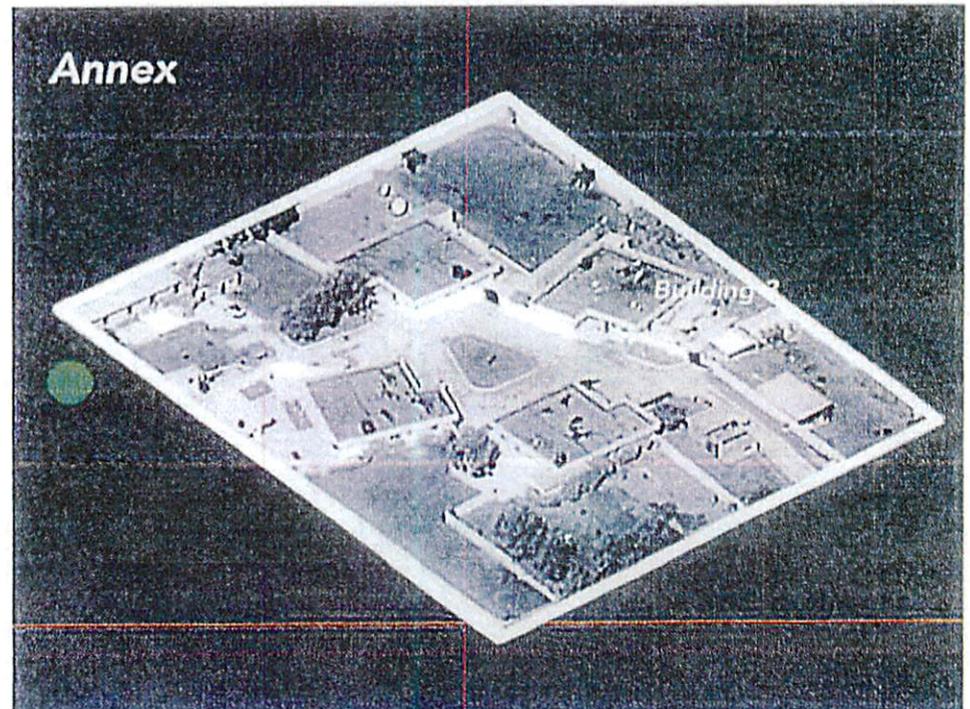




0515-0530



Mortar Attack on Annex, Libyan Militia Departs





0515-0530



Mortar Attack on Annex, Libyan Militia Departs



(S//NF) Picture of the side of Annex Building 3 taken sometime after the 12 September morning attack. Note the bullet holes and large hole where a probably mortar hit.

2142

2420

2824

3142

4420

5024

5642

6120

6824

7142

0515

7420

7824



0515-0530



Mortar Attack on Annex, Libyan Militia Departs



(S/INT) Picture of the roof of Annex Building 3 taken sometime after the 12 September morning attack. Note the bullet holes and mortar impact points.

0515

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0515-0530



Mortar Attack on Annex, Libyan Militia Departs

- Attackers struck from multiple directions at the same time
- Security situation degraded following the attack



0515

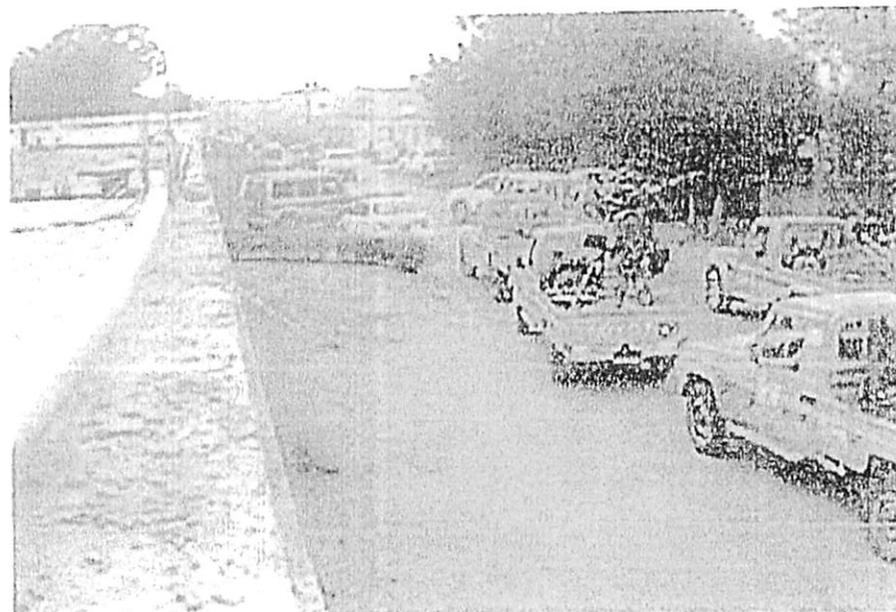
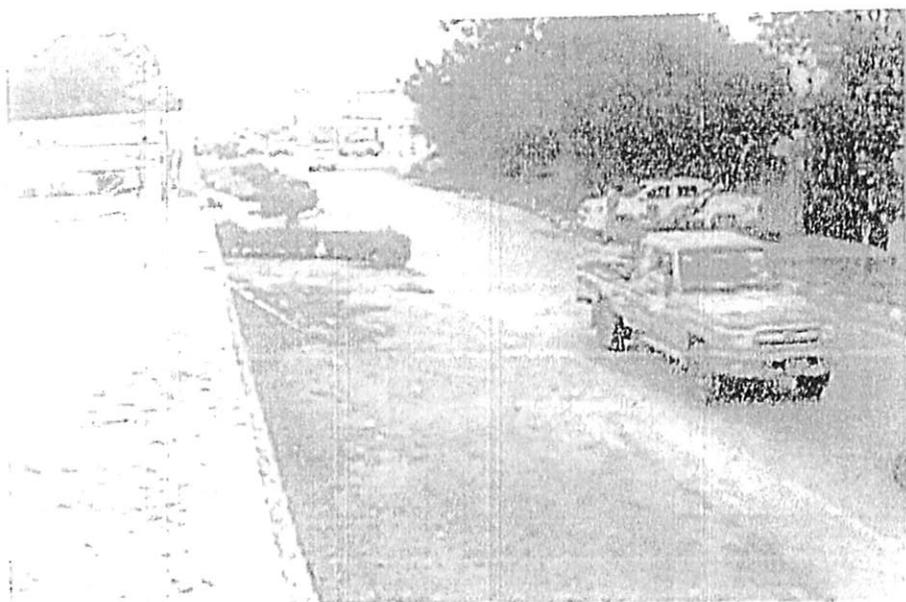




8600-0645



US Evacuates Annex



0600



0600-0645



US Evacuates Annex

- Libyans return in force
- US personnel en route to airport



0600



0700-1135



Americans Evacuate to Tripoli

0730
The first ai
with Amer
departs Ber



(S/INT) Still from Predator video shows the convoy of US personnel at their aircraft.

1135
second aircraft
es in Tripoli.
S personnel
poli.

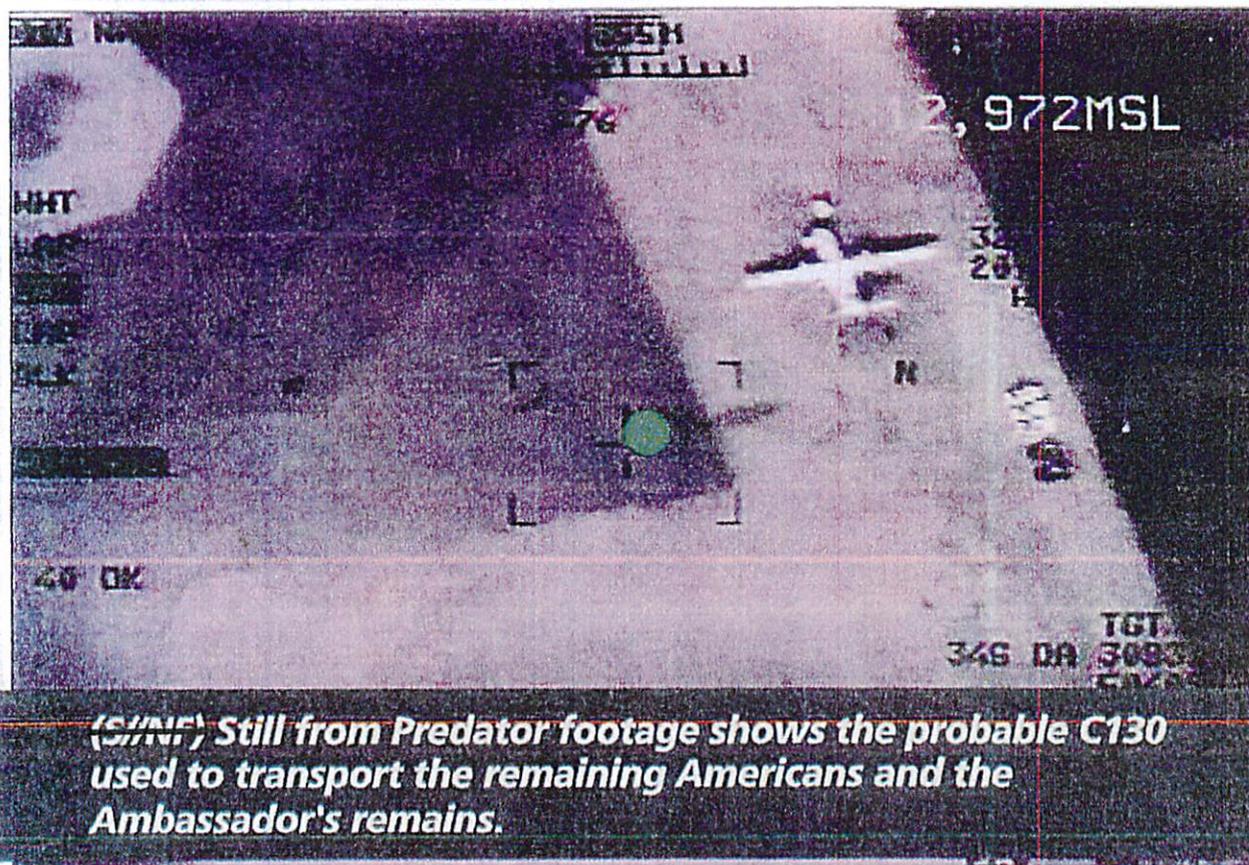


0700-1135



Americans Evacuate to Tripoli

0730
The first ai
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1135
second aircraft
es in Tripoli.
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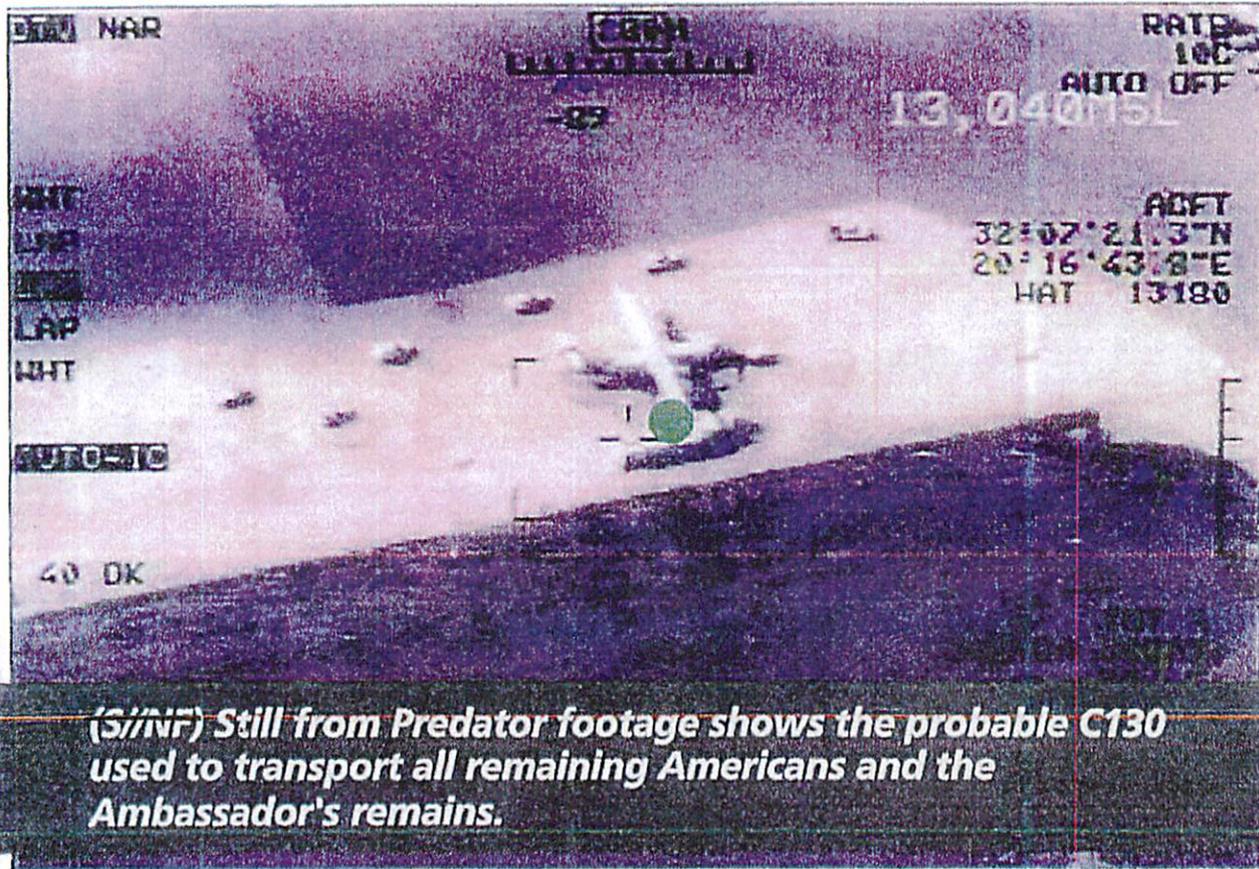
0700-1135



Americans Evacuate to Tripoli

0730

The first aircraft with American personnel departs Beirut.



1135

second aircraft arrives in Tripoli. US personnel evacuate to Tripoli.

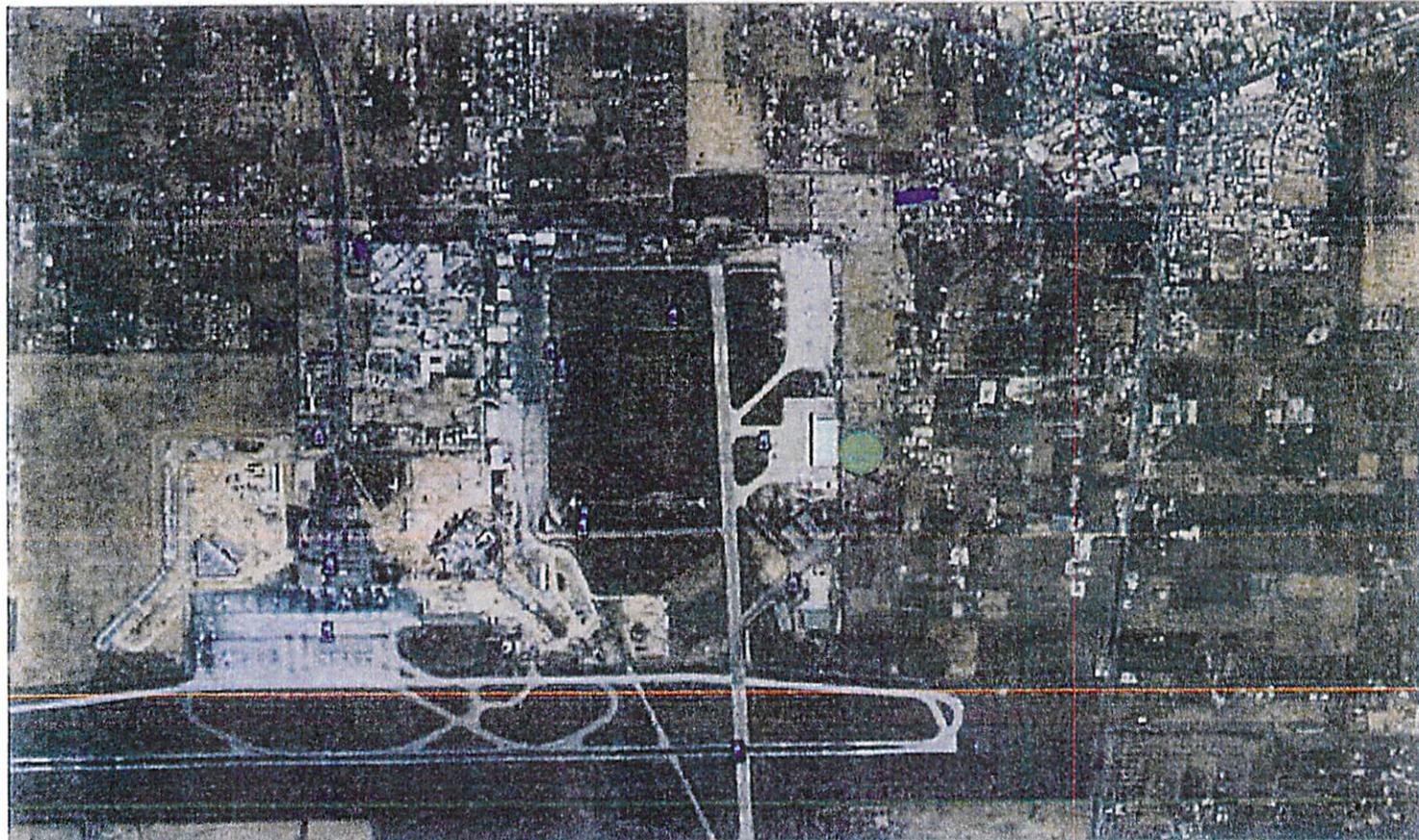
(S/INT) Still from Predator footage shows the probable C130 used to transport all remaining Americans and the Ambassador's remains.



0700-1135



Americans Evacuate to Tripoli



The f
with
depart

aircraft
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nnel

21:10 22:00 22:50 23:40 00:30 01:20 02:10 03:00 03:50 04:40 05:30

0700





Current Assessment

Initial 9/11 attack appeared to be opportunistic

11-12 September attacks were multiple, separate events

Second 9/11 attack appears coordinated

Appendix 4

RPTS JOHNSONDCMN ROSEN

HEARING: BENGHAZI

Thursday, November 15, 2012

U.S. House of Representatives,
Permanent Select Committee on Intelligence,
Washington, D.C.

The committee met, pursuant to call, at 10:13 a.m., in Room HVC-304, the Capitol, the Honorable Mike Rogers [chairman of the committee] presiding.

Present: Representatives Rogers, Thornberry, Myrick, Miller, Conaway, King, LoBiondo, Nunes, Westmoreland, Bachmann, Rooney, Heck, Calvert, Frelinghuysen, Ruppertsberger, Thompson, Schakowsky, Langevin, Schiff, Gutierrez, and Dicks.

Also Present: Senator Burr, and Christian Rock, staffer to Senator Burr.

Staff Present: J. Michael Allen, Staff Director; Christopher Doneso, Chief Counsel; Darren Dick, Deputy Staff Director; Jamil Jaffer, Senior Counsel; Katie Wheelbarger, Senior Counsel; Thomas Corcoran, Senior Policy Advisor; Leah Scott, Executive Assistant; Ashley Lowry, Chief Clerk; Bryan Smith, Budget Director; Nathan Hauser, Professional Staff Member; Sarah Geffroy, Senior Counsel; George Pappas, Professional Staff Member; Frank Garcia, Professional Staff Member; Chelsey Campbell, Professional Staff Member; Brooke Eisele, Professional Staff Member; Geof Kahn, Professional Staff Member; Susan Phalen, Communications Director; Kristin Jepson, Security Director; Todd Jones, Congressional Fellow; Mike Shank, Minority Staff Director; Michael Bahar, Minority

~~TS//SI/TK/G/HCS//NF~~

General Counsel; Janet Fisher, Minority Counsel; Bob Minehart, Minority Professional Staff Member; Carly Scott, Minority Professional Staff Member; Linda Cohen, Minority Professional Staff Member; Heather Molino, Minority Professional Staff Member; and Amanda Rogers-Thorpe, Minority Professional Staff Member.

~~TS//SI/TK/G/HCS//NF~~

THE CHAIRMAN: I will now recognize the ranking member for a motion to close the hearing due to security concerns.

MR. RUPPERSBERGER: Pursuant to rule 11, clause 2(g)2(a), I move the hearing be closed because disclosure of testimony, evidence, or other matters being considered would endanger national security.

THE CHAIRMAN: I would ask the clerk to call the roll as called for by the ranking member.

THE CLERK: Chairman Rogers.

THE CHAIRMAN: Aye.

THE CLERK: Mr. Thornberry?

MR. THORNBERRY: Aye.

THE CLERK: Ms. Myrick?

MS. MYRICK: Aye.

THE CLERK: Mr. Miller?

MR. MILLER: Aye.

THE CLERK: Mr. Conaway?

MR. CONAWAY: Aye.

THE CLERK: Mr. King?

MR. KING: Aye.

THE CLERK: Mr. LoBiondo?

MR. LOBIONDO: Aye.

THE CLERK: Mr. Nunes?

MR. NUNES: Aye.

THE CLERK: Mr. Westmoreland?

MR. WESTMORELAND: Aye.

~~TS//SI//TK/G/HCS//NF~~

THE CLERK: Ms. Bachmann?

MS. BACHMANN: Aye.

THE CLERK: Mr. Rooney?

MR. ROONEY: Aye.

THE CLERK: Mr. Heck?

MR. HECK: Aye.

THE CLERK: Mr. Ruppertsberger?

MR. RUPPERSBERGER: Aye.

THE CLERK: Mr. Thompson?

MR. THOMPSON: Aye.

THE CLERK: And Mr. Schiff?

MR. SCHIFF: Aye.

THE CLERK: Mr. Chairman, there are 15 ayes and zero nos.

THE CHAIRMAN: The count again, please?

THE CLERK: Fifteen ayes and zero nos.

THE CHAIRMAN: The motion is carried. The committee is now in closed session for matters of national security. I want to thank our witnesses for being here today. You know, we hope that when you go back, there is issues that this committee must address based on our oversight requirements, both constitutionally and by statute. And we take those very, very seriously. We want you, when you go back, to at least tell the folks who are doing all the right things in protection of the United States that they have our gratitude and know that our system is working well. It does mean that we will have to hopefully get some answers today, and there are lots of questions by members, we will try to get to that as quickly as we possibly can.

~~TS//SI//TK/G/HCS//NF~~

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So thank you all for your service. Thank you for being here today. It has been over 2 months since the tragic terrorist attack on our State Department Temporary Mission Facility and CIA base in Benghazi. And this committee continues to have many outstanding questions. We start by recognizing three things that we know: First, this was a terrorist attack. It always was a terrorist attack. CIA and NCTC analysts called it an intentional assault and a planned attack on September 12.

However, after that, something seemed to happen. Analysts assessed for the next 11 days that attacks grew spontaneously out of local protests inspired by protests in Cairo. These assessments persisted despite ample evidence that there were no protests in Benghazi, known extremists with links to al-Qa'ida affiliates participated in the attack, and the attackers used effective, deadly, and coordinated tactics, especially in the 11-minute attack on the CIA base that killed Tyrone Woods and Glen Doherty.

The committee has a number of questions about what information analysts had access to and when they got access to that information. I am particularly concerned about how quickly ground truth information from the State Department's Diplomatic Security Service and from the evacuees in Germany was incorporated into assessments. I am also concerned that the frankness of IC assessments, for example, Director Clapper, the statement for the record states that, "The most credible information today indicates that there was not a protest in front of the TMF ongoing at the time of the attacks."

There was no protest. You are going to show the committee surveillance video footage that there was no protest. While there may have been reporting of a protest, your assessments need to be clear and tell policymakers that those reports

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were wrong. We appreciate Intelligence Community caveats when they are appropriate. But you should not hedge your bets when you know the facts.

Second, the record shows that the IC did provide significant reporting and analysis on the heightened threat environment in Benghazi prior to the attacks. However, there was not specific information regarding the timing and/or any specific planning for the attack that took place on September 11. Third, the actions of the CIA officers and State Department security officers on the ground that day were heroic. Much of that fact has been lost in the media in their frenzy to cover this story. The men and women of the CIA and the State Department are putting themselves in harms' way on behalf of the American people every single day. The officers in Benghazi repeatedly ran into burning buildings, dodged bullets and RPGs, and fought valiantly to rescue their colleagues. I want to particularly recognize the officers of the CIA's global response staff for their valiant efforts to come to the aid of their diplomatic colleagues.

Finally, this committee is keenly interested in learning what we are doing now to identify and track down those terrorists responsible for this attack. They have American blood on their hands. And a failure to respond quickly, forcefully, and decisively will send the wrong signal to those who threaten the United States and our interests. And I fear that time may be slipping through our fingers here, and we may be at that point. This morning I want to welcome, again, all of our guests, Mr. Clapper, Mr. Morell, Mr. Olsen, Mr. Kennedy, Mr. Joyce, Mr. Reid, and Major General Gary Roberson, vice director for operations of the Joint Staff. Thank you all for being here.

Before I turn the floor over to our briefers, I would like to recognize the ranking member. I am going to forego my questions when this -- immediately after

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the following so that the members can get at their questions. I know you have plenty of them. Mr. Ruppertsberger.

MR. RUPPERSBERGER: Sure. Thank you, Mr. Chairman. First, welcome all our distinguished guests. Acting Director Michael Morell, I want to welcome you again to the committee in these unusual, unexpected circumstances. I think you are probably the only American that has been acting director on two different occasions. You can brag that to your grandchildren years away. I am confident, in view of your very close working relationship with former Director Petraeus and your own unique expertise, you will provide us with a complete narrative of events from the CIA's perspective.

Now, before we talk about the attackers, I want to pay tribute to the defenders who performed incredibly and heroically in war-like conditions. We grieve for the fallen, but it is a remarkable accomplishment that the vast majority of our personnel survived and classified material was destroyed. And this must not be forgotten.

Our committee appreciates the pressure the Intelligence Community has been under to use all available assets to piece together what happened, how it happened, and who perpetrated this tragic terrorist attack on our Temporary Mission Facility and the annex in Benghazi. Our primary interest today is to hear from you. First, where the intelligence leads us in answering how the attacks occurred and who conducted them. Second, how much progress we are making in identifying and locating the perpetrators. And third, what are we doing in united intelligence, diplomatic, and law enforcement effort to improve our worldwide security posture, especially where our personnel are operating in a high threat

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environment. I am very impressed with the Benghazi intelligence review that the IC completed to show the committee what you knew and where you knew it. That raw intelligence shows how hard it is to piece together contradictory bits of information coming from multiple human and technical sources.

The intel review that was given to us by the DNI also makes it clear there was no intelligence before or after the attacks indicating the attacks were planned to occur on September 11. There was no one mastermind. The perpetrators belonged to different extremist and terrorist groups. And we want to hear, again, you address that issue before the committee.

In short, it seems the intelligence to this point shows the attacks were opportunistic, organized, well-armed, and inspired by the violence against our embassy in Cairo. Again, we need to hear from you if that is the assessment. I want to know whether the Community has any intelligence that changes this assessment.

Finally, I want to know what the Community is doing now to bring perpetrators to justice. I hope the Libyan government and other allies are being cooperative to detain suspects and give the U.S. access. I know that our committee asked for a list of the possible targets about 2 weeks ago, and we just got it today. So I hope that we could be a little bit more forthcoming when we ask for information in this committee to get that information instead of before a hearing.

I also expect the witnesses to give this committee a frank, detailed description of any operational planning to capture perpetrators or take any other unilateral action against them. We have a lot of material to cover, so I will end my remarks here. And again, thanks to our witnesses, to all IC personnel working so hard to get to the bottom of this tragedy. I yield back.

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THE CHAIRMAN: Thank you, Mr. Ruppertsberger. Mr. Clapper, the floor is yours. Thank you, sir.

STATEMENT OF JAMES R. CLAPPER, DIRECTOR OF NATIONAL INTELLIGENCE

GENERAL CLAPPER: Good morning, Chairman Rogers, Ranking Member Ruppertsberger, and distinguished members of the committee. The events of September 11th and 12th of this year represent a tragic example of the risks associated with America's global presence. Whether in the military, intelligence, or diplomatic corps, employees of the United States Government are, and will continue to be, targets of opportunity for criminals and terrorists. We represent an Intelligence Community and national security team that has been piecing together what happened that night in Benghazi, as well as assessing our own performance before, during, and after the event. We are working relentlessly to bring those responsible to justice. And as well, we are examining additional measures to cope with the new intelligence and security challenges in the region occasioned by the aftermath of the Arab Spring.

Regrettably, much of the public discourse about this tragic event has developed into simplistic, one-dimensional descriptions. Either it was a terrorist attack or it was prompted by the video. Either it was spontaneous or it was planned. Either it was led and coordinated by al-Qa'ida or it wasn't. In fact, it was a confused, complex event. It was not a simple case of black or white, but rather many shades of gray. As you will shortly see and hear in more detail, we assess that there were actually multiple attacks on the Temporary Mission Facility, and later

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against the annex that were different in scope, proficiency, and degree of organization.

For the IC's part, because these were violent criminal acts committed at least in part for political purposes, we have always considered these and the other contemporaneous assaults on our diplomatic facilities in neighboring countries as terrorist acts even if we did not explicitly say so in each and every product report we issued. Similarly with respect to the issue of a protest occurring prior to the attacks, the IC has a body of it reporting from SIGINT, HUMINT, and open sources in which witnesses, participants, and Libyan government officials cited, quote, a protest in Benghazi linked to the attack on the U.S. embassy in Cairo, and that there was some degree of spontaneity in the attacks in Benghazi.

On 15 September, the IC provided more information on the attackers, and reaffirmed our analysis that a variety of extremists participated in the attack, while also noting the level of planning and the exact sequence of events leading to the attacks remained intelligence gaps. The IC continued to refine its initial assessment of the attacks as new information became available, particularly from in-person interviews of those who were there. The analytic judgments evolved during the week of the 17th of September, and the IC published its assessment that the attacks were deliberate and organized assaults by extremists influenced by events in Cairo.

This is the first time the IC formally informed senior policymakers that our most credible information indicated there was not a protest ongoing at the time the attacks began. The IC also highlighted our continued gaps on the questions of preplanning and direction. As typically happens in such cases, first reports are invariably incomplete or inaccurate, or both. As more information was collected and

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analyzed, assessments necessarily changed. For the IC, this is a natural sequence when synthesizing new evidence. But to those less familiar with the analytical process, it seemed to represent politicization. The goal of providing timely and accurate intelligence analysis to all policymakers will be best served by recognizing and allowing for this necessary intelligence sequence.

I assure you, our early reporting, including the unclassified talking points, were certainly preliminary, but not politicized in any manner. Let me now briefly review the following four aspects: The previous incidents and warnings prior to the attacks, the nature of the attacks themselves, whom we suspect was responsible, and the assessed motivations of those involved. The IC published more than 300 finished intelligence reports on extremist activities in North Africa between 1 February and 10 September of this year. We documented hundreds of violent incidents in Libya, including at least 15 attacks on western or Libyan government targets. I would highlight three of these incidents from June alone. On the 6th, an IED exploded near the main gate of the U.S. mission compound in Benghazi, creating a 9-by-12-foot hole. A militant group named after the Egyptian blind sheik claimed responsibility. This marked the first claimed terrorist attack against U.S. interests in post-revolution Libya.

On the 8th of June, two hand grenades were placed under two empty British vehicles parked at a hotel in Sabha, a city about 400 miles south of Tripoli. One of the grenades exploded, causing damage to one of the vehicles, but no casualties. On the 11th of June, unknown assailants using two RPGs and small arms fired on a three-vehicle convoy in Benghazi, carrying the British ambassador, resulting in minor injuries. All these incidents were reported in a full range of intelligence products to policymakers, the military, and to Congress.

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With respect to warnings, on 7 September, CIA sent a cable noting the upcoming anniversary of 9/11 to all its stations and bases worldwide, which they asked to be shared with all FBI, State Department, and DOD personnel at each of these embassies. The cable noted there was no credible threat directly related to the 9/11 anniversary, but recommended sharing with liaison partners, and I quote from the cable, "we cannot rule out that AQ will choose to attack our interests overseas and/or those of our allies anywhere it can."

The cable also recommended that stations and bases work with State Department officers and remain on high alert. As both the chairman and the ranking indicated, there was no reporting that indicated specific threats to the U.S. facilities in Benghazi. And to be clear, thus far, we found no smoking gun intelligence in our holding specifically warning of an attack on U.S. facilities in Benghazi prior to 11 September.

Libya, especially eastern Libya, is awash in weapons, training camps, and extremists. The attackers, accordingly, had weapons readily available. We think they organized quickly, less than a few hours before the initial attack, after learning of the protests in Cairo, which were prompted by the video earlier that day. They saw an opportunity and they took it. The attackers did not appear to engage in a comprehensive effort to search for the Temporary Mission Facility compound for U.S. personnel. They never got into the safe area while Americans were there, never took any hostages, and did not bring explosives to blow the safe room door, and did not use a car bomb to blow the gates.

The attackers at the annex did not employ mortar fire until about 7 hours into the attack, suggesting they had not mobilized their most effective equipment when the attacks began. Here they clearly exhibited some level of training and

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proficiency. We still have not confirmed who commanded or controlled the attacks, and are uncertain if any one entity did so. We think we know some of the groups and individuals responsible. Elements of Ansar al-Sharia, a Libyan militia organized last spring; the Muhammad Jamal Network, an al-Qa'ida in Egypt upstart; a few individuals associated with al-Qa'ida in the Islamic Maghreb, or AQIM; as well as looters, vandals, and passersby.

Among the motivations that we assess may have been present that night, some may have been motivated to retaliate for the death of Abu Yahya al-Libi, prompted by al-Zawahiri's 10 September call to Libyans to avenge the death of their countryman.

Others may have been motivated by the inflammatory YouTube video; others by the anniversary of 9/11; others by the success of the protesters storming the U.S. Embassy in Cairo; and still others by simple greed, as evidenced by the looting that went on. And for 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. And while on the subject of possible motivations, let me add one that did not apply. There were no detainees at either facility for attackers to free.

As you know, the FBI is leading an investigation into the attacks, and Sean Joyce can speak to that, and the events leading up to them, and the State Department is conducting an accountability review. And Under Secretary Pat Kennedy can speak to that. Like you, we are very interested in the outcome of these inquiries.

In conclusion, the officers of the Department of State, as you very appropriately and very thoughtfully acknowledged, the officers of the Department of

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State and the Central Intelligence Agency who lost their lives that day represent the very best of the United States. And the bravery and courage displayed by many of those who were there have been nothing but inspiring. On a personal level, I am yet haunted, and always will be, by the last conversation I had with Ambassador Stevens last April 27 before he departed for Libya.

As we shook hands in my office, as he took his leave, my last words to him were, "Stay safe." I will always wonder if there was some piece of SIGINT, some piece of HUMINT that would have triggered a more specific, more emphatic warning to Chris and his colleagues. After thousands of hours of review, I am convinced that the IC had no such tactical warning. I will now turn to Matt Olsen, the director of the National Counterterrorism Center, who will narrate a presentation that helps explain the sequence of events of the attack. And seeing it visually, as best we can reconstruct it, I think will really be helpful.

We have done our best on an interagency basis to portray accurately those events. But try as we might, we cannot perfectly replicate the God's eye, God's ear certitude of what actually happened. And no matter how many investigations we do, we never will. And after the presentation, we will all be available to address your questions. And I would ask that, if possible, you note and hold your questions until Matt finishes his presentation. Matt?

**STATEMENT OF MATT OLSEN, DIRECTOR, NATIONAL
COUNTERTERRORISM CENTER**

MR. OLSEN: Thank you and good morning. As Director Clapper has said, and with the committee's permission, I would now like to present a visual timeline of

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the events and the attacks in Benghazi. Before we begin, I would like to emphasize three overarching points: First, this was a complex and, at times, chaotic series of events. The details are complicated. We are continuing to learn more, as Director Clapper has said, and there is still a lot we don't know. Second, the bare factual narrative does not convey the bravery and heroism of the Americans who were there. And third, we are mindful of the fundamental fact that four Americans were killed by terrorists in Benghazi. Our overriding focus is on understanding what happened and bringing those responsible to justice. It is a commitment I know that we all share.

This presentation is based on the totality of the information that we have received since the attack. We did not learn a lot of this information -- at the time of this attack, we did not know a lot of this information. We have learned it since. Of course, the FBI's investigation is proceeding, and we are continuing to collect and to analyze intelligence. The presentation is based on all of the information that the IC has access to. So it is based on signals intelligence, human source reporting, open source reporting. It is, in particular, based on video, [REDACTED], [REDACTED], as well as the two Predator unmanned aerial vehicles that have provided video. We have looked through [REDACTED], and we have selected those particular segments that best help demonstrate the sequence of events on September 11 into September 12.

So I am going to begin with a series of maps and photos to set the scene, and then proceed directly to the sequence of events. So first Benghazi, located approximately 400 miles east of Tripoli. In Benghazi, there are four key locations that I will be focusing on: The Temporary Mission Facility I will refer to as the TMF.

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You may have it referred to as a consulate. Next to that the annex or CIA base. A short distance away, about 2 miles by car, is the hospital, the Benghazi Medical Center. And then 11 miles east of the TMF the airport in Benghazi.

So here is a closer look at the key facilities. The Temporary Mission Facility, about 2.5 kilometers from the annex by car. So a closer look now at the Temporary Mission Facility itself. This is an enhanced image of the TMF. And I want to walk through this rather closely. First, the main gate on the north side of the TMF. The main gate road runs from east to west in front of the main gate. There is another road that runs from north to south inside the compound, from the main gate toward the back gate. Adjacent to the main gate is the guard house. That is where the Libyan 17 February Brigade militia security force was housed. In the middle of that image is the main building where the ambassador and the information management officer were.

Two other important buildings, the staff quarters, or Villa B, and then next to that the tactical operations center. One thing I want to highlight on this is the location of the security cameras



Let me now turn to the actual sequence of the events. And over the course of this presentation, I will use a frame that looks like this with the time at the top. So 2130 to 2145. Many of the times are in 15-minute increments; other times they are in longer increments. On the right will be an image to show what activity took place during that time. And on the left I will show video to help illuminate what happened

during that time.

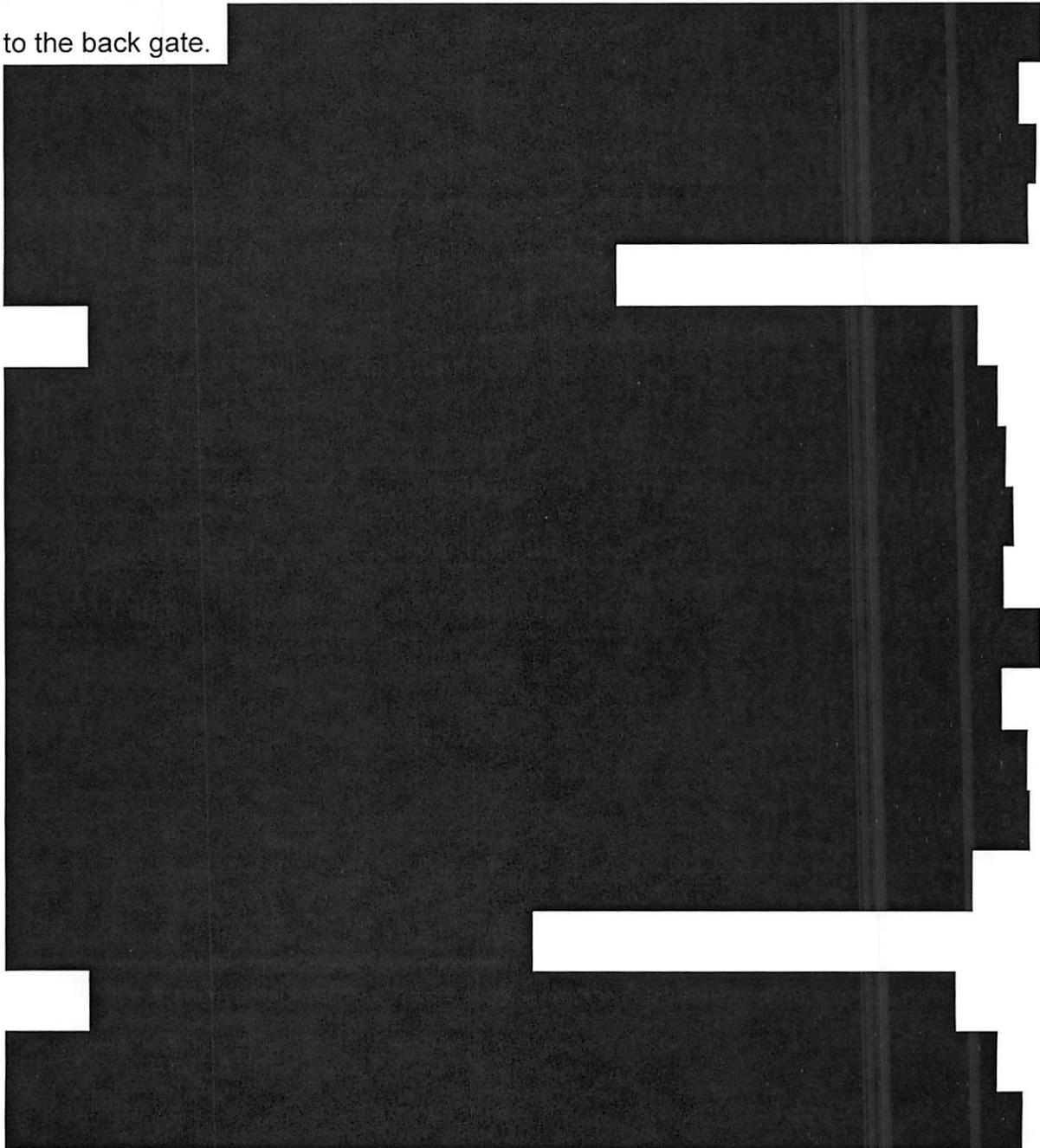
So the attack begins at approximately 2140. All the times I am going to refer to are local Benghazi time. So 2140 local time. At that time there are seven Americans at the TMF. The ambassador, the information management officer, and one Diplomatic Security agent are in the main building. There are three more Diplomatic Security agents, State Department Diplomatic Security agents just outside of the main building. And there is another Diplomatic Security agent located in the operations center. The attack begins with small arms fire [REDACTED] [REDACTED] This causes them to retreat into the compound. And this is followed by at least one explosion. And within minutes, dozens of attackers enter the TMF through the main gate. The agent who is in the operations center immediately sounds an alarm at the TMF. He then contacts a number of places, the annex, our embassy in Tripoli, the 17 February militia, and Diplomatic Security command center back in Washington.

The four Diplomatic Security agents that I have mentioned that are either in or near the main building, at the time the attack begins, one of those agents who has his protective gear and rifle secures the ambassador and the IMO in the main building safe area. So he stays with the ambassador and the IMO. The three other agents run to retrieve weapons and equipment. Two go to the staff quarters, or Villa B, and one runs to the operations center. Let me show you now a photo of the main gate. This is the main gate of the TMF taken from the main gate road, so looking from outside of the compound. [REDACTED] [REDACTED]

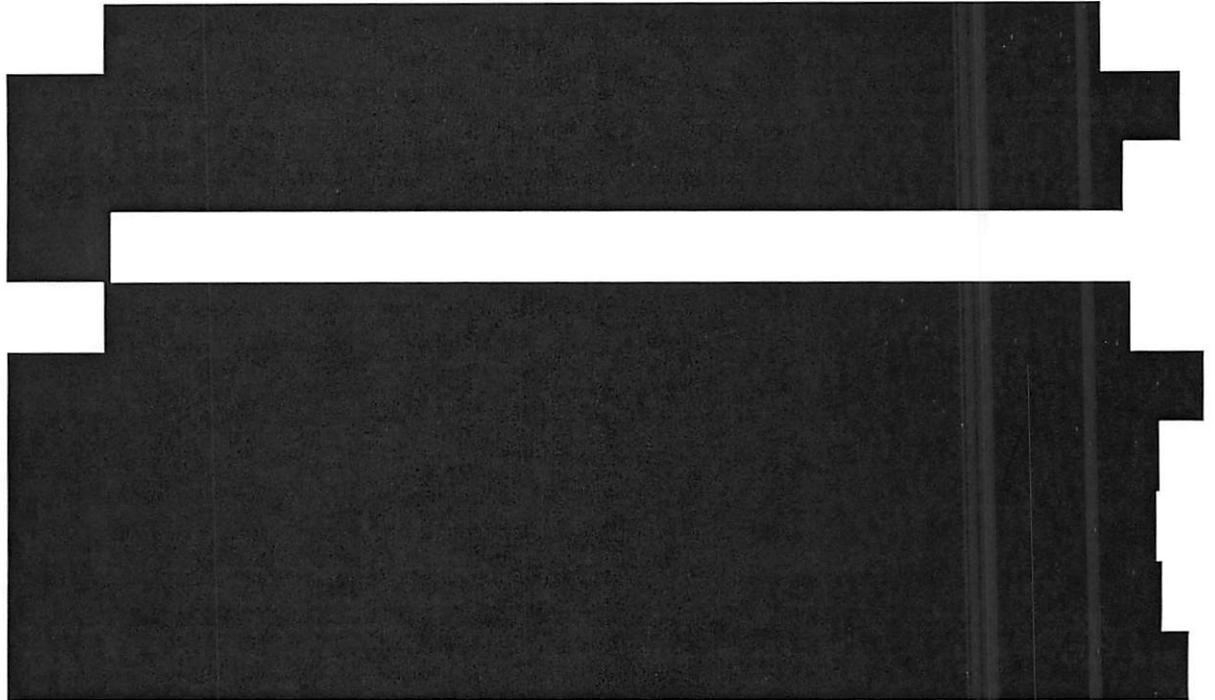
The first video I want to show [REDACTED] is facing onto the road. And you will see a Libyan [REDACTED] Security [REDACTED] truck. So a

local Libyan [REDACTED] truck parked just outside of the main gate. And if you could show, now what you will see is the truck drive away at 2142. This is immediately before the attack begins, that [REDACTED] truck drives away.

Now, the next photo is a daytime view of the main gate from inside the compound. This is looking out toward the main gate from the main building. And you see right down the middle of that photo is the road leading from the main gate to the back gate.



[Pages 19-32 redacted. An unclassified version of the timeline is at pages 4-7 of the report.]



And then finally, the evacuation to Tripoli. This is simply a timeline of the evacuation of U.S. personnel from Benghazi. The convoy arrives at the airport just around 0700. At around 0730 three wounded U.S. personnel and [REDACTED] other Americans depart. About an hour later, Libyan officials deliver the Ambassador's body to the airport. The last plane with Americans departs at 10 o'clock. And on board were all four deceased Americans and the remaining 12 Americans who were there. By 11:35 all U.S. personnel are in Tripoli.

So just to sum up, three I think key points from the review of the video and the other information we have collected. The initial attack appeared to be opportunistic. Many of the initial attackers were armed, others were not. They did appear to enter the TMF deliberately for the purposes of carrying out an attack, although they didn't appear to carry out a well-coordinated attack once inside. That is the initial stage.

The events over the course of the entire attack were really several separate events, beginning with the assault on the TMF, then subsequent looting at the TMF,

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and the two major attacks, including the mortar attack at 05:15 at the Annex, the second major attack on the Annex, of course, being the most organized, the most coordinated, with a mortar crew and gunman closer to the Annex.

Mr. Chairman, that is the presentation.

THE CHAIRMAN: Ready for questions, Mr. Clapper?

Mr. Thornberry.

MR. THORNBERRY: Mr. Olsen, I don't understand opportunistic at the end. It took some planning, some organization to get in the main gate at the beginning, didn't it? I don't understand that word in that context.

GENERAL CLAPPER: Sure. I can explain.

MR. OLSEN: Sure, I can explain. There were multiple attackers going in different directions from the beginning of the attack. The term "opportunistic" comes largely from the reporting we received through SIGINT and HUMINT sources, the SIGINT and HUMINT sources, that they took advantage of an opportunity that was presented. Certainly, it is clear from the video that there were people amassed at the gate at the very beginning. But over the course of the night there were multiple waves of individuals entering, including looters, later on.

MR. THORNBERRY: I guess I understand taking advantage of the situation, not being organized. Do you think it was opportunistic that this occurred on September 11? Do you think that that had any relevance, based on the information that you all have accumulated?

MR. OLSEN: I think our general sense is that there were multiple motivations. Certainly, it is possible that the date had relevance and was a motivating factor. But there were other motivating factors from the reporting.

GENERAL CLAPPER: If I could add to that, Mr. Thornberry, there was some

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██████ indicating that the attackers, or some of them, were aware of the events in Cairo, particularly the breaching of the embassy compound in Cairo, which occurred late in the day local time. And so that, if not the sentiment which motivated the people in Cairo, certainly the event, prompted by the video, which is what happened in Cairo, prompted or was a linkage to the events in Benghazi.

MR. THORNBERRY: I want to go back to that, but can I ask two kind of just clarifying questions. Who were the locals that found the Ambassador and took him to the hospital? Were they passerbyers, were they looters coming in? Who were they?

MR. OLSEN: I don't think we know the identities of those individuals. I have not seen anything to indicate that we have that information. It doesn't appear, by the fact that they took the Ambassador to the hospital, that they were of ill intent or hostile. So it is possible that they were looters that were there that happened to find the Ambassador and made the decision to take him to the hospital.

MR. THORNBERRY: Okay. Secondly, was an autopsy done on the Ambassador and the Information Officer when they got back?

MR. OLSEN: I have seen an autopsy. And I will refer to the FBI.

MR. THORNBERRY: What was the cause of death if there was?

MR. JOYCE: Yes, the autopsy was done. The coroner rules the cause of death was smoke inhalation. There was some blunt trauma injuries to his head, but not life-threatening, the coroner said. In addition, there was some injuries due to what the coroner ruled chest compressions attempting to resuscitate the Ambassador.

MR. THORNBERRY: And the Information Officer?

MR. JOYCE: I don't have the coroner's report on that. I don't have

definitively. I believe it was the same thing, smoke inhalation.

MR. THORBERRY: Mr. Morell, my strongest memory as Director Petraeus on the Friday after this event coming in and telling us this was all a spontaneous demonstration caused by the video, and when people come together, they bring RPGs in this part of the world. I mean that was the essence, and I was struck by how adamant he was that despite some prodding from the committee that he was adamant that this was spontaneous video and so forth. We will ask him about it tomorrow. But can you give me or outline in the limited time I have left the specific intelligence as of 3 or 4 days after that would cause one to be so adamant that this was spontaneous?

MR. MORELL: Mr. Thornberry, what I would like to do, because this is such a critically important question, this timeline of the analysis, Mr. Chairman, if you could indulge me for just a few minutes to kind of walk through the story about how the intelligence analysis evolved. It will take more time than Mr. Thornberry has. But I think the committee would find it valuable.

THE CHAIRMAN: I think we are okay. Let him ask for the timeline.

Go ahead.

MR. MORELL: So I recognize that the evolution of our analysis has raised concerns among Members here, raised concerns among folks in general. And because of that, I want you to know that I have personally gone back and reviewed the analysis from the very beginning to where we are now to form my own conclusions about what we said over time. And that is what I want to share with you. And what I am going to share with you is actually not just my view, but shared by everybody here at the table and also shared by my analysts.

The first point I want to make, which is to go to the darkest corner of the

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room here, is to the concern that the analysts somehow, whether we wrote it in classified documents for our policymakers or whether we condensed it down when we did the unclassified talking points for you all, that somehow we politicized that analysis. I just want to take that off the table. We did not pull our punches. We did not obfuscate in any way. We did not try to downplay the terrorist nature of the attack. And I can assure you of that. I can assure you of that.

I think you all know that analytic integrity is a core value at my place. Without it, we can't be effective. "Politization" is a dirty word at CIA, as it should be. And I can assure you that my analysts would be the first ones to throw a red flag if they ever felt that they were pressured in any way to conform their analysis to a particular view. And nobody, nobody, has raised a hand and told me that they have any concerns along that front. And [senior CIA official #1] is here, who is in charge of those analysts, and I think she can attest to that as well.

So after reviewing everything that we have written, here is my bottom line. The shifts in our line of analysis reflect what we often see in a crisis situation when we are dealing with limited and often contradictory information. And what we often see is that analysts looking at incomplete information can reach different conclusions. And when they put their heads together and get more information, they often arrive at yet another assessment. And as the information continues to flow in, they change those judgments yet again, which is exactly what I want them to do and which is exactly what you want them to do. And that is exactly what happened here.

Was it messy? Yes. Were we as precise in our language as we could possibly have been at every stage of the process? Probably not. But did we engage in a very honest, unbiased, uninfluenced effort to make the best sense of

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what we could based on the information at the time? Absolutely.

So let me try to break this down for you and this will get to your very specific question, sir.

The very first product we wrote on this topic was a hastily assembled overnight product that we call an executive update. It came out based on information as of 5 a.m. Washington, D.C., time on the 12th. Due to the breaking nature of the events, it represented a preliminary, uncoordinated assessment piecing together very, very few fragments of information. But here is the irony in all this. What we wrote that morning turned out in the end to be right, based on our current understanding of events. What we wrote that morning said, "The presence of armed assailants from the incident's outset suggests this was an intentional assault and not the escalation of a peaceful protest."

Looking back on it -- and I have looked very deeply into this -- looking back on it, do I think that we had all the information that we needed to make that judgment? Absolutely not. In fact, I can't find any basis for that judgment, making that judgment at that time. And frankly, this is the kind of judgment that I think is better made in a more carefully considered and coordinated product, not in an overnight summary of events.

What happened then after that point was that information started arriving in multiple reports that indicated that there had been a protest ongoing at the time of the assault. Some of this reporting indicated that this protest was inspired by the events in Cairo and some of it indicated that the attack grew spontaneously out of that protest.

Let me just give you a couple of examples. We have had

[REDACTED] a Libyan-based AQIM associate on the 11th of September [REDACTED] that

the Benghazi -- when the Benghazi populace heard about the security breach at the U.S. embassy in Cairo, they decided to storm the mission in Benghazi. That is where the word "spontaneous" comes from.

We had an Ansar al-Sharia extremist upload a video on the 12th of September praising the attack as a spontaneous popular uprising. Also on the 12th of September we had the first Libyan Government statement about the incident. And that statement said that a demonstration preceded the attack. In a press conference, the Deputy Interior Minister for Eastern Libya stated that the TMF was stormed after guards opened fire on the crowd gathered outside.

So IC analysts put this together and wrote on the 13th of September that the attacks "began spontaneously following the protest at the U.S. embassy in Cairo and evolved into a direct assault." They also said that, based on SIGINT, that extremists with ties to al-Qa'ida were involved in the attacks. And that is exactly what the Director briefed here to the committee.

Were we wrong on the 13th? Well, yes and no. Yes, it turned out that we were wrong that there were protests that evolved spontaneously into the attacks. Were we wrong for the right reason? And by that I mean, were we doing our best to interpret the available information as objectively as possible? Absolutely. But we were certainly not wrong about the involvement of armed extremists. We were clearly right about that. And that judgment has held up as we have written about this over time both in classified settings and in the unclassified talking points from that day forward.

In the days that followed, IC analysts had to cope with conflicting accounts about whether there was indeed a protest ongoing at the TMF when the attack began. Several additional reports were consistent with our judgment that the attack

grew spontaneously out of the ongoing protests. So we even had reports beyond the 11th and 12th that there were protests. Let me share some of those with you.

So on the 13th of September [REDACTED] an [REDACTED] associate claimed that his group took advantage of a planned demonstration at the TMF to protest the anti-Islamic films [REDACTED]. Also, on the 13th we had a [REDACTED] of AQIM members who were saying that the attack included a mixture of all the groups and that it was inspired by the storming of the embassy in Cairo. And on that same day, still on the 13th, [REDACTED] sent in a report [REDACTED] claiming that militants took advantage of a planned demonstration to carry out the attacks. So the analysts were still getting information that there was a protest. However, on the next day, on the 14th, Tripoli station sent a report citing the accounts of a CIA officer who was involved in the events when the officer arrived at the TMF. And he said that there was no sign of a protest. So this is kind of the first time in which somebody says there is no protest. But to the analysts that did not mean that there was no protest when the attack occurred because when the CIA officer arrived at the TMF was well after the attack started. So the analysts discarded that piece of information.

THE CHAIRMAN: Just a correction for the record, that is the second time. The first report also referenced no protest.

MR. MORELL: Yes, sir.

THE CHAIRMAN: For the record, I think that is important.

MR. MORELL: So on the 18th our station reported on the Libyan Intelligence Service's review, so this is the Libyan Intelligence Service telling us what they saw on the CCTV film that you just saw. And what the Libyan Intelligence Service told

us is that there were no sign of protesters.

MR. SCHIFF: What date was that?

MR. MORELL: That was on the 18th, sir. Clearly, we had to reassess what happened. So the analysts continued to refine their assessments of the attacks as more information became available. And on the 22nd of September, CIA, joined by the rest of the Intelligence Community, said that the attacks were a deliberate assault by extremists influenced by events in Cairo. The absence of a protest, however, did not lead us to conclude that the attack was planned well in advance. And that is a very, very important point.

While the tactics employed reflect a degree of preparation, we judged that the attacks could have quickly organized themselves based on the weapons, skills, and relationship they acquired during the uprising against Qadhafi. As was stated earlier, we probably will not know their personal motivations until they are detained and they are questioned. But we continue to believe, as you heard earlier, that some of them were inspired by the protests at the embassy in Cairo, while others were inspired by Zawahiri's call for revenge. And as you heard, we still do not know whether any individual or group exercised command and control.

So that is the evolution of the analysis. It was the analysts doing the best, absolutely best job they could at the time, based on the information they had at the time, and they showed a willingness to adjust their analysis as more information came in.

THE CHAIRMAN. Since you started that with a minute hand a half, I will give Mr. Thornberry 1 minute for a follow-up question.

MR. THORNBERRY: All set.

THE CHAIRMAN: Mr. Thompson.

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MR. THOMPSON: Thank you, Mr. Chairman.

MR. RUPPERSBERGER: The chairman and I were briefed yesterday, so we are going to let the members get to questions.

MR. THOMPSON: Thank you all for being here and the work that all of you and staff are doing.

Mr. Morell, what was the date that you were certain that there were no protests?

MR. MORELL: So when we made the judgment was on the 22nd.

MR. THOMPSON: The 22nd.

MR. MORELL. The analysts actually came to that conclusion a couple of days before, but it took them a couple of days to write the piece in which they actually said it.

MR. THOMPSON: So the 22nd you were sure it didn't start out of a protest. And when you are doing all this and your analysts are doing this, are there translation issues that get in the way when you are getting reports from the field? One person's protest is another person's spontaneous reaction? Is that reasonable to believe?

MR. MORELL: Let me ask my Director of the Office of Terrorism Analysis, [senior CIA officer #1], to answer that question.

[Senior CIA officer #1]: Sir, absolutely. We looked at the issue, particularly in [REDACTED] We talked directly with our colleagues at [REDACTED] and elsewhere and we asked them: Did they say protest, did they say demonstration? What exactly did they say?

There were roughly about a dozen reports at the time, including [REDACTED] that talked about an extant protest. At least one piece of [REDACTED] has since been

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revised to now say that they joined a group as opposed to say they joined a demonstration.

MR. THOMPSON: Thank you.

General Clapper, you said at the beginning there you had no detainees or prisoners on either site. Did anybody have any detainees or prisoners or was there any reason for anyone to believe there were detainees or prisoners on site?

GENERAL CAPPER: Not to my knowledge.

Michael.

MR. MORELL: No, sir.

MR. THOMPSON: General Clapper, did they have reason to believe Ambassador Stevens was on site?

GENERAL CLAPPER: We don't know for sure whether they knew he was there. It wasn't evident in the actual events, as you saw. They could have because his presence there was known. Certainly, Libyan Government elements knew of it and could possibly have leaked or informed some of the attackers.

Unless others have comment, I don't think they actually knew.

MR. THOMPSON: Mr. Olsen, you came in and briefed this committee in the other room very soon after this happened. Meaning no disrespect to you, but you really didn't have any answers because everything was unfolding and you were trying to figure this stuff out. Was that because I am explaining it correctly or were you trying to cover up, mislead, or obfuscate the committee?

MR. OLSEN: I was here, sir, 2 days; I think on the 13th, so really a day after, for us, we started collecting information. It was still fragmentary. We had very little information.

MR. THOMPSON: Mr. Morell, the day after that you came in with the

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Director at the time, General Petraeus. Was there any more information other than what he told us or was the Director trying to obfuscate, cover up, or mislead the committee?

MR. MORELL: Sir, three things. I was not here with the Director. He came without me. Number two, what we laid out for you is what we had at the time and what we believed at the time. And number three, there was no effort to cover up or obfuscate.

MR. THOMPSON: Did Ambassador Rice have any additional information, any more or less information than you all did when you came in to brief us?

MR. MORELL: She had all the information that we had, sir.

MR. THOMPSON: Ambassador Kennedy, was there a formal plan for removing folks from the consulate in case -- an extraction plan, I believe it's called?

MR. KENNEDY: We have what we call an emergency action plan that had a number of possible steps to be taken depending upon the individual circumstance. So I think there were several of them.

MR. THOMPSON: So the RSO had a formal written plan --

MR. KENNEDY: Yes, sir.

MR. THOMPSON: -- that was in place before this happened?

MR. KENNEDY: There was an emergency action plan, yes, sir.

MR. THOMPSON: Can you provide a copy of that for the committee?

MR. KENNEDY: I will take that question, sir, yes, sir.

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MR. THOMPSON: Thank you. I have no further questions.

THE CHAIRMAN: You say take that question. Does that mean you will or will not?

MR. KENNEDY: I have got to go back and check, Mr. Chairman.

THE CHAIRMAN: What would be the reason you could not supply the evacuation plan to the committee?

MR. KENNEDY: If I could, Mr. Chairman, I will get back to you on that. I want to be fully cooperative.

THE CHAIRMAN. I know you do. Two ways we are going to get it, you can inform them. You are either going to provide it to us voluntarily or we will subpoena you for it.

MR. KENNEDY: I understand that, Mr. Chairman.

MR. THOMPSON: Just reclaiming my time. On that specific issue, if you have it, why wouldn't we be able to get it?

MR. KENNEDY: I didn't say I wasn't going to get it to you, sir.

MR. THOMPSON: When will we know?

MR. KENNEDY: I will be back to you this afternoon.

MR. THOMPSON: Thank you.

THE CHAIRMAN: Mrs. Myrick.

MRS. MYRICK: Thank you. I am going to move fast because I have got a lot of questions.

The first thing is the CIA memo on the 12th of September said the presence of armed assailants from the outset suggests this was an intentional assault and not the escalation of a peaceful process. I just want to say that because that really wasn't mentioned in what you talked about.

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Who removed the term of "terrorist attack" from the 15 September talking points that were prepared by the CIA, and why?

[Senior CIA officer #1]: Ma'am, the talking points were prepared at the request of the committee. The inclusion of specific groups in that request at an unclassified level would have been impossible to do. At that time our knowledge of Ansar al-Sharia participation had originally come from, as was mentioned by the Acting Director, a YouTube video, which they then subsequently recanted. The information about al-Qa'ida in the Islamic Maghreb and possibly al-Qa'ida in Iraq, individuals involved with them having been involved in the protest, was from clandestine reporting, including SIGINT. So to have focused on only one specific group would have been misleading to have just said Ansar al-Sharia. We thought that might be --

MRS. MYRICK: That wasn't what I was saying.

[Senior CIA officer #1]: On the issue of extremist versus terrorist, ma'am, because of the mixtures of the individuals involved in the attack there were, as was mentioned now, we understood there was a mixture of individuals, some who had terrorism affiliations, some who we did not know. "Extremists" we thought was a more accurate word without being able to get into specifics.

MRS. MYRICK: Let me move on because I have some other questions. Supposedly, there were 10 terrorist training camps that had been identified in Benghazi previously that were the militants. And there was a cable at some point asking about considering these militants a threat. We are told that they are not sure of the intentions against the Americans. Then, on September 7th, there was a high alert issued to all the people about the fact that there could be a problem.

I guess it really concerns me that we are looking at a situation where

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September 11, the date that is always the date we are concerned about, and the Ambassador is in Benghazi without protection. There was no extra security, from anything that anybody said so far, provided. Supposedly, there were some requests for security that were denied by somebody. And I don't know who.

My question is: Why did you all not even consider the fact that September 11 and the Ambassador being in an insecure place? None of this just makes any sense to me as to why these timelines, and I know what you explained before, but in this particular thing I don't understand that. Then the second thing is how did they know -- if there were four buildings in the Annex, how did they know which building to fire on?

[Senior CIA officer #1]: If I could just say one thing, ma'am. That same initial report that we wrote on the 12th, that executive update, we also said that we were investigating to determine whether or not this attack was a response to the film or a planned attack perhaps to mark the anniversary of the 11 September attacks. We were indeed investigating and open to all possibilities.

MRS. MYRICK: Right. After the fact.

[Senior CIA officer #1]: On that day, ma'am, yes.

MR. MORELL: Let me answer your second question. We don't know why they focused on that particular building.

MRS. MYRICK: But that is where the people were, right?

MR. MORELL: We did have people up there in firing positions. And they were firing from there. So that is one obvious reason.

Let me ask Mr. Kennedy to answer your first question.

MR. KENNEDY: Representative, we had three diplomatic security special agents assigned permanently to our compound in Benghazi. We had engaged in

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extensive security improvements to the compound. And I won't want to take all your time to describe all the walls, all the cameras, everything we had done. Secondly, so we did not regard it as an un-secure location. The Ambassador was going to be in Benghazi from the 10th to the 14th for a series of programs. On the 11th, out of an abundance of caution, he restricted all of his appointments to the compound. He did not go out traveling in the city because of the acknowledgment of that.

MRS. MYRICK: Right.

MR. KENNEDY: And so we had made all these arrangements. There were no security requests, except for possibly one about high guard towers. In the press, as my colleagues have mentioned, there are all these stories about this being turned on or that being turned down. One has to, in effect, deconstruct the requests. There were a number of requests for Benghazi and there were a number of requests for Tripoli. The request from our embassy in Tripoli on behalf of staffing in Benghazi was for the permanent assignment of three diplomatic security special agents. We had three there and we brought in two additional special agents, who accompanied the Ambassador down from Tripoli.

MRS. MYRICK: I am out of time. Well, I have got 10 seconds left. I do want to say we appreciate everything that everybody does and there is a tremendous amount of sympathy for the situation is people are in. But this still has so many unanswered questions that I think everybody is still up in the air about what really happened and how it happened and all the conflicting reports.

Director Clapper, I know it takes a while to put all this together, but I still don't think the questions have been answered. And I yield back.

THE CHAIRMAN: Thank you.

Mr. Schiff.

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MR. SCHIFF: Thank you, Mr. Chairman. Thank you all for coming today. I think the chronology of it was very helpful.

Acting Director Morell, the unclassified assessment that we were given on Saturday the 15th of September says the currently available information suggests the demonstrations in Benghazi were spontaneously inspired by the protests at the embassy in Cairo and evolved into a direct assault.

That was the best information you had at the time?

MR. MORELL: Yes, sir. And it was fully consistent with what we had written for the policymakers on the 13th. In fact, it is very close to verbatim what we told policymakers on the 13th.

MR. SCHIFF: We got this the afternoon of the 15th. The following morning, Ambassador Rice appeared on the Sunday talk shows and said almost verbatim what is in this assessment. Did she have the same best assessment from the IC that we have had?

MR. MORELL: Yes, sir.

MR. SCHIFF: And was what we said on the Sunday talk shows consistent with your best assessment at the time?

MR. MORELL: Sir, I have not looked at what she said on the Sunday talk shows.

MR. SCHIFF: Well, she said that the best available information were the demonstrations in Benghazi were spontaneously inspired. Basically, the talking point that you gave us. I assume that that was the best information you said you gave us. If that was the information she conveyed on Sunday, is that the best information that you had at the time?

MR. MORELL: Yes, sir.

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MR. SCHIFF: Is there anything classified about that fact?

MR. MORELL: No, sir.

THE CHAIRMAN: For clarification, about which fact?

MR. MORELL: I am saying about what the unclassified talking points said.

MR. SCHIFF: I want to make sure if Ambassador Rice's comments were the same as the unclassified information you gave us. There is nothing classified about that fact, right?

MR. MORELL: I would say not. And I would defer --

MR. SCHIFF: And there is nothing unclassified about the fact that the information that she was given by you was the best information you had at the time, correct?

MR. MORELL: Correct, sir.

MR. SCHIFF: The videos that we saw and presumably what the personnel on the ground saw indicated there was no protest. Why did it take until the 22nd to analyze the videotapes or to interview the personnel on the ground? It seems to me that those percipient eyewitness accounts would be the best evidence of what happened. I understand the SIGINT clouded the picture. But how long did it take to review those videos and how long did it take to debrief the people who were actually there and were in the best position, our people, to evaluate what took place?

[Senior CIA officer #1]: Sir, our reference to the 18th to the videos, we did not get the videos until after that. What we got on the 18th was the Libyan Intelligence Service analysis of the videos. And it was only actually a short clip. It was roughly 50-something minutes that they had seen. So we did not get the videos until much later. I believe it was the 22nd or so. Or 23rd. I would have to double check.

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MR. SCHIFF: These are videos from our security cameras.

[Senior CIA officer #1]: Yes, sir.

MR. SCHIFF: Why would we have not gotten our own videos?

[Senior CIA officer #1]: I will leave that to MR. KENNEDY to describe why we didn't get those videos immediately.

MR. KENNEDY: Mr. Schiff, this was a closed circuit television system that recorded. In the process of trying to first locate the IMO and the Ambassador, our personnel left the tactical operation center where the tapes were running and then at the point they are all assembled at the building trying to find the Ambassador and the firing got so heavy that everyone had to leave the compound, we were not able to get back and to pull the tapes out of the machine. The tapes were then recovered by the government of Libya and then subsequently provided to the CIA, who then turned them over to the FBI as part of the FBI's criminal investigation.

MR. SCHIFF: When did the CIA get the tapes?

[Senior CIA officer #1]: I believe, sir -- I will have to double check -- but I believe it was the 22nd or 23rd. It was after the 18th. It was the 23rd, yes, sir.

MR. SCHIFF: So we didn't get our own security feed until the 23rd? Because those tapes show pretty clearly what is going on at the front gate.

[Senior CIA officer #1]: Again, sir, I will emphasize that when we did get the DVR, it was damaged. So, again, it took the FBI's reconstruction of a number of files on these for us to actually be able to evaluate the video footage.

MR. SCHIFF: What date did we begin the interviews of our security personnel who were on the compound that day?

[Senior CIA officer #1]: I leave that to the FBI.

MR. JOYCE: 

[REDACTED]

MR. SCHIFF: And did they make it clear that in their view there was no protest going on?

MR. JOYCE: Several of them made comments that it did not begin with a protest, in their opinion.

MR. SCHIFF: I am out of time.

MR. OLSEN: Representative, if I may just add, I want to make clear the Predator, and you may be well aware of this, but the Predator video did not arrive on scene until later in the evening; 2325, I think. So 2325 is when the Predator feed began. So that was obviously after the attack began.

MR. SCHIFF: Thank, Mr. Chairman.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: At what time did the CIA become aware that there was a DOD Predator in the air?

MR. MORELL: Sir, when we got the call at about 9:40 that the TMF was under attack and could we come and assist, we requested Predator coverage. I believe it was about 90 minutes.

MR. MILLER: The reason I ask is because I believe Director Petraeus in the briefing told us there was no Predator. There was no overhead video.

MR. MORELL: There was none at the start of the attack.

MR. MILLER: That is not what the question was. Was there any Predator feed at all?

MR. MORELL: Yes, sir.

MR. MILLER: And the Director said there was not.

[Senior CIA officer #1]: Sir, actually, I believe the Director said he watched

that live. It was streamed to him and he watched it.

MR. MILLER: He did not say that. Now the question is: Who else watched that live?

GENERAL ROBERSON: Sir, that Predator was airborne, doing a normal intelligence mission. It was located Far East.

MR. MILLER: General, my question is: Who watched that Predator video? Once it was overhead Benghazi, who watched it?

GENERAL ROBERSON: That Predator was available, as all Predator videos are, for any of our Predators that are flying. So it was dialable. You could get access to it at any time.

MR. MILLER: Who?

GENERAL ROBERSON: A lot of people.

MR. OLSEN: I have a little bit more detail. I think in terms of that, that is certainly true. I know that the National Military Command Center at the Pentagon and JSOC Main at Fort Bragg had access to that. And JSOC Main was monitoring the feed in real time.

MR. MILLER: Situation room?

MR. OLSEN: JSOC Main would have been Fort Bragg.

MR. MILLER: White House?

MR. OLSEN: I don't know the answer to that.

MR. MILLER: Why not?

MR. OLSEN: Why don't I know the answer to that question?

MR. MILLER: Yes.

MR. OLSEN: I haven't asked that question.

MR. MILLER: How do you know others did?

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MR. OLSEN: I have asked DOD who. This was the response we got in terms of who at DOD was able to access that.

MR. MILLER: But the SECDEF was at the White House so you don't know if the SECDEF was watching it or not.

MR. OLSEN: I don't know the answer to that.

MR. MILLER: Would you find out?

MR. OLSEN: Sure, I can ask that question.

MR. MORELL: Sir, I have some additional information, if you would like it. So our base in Benghazi did not have access to it, but --

MR. MILLER: That is not what I asked, I am sorry. I am asking who in Washington.

MR. MORELL: I do know that General Petraeus watched it live.

MR. MILLER: And he was where?

MR. MORELL: He was at home in his SCIF.

MR. MILLER: Okay.

MR. OLSEN: If I can add one more detail. I have neglected to mention that at my building at the National Counterterrorism Center we had a military officer who is detailed to our organization who monitored the field --

MR. MILLER: I know there were a lot of people watching. I know there was tons of folks that had the ability to get to it.

The next question is off Mr. Schiff's questions he was asking about Ambassador Rice. She was pretty adamant that it was because of the video. And, in fact, the President some 8 days later at the United Nations was just as adamant about the video. We didn't know at that point any more than we thought it was a direct result of this video. Because I guess what bothers a lot of the American

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public and certainly my constituents is -- and, Director Clapper, you in your statement said it could have been because of avenging the death of leaders, it could have been because of the video, it could have been. But everybody focused on the video. And I guess the American public is saying they probably could have accepted it better if you would have said there is any number of reasons. But you honed in on the video. And we are trying just to figure out why everybody honed in on the video.

GENERAL CLAPPER: I think one reason that contributed to that was all the other assaults on diplomatic facilities in the neighboring countries; in Tunisia, in Egypt, in Yemen, and Sudan.

MR. MILLER: But were they armed?

GENERAL CLAPPER: So I think it was not unreasonable to think since all of these were prompted or motivated or inspired by the video, so was this one in an attack that ran amok.

MR. MILLER: And I understand that. But were any of the other assaults on any of the other embassy complexes armed assaults?

GENERAL CLAPPER: I know the one in Yemen was.

MR. MILLER: But Cairo was the one that everybody was focusing on.

GENERAL CLAPPER: That is right. I have to take that for the record, whether there were any arms spotted among the attackers in Cairo.

Pat, do you know?

MR. KENNEDY: In particular regard to Cairo, it was not an armed assault. A number of protesters scaled our walls and we buttoned up inside our buildings, which is our process for dealing with this. The walls are there to stop truck bombs and then to give people time to retreat into the compound buildings, many of which

you have visited.

MR. OLSEN: Sir, if I could add on that point. We went back, in terms of the protests. Approximately 61 countries around the world from 11 to 27th September there were protests at our diplomatic facilities. Larger protests; more than 1,000 protesters in Somalia, South Africa, Afghanistan, Hong Kong, Pakistan, the Philippines, Sri Lanka, Germany, Italy, Norway, Serbia, Bahrain, Egypt, Jordan, Lebanon, and Qatar. The one in Tunisia we would have considered violent.

MR. MILLER: Matt, I appreciate everything that took place after the fact. We are talking about September 11.

Mr. Olsen. This was between 11 and 27.

MR. MILLER: I am not talking about September 11 and not everything that took place after.

THE CHAIRMAN: Ms. Schakowsky.

MS. SCHAKOWSKY: Gentlemen, lady, do you feel like you know everything you need to know now about the situation? Is everything clear? What don't we know that still needs to be determined?

GENERAL CLAPPER: 


 So clearly, it would be very useful actually to have the opportunity to interrogate some of the participants, in terms of what we don't know. We don't know who commanded this or who controlled it. There are still a lot of things we don't know.

Just a little history. I was the lead intelligence investigator for the Khobar Towers bombing in 1996 and did a similar exercise with Fort Hood in 2009.

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Particularly in the case of the Khobar and other similar attacks, it takes months oftentimes to figure out exactly who did an event like that, and why. So to answer your question, no, we don't know everything we would like to know.

MS. SCHAKOWSKY: Do you feel confident now about how to describe protest, not protest, who these individuals were, what their motivations are, the things that have been so deeply discussed and seem to be contradictory in some cases. Do we feel confident now about this timeline and about exactly what was going on?

MR. MORELL: So, ma'am, just to add to the DNI's comments, the answer is no, we are not confident that we know everything. We don't know the motivations of the attackers. We don't know exactly -- we don't know command and control. We know some of the individuals, we don't know all of the individuals. And we don't know exactly how much pre-planning there was. I do think we are comfortable in our ability now to describe whether there was a protest or not.

MS. SCHAKOWSKY: Would you say it is false that requests for more security were denied?

MR. KENNEDY: Congresswoman, that is something that the Accountability Review Board is reviewing. But my review of the files indicate that requests were met. As I said, the embassy asked for three security officers permanently assigned. They asked for increased heights to the wall. They asked for this and that. In some cases, as there is a constant ongoing dialogue between our security professionals in the field and our security professionals in Washington, the security professional in the field would say I would like A, B, and C, and the response from Washington is okay, I see what you want, what about A, B, D and E instead. So there is an exchange that goes of security professionals talking to each other, deciding how we

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can get to the best possible security. But that being said, there is no perfect security. We can only mitigate the risks.

MS. SCHAKOWSKY: So there was a security detail accompanying the Ambassador to Benghazi?

MR. KENNEDY: Yes, ma'am.

MS. SCHAKOWSKY: So where were they during the attacks?

MR. KENNEDY: One was with him and one went to another building to get heavier armament. And as he attempted to return, they were cut off. But since the security officer with the Ambassador had radioed the Ambassador was safe in the secure area, rather than lead the attacker --

MS. SCHAKOWSKY: Were any normal security practices violated?

MR. KENNEDY: That is something that the Accountability Review Board that the Secretary has appointed pursuant to statute, that is what the Accountability Review Board is reviewing now. I would defer to them since I could have a personal view but it is more appropriate for the Accountability Review Board to speak to that.

MS. SCHAKOWSKY: Post the attack there were some discussions about the Libyans being cooperative. Can you just tell us the state of Libyan cooperation now as we get more details?

MR. KENNEDY: If I could defer to my colleague.

MR. JOYCE: As many of the members know, Libya is a difficult operating environment. And I will also ask, I guess, Michael Morell to chime in, but to call the government functioning I think is an overstatement. This specific matter has had over 13 investigative judges assigned to it. They have provided us [REDACTED], asked for additional information for weeks, and they have been unable to provide

additional information. I think they are trying to cooperate, but their ability to cooperate is severely limited, especially when you are referring to Benghazi.

MR. MORELL: Ma'am, that is exactly the judgment of my officers on the ground, is they want to be cooperative but they are really restricted, given their capabilities.

MS. SCHAKOWSKY: Thank you.

THE CHAIRMAN: Mr. Conaway.

MR. CONAWAY: Thank you, Mr. Chairman. Folks, thank you very much. How many attackers were killed? Do we have any assessment of anybody getting killed other than our guys?

MR. MORELL: Sir, I don't think we know that.

MR. CONAWAY: Can anybody account for the uncanny accuracy of the mortar fire? The second round hits them right square on the roof where our guys are.

GENERAL CLAPPER: As I briefly mention in my remarks, that is one area where they showed great proficiency. And they probably had plenty of practice during the uprising.

MR. CONAWAY: I understand. But ranging and -- I mean to hit that building on the second round.

GENERAL CLAPPER: That is right. It was well done. And they probably had a spotter who was in contact with the mortar crew.

MR. JOYCE: Sir, I just wanted to go back to your first question when you are asking if anyone was killed. We do have various witnesses saying that several individuals received wounds. We do not know if they were killed or not.

MR. CONAWAY: Just before the attack on the TMF the gate guard at the

front drove off. Did he get a heads up that that was happening or was he complicit? We know who he was, I guess; the Libyans would.

MR. OLSEN: Just based on the timing, it was right before the attack started. There were reports of chants, small arms fire, and then that truck leaves.

MR. CONAWAY: I think the firing had already started at that point in time.

MR. OLSEN: Yes. Or least that were individual attackers moving down the street in the direction where pickup truck was parked outside the main gate.

MR. CONAWAY: And what was his job?

MR. OLSEN: This was basically a local SSC. There were we think two people in that truck.

MR. CONAWAY: Were they armed?

MR. OLSEN: We do think they were armed. That was a local armed --

MR. CONAWAY: That is the group that State was relying on to man the main gate.

MR. OLSEN: Let me defer to Mr. Kennedy and the relationship there.

MR. KENNEDY: Congressman, there were multiple layers of security on the front gate. We always request local police support on the main gate. And then we had a unit from the Libyan 17th Brigade militia whose barracks were set afire. And we know at least one of them was shot in the process of that.

MR. CONAWAY: Okay. While you are talking, Mr. Ambassador, is it reasonable to assume that Ambassador Rice was briefed Sunday morning before she went on those talk shows as to the latest information that was had or would it make sense that she would work off of Friday talking points?

MR. KENNEDY: I will have to take that question. But my understanding is that she was provided with talking points by the Intelligence Community, sir.

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MR. CONAWAY: Maybe we can find out that whether that was the Friday talking points or something.

MR. KENNEDY: The Friday talking points, I think, as Mr. Morell said, is the latest talking points available.

MR. CONAWAY: But that is not the latest information that was available, based on what was going on in front of that front gate.

MR. MORELL: Can I just say a couple of things here? One is the talking points were on Saturday. We wrote the talking points at the request of this committee. We did not provide -- CIA did not provide the talking points to Ambassador Rice. We did coordinate those talking points around the government. I assume, I don't know, but I assume it was that coordination process by which she got the talking points.

MR. CONAWAY: We can ask her that maybe at some point in time.

Sean, why did it take the FBI so long to get to the TMF and Annex? You want to walk us through that delay?

MR. JOYCE

[REDACTED]
[REDACTED] We worked with the Libyan government and arrived in Tripoli on the 17th. Due to security and safety concerns we were not able to get into Benghazi until October 4.

MR. CONAWAY: Okay. That is not optimal, I guess, in terms of investigation?

MR. JOYCE: No, sir, it is not.

MR. CONAWAY: Did we get a complete set of the data -- the files that we did get, is it all of the video that was available off our gear? They didn't hide anything or take anything out of it. We got all of it, the video we did get on the

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closed circuit?

MR. OLSEN: I believe we received it. There is no video that we are aware of that we haven't received. Some was damaged.

MR. CONAWAY: But the Libyans gave us everything.

MR. OLSEN: As far as I know. I have not heard otherwise. Yes.

MR. CONAWAY: Weapons lost in the event would have been just small arms that we lost in terms of what would have been in the staff quarters and that kind of stuff or did we lose any weapons at all?

MR. JOYCE: No, we lost some weapons. Part of the evidence we recovered included some long guns as well as some handguns.

MR. CONAWAY: Thank you, Mr. Chairman.

I am sorry, let me ask, we don't have the specific -- Libyans have eight people in custody. Do we know if any of those eight actually participated in the event?

MR. JOYCE: I am not aware that they have eight people in custody.

MR. CONAWAY: Maybe I just made that up. Open source reporting shows that they took eight people into custody. You are not aware of that.

MR. JOYCE: No. There have been numerous occasions though, sir, where they have said they have people in custody and we have asked to talk to them and then they have been released.

MR. CONAWAY: Okay. Maybe that is a get-out-of-jail free card. Just asking.

MR. CHAIRMAN. Mr. Langevin.

MR. LANGEVIN: Thank you, Mr. Chairman. Thank you for your testimony today. So I wanted to start with the facility itself where the Ambassador was holed

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up. What is the size of that facility? I ask that because I am trying to understand -- I understand, obviously, the Ambassador couldn't be found during the course of the attack. Do we have any understanding as to where he was?

MR. KENNEDY: Congressman, think of a large rambling one-story Mediterranean-type building that exists throughout the entire range of North Africa, with bedrooms on one side of the house and then living room, dining rooms, kitchen on the other side. What we have done is constructed a heavy metal security wall, grills, dividing the house between the representational areas and the bedrooms. When the alarm sounded, the security officer with the Ambassador took the Ambassador out of his bedroom and put him in an inner room; a room with no windows. That is part of our process. We want as much concrete between the person we are trying to protect and the outside in case of arms fire. He then seals that heavy metal grillwork. So the Ambassador is in the back half of the house. During this process, the house is set afire using diesel fuel. If any of you have ever seen a diesel fire, heavy, heavy, acrid black smoke. Also, the furniture is set afire, adding plastics burning.

At some point, the smoke is getting very, very clear. The Ambassador and the IMO are led by the security officer back towards a back window in the house to get more oxygen. The smoke continues. The oxygen is literally being burned off by the diesel fire. They are then down on the ground and the security officer decides in spite of the firing outside, that this is no longer tenable and they begin to crawl on the floor through the security window that we have installed. Why that security window? Because this led out onto a small portion of the house outside which had been sandbagged, so if you had to leave the house, you're not going out directly into the firing position, so to speak.

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[12:05 p.m.]

MR. KENNEDY: The security officer is leading them. He is losing oxygen. He gets there. He gets the security window open. He goes out first to make sure that he can hold that position. He gets out, he sees the Ambassador and the Information Management Officer, Sean Smith, are not coming out following him. He then makes multiple trips, as was outlined in the presentation, back in there. And when he can't find them, he then calls for help. And then first three more security officers of ours rally to that point, and then the fifth one rallies. They are tragically unable to find Sean Smith before he died. And they were unable, in all that thick black smoke, and you saw an hour later I think about the black smoke continuing to pour out of the building on the Predator video.

MR. LANGEVIN: Thank you. Let me turn my attention then to the timeline. Do you have any good idea yet of who the individuals are that are responsible for the attack? You have coordinated with the Libyans still, I assume, to track these people down. Have you made any progress at all?

MR. JOYCE: Yes, sir, we have made progress working with the entire Intelligence Community. We have identified 34 individuals that are associated with the attack, 12 that have we believe direct connections to the attack. And we actually have four individuals that we believe with confidence were involved in the attack. And they are [REDACTED]. And as of yesterday, we received firsthand intelligence that he was personally involved in the attack. We had several other witnesses that have also identified him as taking part in the attack. [REDACTED] As Acting Director Morell referred to before, that

AQIM-affiliated member from technical intercepts. And [REDACTED], who is in Tunisia right now, [REDACTED].

So we are pursuing those individuals.

MR. LANGEVIN: But none are in custody?

MR. JOYCE: None are in custody.

MR. LANGEVIN: Thank you. I yield back.

THE CHAIRMAN: Just to follow up on that, is the plan to arrest them only? Is that the only option that we have on the table currently?

MR. JOYCE: No, Mr. Chairman. I am glad you gave that opportunity, because one of my colleagues mistakenly referred to the FBI's as a criminal investigation. It is a terrorism investigation. And first and foremost, it is an intelligence operation.

THE CHAIRMAN: A very important distinction for the committee. You may want to explain that very quickly.

MR. JOYCE: I think people historically, when the FBI becomes involved, think that we are looking to a criminal prosecution. That is not the case. As you know, the FBI has undergone considerable changes since 9/11. First and foremost, in every terrorism investigation it is intelligence. Let's collect the intelligence, let's identify the network, the individuals, the logistics. And then let's determine the options available to us. Obviously, we want to conduct it to preserve the prosecutive option. Okay. But there are other options on the table that we will fully exploit and explore and use, as so the U.S. Government determines.

THE CHAIRMAN: Or hand off.

MR. JOYCE: Absolutely. Foreign governments. Many, many options on the table.

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THE CHAIRMAN: Great. I just thought that was an important distinction.

Thanks for that.

Mr. King.

MR. KING: Thanks, Mr. Chairman. My questions are to be directed to Director Morell and General Clapper. I have to say at the outset that I disagree -- I had serious questions about the quality of the briefing that General Petraeus gave us. And also General Clapper, I have concerns about the talking points as far as supposedly reflecting the last intelligence that was available. When General Petraeus gave his briefing that day, he made it clear that that was definitive. You talked about shifts in the line of analysis, how the initial reports were missing. He gave us no indication there was any shifting in the line of analysis when he came in here. He may have said more intelligence, more information come in. But the one thing he was ruling out was terrorist involvement. I remember when the chairman specifically mentioned to him about the mortar rounds, three mortar rounds landing at the Annex, could that be an indication of terrorist involvement? He said, no. He said anybody in Libya could do that. Those weapons are available, that type of expertise is available. So he seemed to be going out of his way to rule out terrorist involvement. And based on your own testimony about how there were so many shifts in the line of analysis, how could he have been so certain that Friday? This is 2 days after your overnight analysis said it was an intentional assault. So if that report was messy, and there were shifts from that, how was he so definite on the 14th that that was now definitive that there was no terrorist involvement? That is as far as General Petraeus's testimony.

General Clapper, on the talking points, which is supposed to reflect the latest intelligence as of September 15, almost as an after thought it says there are

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indications, indications that extremists participated in the violent demonstrations. Yet the analysis here on September 13 says extremists with ties to al-Qa'ida were involved in the attacks. Not saying indications. There is a big difference, if we are going to be communicating a message to the American people on five national television shows, between an indication, which seems to indicate a possibility, and their own statement of September 13 saying that al-Qa'ida was involved. Secondly, on September 15 it says extremists associated with Ansar al-Sharia and other al-Qa'ida affiliates almost certainly participated in the attacks. Again, far stronger language than say indications. As anyone who watched Ambassador Rice that day, anyone who was listening to the narrative as it was evolving, it was this was clearly spontaneous, yeah, maybe there was some extremists got involved somewhere, there may be some talk of that. And yet these two reports, the 13th and the 15th, both say that al-Qa'ida was definitely involved, or almost definitely involved. And that was not the message given by these talking points.

Why was this message given to the American people that maybe there was a chance of terrorism when your own reports say that there almost certainly was al-Qa'ida involved? And that is what I think many of us, at least I can speak for myself, found very distressing. In General Petraeus's, you put the two together, General Petraeus's submission to our committee and these talking points both seemed to indicate for whatever reason an intention to downplay the involvement of al-Qa'ida and al-Qa'ida affiliates. I find that very troubling. I wish General Petraeus had come in on the 14th and told us about this overnight report on the 12th. He didn't. And he never said anything about shifts in the line of analysis.

Again, I ask you to address those points because they are I think the real concerns of the American people, certainly that I have. I can't speak for anybody

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else on the committee. Those are the real concerns I have.

MR. MORELL: Sir, let me take the General Petraeus question. I was not here, but I saw his talking points. And his talking points clearly said that Ansar al-Sharia was involved in this attack. He clearly said that Ansar al-Sharia was an al-Qa'ida-affiliated group. And he clearly said that AQIM was involved in the attack, individuals associated with AQIM were involved in the attack as well. So I believe that General Petraeus made very clear --

MR. KING: I can say having been here that day, that was put in almost as an afterthought, as it was clearly not a terrorist attack. There may have been some people of Ansar al-Sharia involved. Of course there is a lot of them in that area. That was the tone of his testimony. Not that they played a lead role, not that they were part of an assault. It was just -- you have members of Ansar al-Sharia in the area, they may have been there, but they were not a major part of the attack. That was his clear testimony. That is my impression of it anyway. That was the impression he left us with.

General Clapper, you can address why this was put in almost as an afterthought, indications about extremist participation when here we have September 13 and 15 folks saying al-Qa'ida was involved.

GENERAL CLAPPER: Well, again, that was the view that was taken at the time. It was coordinated across the IC.

MR. KING: How can you say that when it says right here on the 13th and 15th that they were involved? That is not an indication, that is a direct statement they were involved. That clearly gave a different signal on those shows.

GENERAL CLAPPER: I guess we can parse the words that were in the talking points. And I guess one lesson learned is we will never again do

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unclassified talking points. I think one overarching concern I have here about it is the kind of the chilling effect that this has on the Intelligence Community when these things are blown up like this as they have been.

MR. KING: I don't consider it blown up. This was the President of the United States sending out his spokesman, spokeswoman on Benghazi and giving misleading information. When she says there is indications. If she had said we know for certain, almost certainly that al-Qa'ida was involved, that would have been a totally different message instead of saying there is an indication.

GENERAL CLAPPER: The composition of the wording of why the term "extremists" was used.

[Senior CIA officer #1]: Yes, sir. As I mentioned before, our understanding at the time of the individuals involved was that there was a mix of individuals with links to al-Qa'ida-affiliated groups and others, possibly including Libyan militia elements. So the use of the word "extremists" --

MR. KING: I am not questioning extremists. I am questioning the word "indication." Indication seems like some reports maybe somewhere. Indications is very different from the definitive conclusions that you had on the 13th and 15th that al-Qa'ida almost certainly participated. So I am questioning the word "indication." It is like an afterthought.

GENERAL CLAPPER: I think that word was chosen somewhat out of concern for security considerations. It was admittedly a more ambiguous word, the indications, than a definitive statement. And some of that had to do with the sources of the information that would make it more definitive.

MR. MORELL: And sir, I think I am now on the record with this committee saying that were we as precise in the language as we should have been in all of

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these products? And I said the answer to that question was no.

MR. KING: It is all the imprecision went in the wrong direction.

THE CHAIRMAN: I will take an opportunity here to ask just a few follow-up questions as it has gone along. One, just allow you to correct the record, Mr. Morell. You said you weren't there, but the Director said. I want to be clear that our notes do not reflect that he said that. What you were talking about for the record was his talking points may have said that.

MR. MORELL: Yes, sir. I have them right here.

THE CHAIRMAN: Okay. But the Director, I can clearly attest to you, given all of our members and the notes here, the only reference he made was that there were other threats in eastern Libya, militias, AQIM-linked individuals and groups.

MR. MORELL: Okay. Let me make it very clear that when I referred to what he said here, I was talking about his talking points. Obviously, I wasn't here.

THE CHAIRMAN: I just want to make that clear for the record, because that came out very definitive.

[Senior CIA officer #1], are you familiar with the meeting that you had with committee staff on November 1st, both HPSCI and SSCI staff, I believe?

[Senior CIA officer #1]: Yes, sir.

THE CHAIRMAN: During that meeting, you discussed the fact that al-Qa'ida-linked information was excluded, but when it left the building it was in. And we have a bit of a transcript here for you. And I just want to read it back to you just to refresh your memory. "The logistics of how that actually occurred --" and you were talking about the removal of that information -- "is opaque to me. To be honest, I can't give you a blow-by-blow of who took it out, why, and when."

[Senior CIA officer #1]: Yes, sir.

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THE CHAIRMAN: You said a little something different today. I just want to give you an opportunity for the record to correct your statement.

[Senior CIA officer #1]: For the record, sir, the original talking points as drafted, it was an iterative process. We drafted a set of talking points that initially was -- perhaps had more detail. As individuals, much like any product that we do, it is an iterative process of coordination and of editing. So the initial set of talking points as drafted initially had more information. It then went into an IC-coordinated process, as was mentioned, including the Department of State, because of their interests, the Department of Justice, the rest of the IC. And as with any product that we would disseminate publicly, it was shared with the national security staff.

What I was discussing at that point, sir, is many things changed at that point. But that is a normal process for us.

THE CHAIRMAN: Okay.

[Senior CIA officer #1]: And I could not give you a blow-by-blow on how that happened.

THE CHAIRMAN: Did that include the White House? Is that part of that iterative process?

[Senior CIA officer #1]: The national security staff, sir, the talking points with shared with them.

THE CHAIRMAN: And would they have had input on those?

[Senior CIA officer #1]: At that point, sir, I have no -- that is where I say it is opaque to me.

THE CHAIRMAN: So when you say left the building, you mean from when the CIA's perspective as it entered that interagency process, it said, as you said, al-Qa'ida-linked information was excluded. So when it left the building, that is what

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you mean. When it left the CIA --

[Senior CIA officer #1]: To go into the iterative process for coordination, yes, sir.

THE CHAIRMAN: Okay. So at that point the CIA apparently believed it was an al-Qa'ida-linked organization.

[Senior CIA officer #1]: As we had said in the session here, sir, we said at that time that there were individuals with links to al-Qa'ida involved. And we reflected the same in those talking points. My recollection, sir, having been in the session with former Director Petraeus as a back bencher, was that indeed he had said that there were individuals with links to al-Qa'ida involved in the attacks, that the idea that they would be the only one or that it would be necessary to have been involved with al-Qa'ida to have been able to do the kind of, have the efficacy and lethality, we were saying that was not necessarily the case.

THE CHAIRMAN: And that may have been what you were saying. I will tell you that that is not what members walked out of that briefing, nor is it what the notes of the briefing reflect, nor is it what the transcription of your meeting with both SSCI and HPSCI staff on November 1 on the product of which you were recommending. And I only bring this up, you know, I am not trying to parse words, but it is a serious conclusion not just about who said what when, but the policy implications of this had incredible consequences, including trying to promote this notion for up to a couple of weeks. So we have two problems on the committee.

And Mr. Clapper and I have had great and I think fruitful discussions on this. We either have to determine you all really screwed this up pretty badly and gave policymakers really bad information, incomplete information even though you knew it, or something happened in the interim that allowed them to make really God awful

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policy decisions, including I think exacerbating our Pakistani problem by communicating to the masses that it was about a video. Which clearly, by the time that happened, was inconsistent with the intelligence of which you have presented to us that you had in your possession.

Do you understand our conflict? I think that is why you feel a little bit of frustration from these members. And it is frustrating for me, because I know how good you are, that at some point you clearly believed this was an al-Qa'ida-linked information. Apparently it was in the talking points to the Director, according to what Mr. Morell says. But none of that was reflected to us in Congress, nor was it the recipient of policymakers who went on to make policy decisions. Somehow we got to figure this out. That is what I think this frustration you are seeing from me.

[Senior CIA officer #1]: Sir, we first indicated that Ansar al-Sharia and al-Qa'ida members, AQI members were linked to the attack in a wire that was available to this committee on the 12th.

THE CHAIRMAN: That is correct. We have that. That is our whole point.

[Senior CIA officer #1]: Right.

THE CHAIRMAN: Within 12 hours we had that. As a matter of fact, and I just want to follow up on that point, the best information you had probably going into the 12th and 13th was the actual reporting from the Annex. Is that correct? There was real time reporting. You both had -- is that correct? From the officers who were in the Annex.

MR. MORELL: The officers in the Annex obviously were not at the TMF at the start of the attack, nor did they have any knowledge of the individuals who conducted the attack.

THE CHAIRMAN: I understand that. But now we are parsing ourselves. Be

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careful.

MR. MORELL: Okay.

THE CHAIRMAN: One day, one attack. I don't look at it as two attacks. I don't believe the Intelligence Community looks at it as two attacks. So the best information you would have is by the descriptions of the individuals who were in the fight. And they were talking about coordinated artillery fire, they had just taken heavy losses, two killed, two wounded of a pretty small force, which is pretty significant, as you can imagine. We just learned today that -- this is the first I have heard of it -- that the Intelligence Community believes that that fire was bracketed, which is a whole different level of activity. Right? That is not an angry mob when you can bracket your fire. And so going into this, this is our frustration, by the time you wrote that report, I agreed with your report. It was likely to be al-Qa'ida extremists. You said it in the beginning, the 2 days later you had another report of that, despite the other information that you received, people trying to get credit for the real work, right? We know where that happens all the time. That is our frustration. And at the end of the day, some bad policy decisions were made. So that is why at least I am frustrated about this. As I pore over the notes and the materials, I want to know how that happened. Because clearly, there was plenty of information for somebody to go, whoa, we better be careful about how we characterize this. I don't think we would all be sitting here in this meeting if that was the first way that this came out. Just the way General Clapper portrays it frequently. This is hard. It is hard to get it right. It is not exactly right. But that is not the way it was portrayed to Congress. It was it is exactly right, that this is spontaneous. And again, policy decisions were made.

That is what we are trying to figure out here. And you can help us through

that. Because the best information you had going into that weekend was from the reports on the guys on the ground and your initial 12-hour report to this committee and subsequent reports. That is what I am scratching my head, including this bracketing, which is new information for me, which is also concerning that we just found out about that today. I haven't seen that in any reporting. I mean that would lead me as an analyst to say, whoa, that is significant. That is a significant event.

MR. THOMPSON: Mr. Chairman?

THE CHAIRMAN: Yes, sir.

MR. THOMPSON: Mr. Chairman, just a point of clarification to help me on this. Do we have transcripts of what General Petraeus told us?

THE CHAIRMAN: No transcripts. We have notes taken in the meeting.

MR. THOMPSON: And do we have a number of people who took the notes and we have put these together?

THE CHAIRMAN: Yes.

MR. THOMPSON: I don't remember it the way that some are portraying it to be.

THE CHAIRMAN: Fair enough.

MR. THOMPSON: I had a number of questions when we left that briefing, but I did not have the impression that anybody had all the answers. I thought there was still a lot of unanswered questions. And I thought that this was clearly the beginning of what would be a long and involved analysis to figure out, if we ever can figure out, what really happened.

So I just for the record, I just want to -- I am not convinced it is as it has been portrayed by some on the committee.

MR. SCHIFF: I would just echo that sentiment, Mr. Chairman.

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THE CHAIRMAN: In which particular event? The fact that the administration soundly and resoundly portrayed this as something other than what the intelligence even on either side? They didn't say it was gray. And they made decisions. That is pretty hard to disagree with.

MR. SCHIFF: My recollection is that they never posited in those early briefings that they were certain about what took place. And they gave us frequent cautions that the information was preliminary. They did say, and I recall that, you know, there are lots of RPGs and lots of weapons available, and conflicting information which is making it hard to parse out. Groups that are taking credit that may have actually been involved, groups that are taking credit that may not have been involved.

THE CHAIRMAN: This is a good point, because it helps us get to the point of this is probably the policymakers who have made a mistake. If you agree with that statement and stand by your words, then that means policymakers took intelligence of which they had and made conclusions that they probably should not have made. You agree with that?

MR. SCHIFF: It may be, Mr. Chairman, that we should have paid closer attention when the Intelligence Community told us that these were initial assessments that were subject to change. And if we made final decisions based on those assessments, mindful of the fact they might change, then maybe we bear some of the responsibility for getting it wrong.

THE CHAIRMAN: When you say we, who are you talking about?

MR. SCHIFF: I am talking about the policymakers, us.

THE CHAIRMAN: I think that is right.

MR. SCHIFF: And I share the Director's concern that we jump down their

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throat for getting it wrong initially, when we are demanding of them -- and I remember that very first briefing we were very frustrated, I was frustrated, we all wanted answers, and they couldn't give us definitive answers. That is the frustration.

THE CHAIRMAN: Reclaiming my time, here is what we have. We have the administration now blaming the Intelligence Community. We have clearly information that the intelligence that was provided is consistent with what they are saying today. Well, it is true, unfortunately. And that is why we are in this mess that we are in today, unfortunately. And I think it is disturbing. Because if we are really going to spend our time, we probably should spend our time trying to hunt down the 13, 29 people that we think are responsible, find them, and bring them to justice. I am for that. The problem is we are where we are. And there is just inconsistencies that it is -- there is inconsistencies in this. And I think it is this committee's responsibility, if we like the answer or not, that we have to find out where that disconnect happened so we don't do this again as a country.

MR. SCHIFF: Mr. Chairman, I agree. It seems to me that those that were in the best position to tell what took place were our people on the ground. And the biggest question I have about the information flow in the early hours is it doesn't seem like we got that information as readily as we should have. And that was probably more reliable than the SIGINT. And I think those are all perfectly legitimate questions.

THE CHAIRMAN: Which I think is what we are all saying on the same page. Now we are saying the same thing.

MR. SCHIFF: And I agree that is definitely worth looking into. The only difference I would have, Mr. Chairman, is I recall a much greater degree of caution

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and uncertainty than I think committee members recollect. I don't remember either the General or NCTC being so unequivocal about their understanding of the facts.

GENERAL CLAPPER: Mr. Chairman, if I may?

THE CHAIRMAN: I don't think NCTC was even in the meeting.

MR. OLSEN: Chairman Rogers, I was here the day before Director Petraeus, on the 13th, and I think you were not present.

THE CHAIRMAN: I was not at the NCTC. I was present for General Petraeus.

MR. OLSEN: That Representative Thompson referred to. I recall it well, because it was a difficult briefing for me because there was clearly a significant amount of frustration in the room at my failure to provide anything close to definitive or clear answers to many of the questions, including those related to security. I did talk about AQIM individuals [REDACTED], Ansar al-Sharia. So I understand your perspective.

THE CHAIRMAN: Different meeting, different conclusions. And again, the facts of which we were presented with. So I will just ask Mr. Clapper to finish up here. Who did take out, just before I yield 30 seconds to my good friend from Florida, who did take out the al-Qa'ida-linked information on the talking points as they were forwarded up?

GENERAL CLAPPER: I have no idea. I will have to look into that.

THE CHAIRMAN: Now, I would argue as a committee it is probably good that we know that to see. Maybe that is where the mistake was made. If we are not willing to call it what it is, we may make a bad decision, all of us.

GENERAL CLAPPER: Mr. Chairman, if I may.

THE CHAIRMAN: Sure.

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GENERAL CLAPPER: For the record, to use a phrase, in the infamous talking points I would like to read two more points that were in the same paper. And I quote. "This assessment may change as additional information is collected and analyzed and as currently available information continues to be evaluated. The investigation is ongoing, and the U.S. Government is working with Libyan authorities to bring to justice those responsible for the deaths of U.S. citizens."

There were three talking points that we provided at your request, and only two of them -- or only one of them is the subject of all this discussion. The obvious cautions and caveats were -- had been ignored. I guess the lesson learned here for me is it will be a cold day in hell before we do any more unclassified talking points.

THE CHAIRMAN: With all due respect, sir, that is absolutely the wrong conclusion. You all are in the very difficult business of providing analytical product. It is not only for actionable intelligence, it is for policymakers to make a decision.

GENERAL CLAPPER: Exactly, sir. And if I may, the expectations seem to be that we are going to have perfect God's eye, God's ear certitude the day after a confusing event like this.

THE CHAIRMAN: With all due respect, again, sir, we made serious policy decisions afterward that caused serious problems for the United States internationally. At one time some 20 embassies, right? Protests in Pakistan subsequent to a policy decision, not an intelligence decision. We pay you all to get it right. I think you all did get it right. I think there is a disconnect that we are obligated to find out what happened so we don't do this again. And some notion that we expect you to get it exactly right is not accurate. That is not what we are doing. And I think in this case, sir, I think you are a little sensitive. We are basically telling you all you got it right.

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GENERAL CLAPPER: I am shocked.

MR. THOMPSON: These guys lost lives. The Intelligence Community --

THE CHAIRMAN: And I would argue the gravity of the situation certainly didn't take hold if we didn't take the assumptions given to us by the Intelligence Community and then apply that to a policy decision.

MR. THOMPSON: I think the record should also show that we had that hearing, and then we left town for however long it was.

THE CHAIRMAN: Surely. There are plenty of us were --

MR. THOMPSON: We could have stayed and continued to drill down on this stuff.

THE CHAIRMAN: I know that Mr. Ruppertsberger and I still were still drilling down. And all members are welcome to continue to do that while they are not here. I am going to give 30 seconds --

MR. SCHIFF: For the purpose of agreeing with you, Mr. Chairman?

THE CHAIRMAN: I better not defer that too long.

MR. SCHIFF: I just want to say with respect to the Director's comments, I hope this does not cause you to never give us an unclassified version. It is sometimes very important for us to know what we can say publicly. And so while I understand you feel burned by this, I hope you will not take the lesson from this that you should never give an unclassified assessment. Because often we need that. We want to know what we can say publicly. And if you don't give us good guidance on that, we might get it wrong.

GENERAL CLAPPER: Yes. I appreciate that. But we are not the thought police. When we give information, intelligence information to other policymakers, whomever in the government, and they can do with it as they see fit. They can

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ignore it, accept it, amend it, whatever they choose.

THE CHAIRMAN: And you are exactly right.

GENERAL CLAPPER: The Intelligence Community is not empowered to be thought police to make sure they speak correctly all the time.

THE CHAIRMAN: I think this is important, because we are not trying to hold you to that standard. What we are trying to do is determine what was offered, what was -- what we believe was the best assessment at the time and why, and then how that translated into a policy decision. If we don't have those discussions, I will guarantee you we are going to make lots and lots -- when I say we, I am talking about policymakers make lots and lots and lots of mistakes. And it was clear to us that there were serious mistakes made here. And I would rather not make those mistakes in the future. And if we don't learn by this, shame on us. So I think this whole iteration here of trying to parse words and get it right is just so that we understand fully what information was available when the policy was made at the time. And did they in fact do something different from the information that you all provided? When we see the stream of information, it is pretty clear to us that you guys were about dead on. That is what I am trying to say. And something happened. And we are just trying to figure out let's make sure we got that part right. And if we got that part right, then we need to move to the next step and find out how they translated that information.

Mr. Miller.

MR. MILLER: All I want is 10 seconds to correct the record. Although I was in the meeting with Director Petraeus, apparently I did miss a statement regarding overhead video. I apologize for that. I went back and checked with some staff members' notes. And I just want to make sure that it appears that he did in fact say

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that at the tail end there was overhead.

MR. KING: The chairman yield for 10 seconds? Mr. Clapper, I just want to make it clear what I am saying is the talking points did not reflect the fact that the CIA had concluded on the 13th and the 15th that al-Qa'ida was almost definitely involved in the attacks. And that is almost the opposite of what the talking points say. That is all I am saying.

GENERAL CLAPPER: Mr. King, I agree with you. And we tried to explain the rationale for not calling out specific extremist groups.

MR. KING: I think al-Qa'ida affiliates would be a grab bag. That can encompass 20 different groups. If you just said al-Qa'ida affiliates, that would have been satisfactory, and you didn't.

THE CHAIRMAN: Then it would have been right.

Mr. Ruppertsberger.

MR. RUPPERSBERGER: I want to make a couple comments. First, observing this whole hearing, this is what our job is about. There are different inferences that have been drawn about the Petraeus testimony before this committee. And the good news, he is coming in Friday so we can get to the bottom. I know that the chairman and I have tried to stay above the fray, and not be available until recently to the media to let us get the facts. Because we are the ones that really need to get the facts. I think what I have heard here today, first thing, Mr. King or some of your other comments, you know, you have a certain recollection, as do we. My recollection was that Petraeus, when I walked away, he basically said that he felt that his opinion at that time it was kind of an attack based on what happened with respect to the video. But he did give caveats that I don't think that maybe you didn't remember, whatever, that there could change, and it

evolved. We have today Mike Morell basically said that we did make some mistakes. But if you look at what intelligence is, it is an evolving process. And the analysts get it and they get more information. If there was any issue that I look at, we didn't have enough intelligence on the ground when this occurred to make a determination. And what we were trying to do at the time of the attack was to save American lives. That is the bottom line.

MR. KING: Will the gentleman yield?

MR. RUPPERSBERGER: I will yield.

THE CHAIRMAN: It is my time.

MR. RUPPERSBERGER: I will take it.

MR. KING: No, but the gentleman says that we shouldn't reach conclusions. But clearly, the 90 percent conclusion that General Petraeus reached was that this was caused by the video, and it was a spontaneous demonstration. If he had said we don't know, that would have been satisfactory.

MR. RUPPERSBERGER: I didn't say we shouldn't say -- I said we have different conclusions. My interpretation of the meeting was a little bit different than yours. That is all I am saying.

MR. KING: I am saying at the end, when he said obviously this is evolving, but clearly he was convinced that as of that moment. And I am saying as of that moment it was a spontaneous demonstration. The evidence shows that it was not at all clear it was a spontaneous demonstration. That is all.

MR. RUPPERSBERGER: Okay.

THE CHAIRMAN: Before we go into debating each other, we have done that a couple times, let's get back to questions. We have Mr. LoBiondo has questions.

MR. RUPPERSBERGER: Let me finish my paragraph, please, Mr.

Chairman.

THE CHAIRMAN: Got it. The paragraph, please.

MR. RUPPERSBERGER: That is why I said paragraph. The bottom line here is, look, we had a tense time. We were in a very hotly contested election. It is over now. Let's move ahead. We are hearing information, we are hearing mistakes were made, and we have to move forward with respect to policy. And I really -- maybe not now, but you said policy decisions were made. I would like to know what policy decisions were made that you were concerned with because of just information that we did receive. That is the one question.

THE CHAIRMAN: I can give you pages of it. Including the receipts for the \$70,000 of advertising in Pakistan some 11 days afterward that I thought was a horrible, God awful decision.

Mr. LoBiondo.

MR. LOBIONDO: No questions.

THE CHAIRMAN: Mr. Nunes.

MR. NUNES: About 3 o'clock Washington D.C. time is when this started. Is that right?

MR. OLSEN: Three o'clock p.m.

MR. NUNES: Were any of you at that point -- when were you all notified? I guess Mr. Morell, you weren't in town?

MR. MORELL: Correct. I was in [REDACTED], sir.

MR. NUNES: Okay. So you probably wouldn't have found out until the next day then.

MR. MORELL: Actually, I was following the events as real time as I could via same time chats with headquarters and with the chief of station in Tripoli.

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MR. NUNES: Oh, you were.

MR. MORELL: Yes, sir.

MR. NUNES: Okay. So what time did you get involved?

MR. MORELL: Okay. It was late. It was 10, 11 o'clock at night, sir, in [REDACTED]. I don't know exactly what time it was.

MR. NUNES: In [REDACTED]. A couple hour or two after this had started.

MR. MORELL: Yes, sir.

MR. NUNES: Okay. Director Clapper, when did you find out about this?

GENERAL CLAPPER: I don't exactly remember. It would have been perhaps 1700 local time.

MR. NUNES: You were here? You were in Washington?

GENERAL CLAPPER: Yes, I was here.

MR. NUNES: Were any of you at the dais here or any of you in the back row, were any of you at the White House that day?

GENERAL CLAPPER: No.

MR. NUNES: So let the record show that no one here was at the White House. Did any of you have --

MR. JOYCE: I don't know if I was at the White House. I know I was not at the White House at the time of the attack or later. I just don't know my full schedule.

GENERAL CLAPPER: I would have to look at the calendar.

MR. NUNES: On September 11.

GENERAL CLAPPER: I may have had an earlier meeting that day. I don't remember my calendar or the 11th.

MR. OLSEN: Same with me, just to be clear. I was not at the White House when I learned of the attack. I may have been there earlier in the day.

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MR. NUNES: But none of you went later to the White House?

GENERAL CLAPPER: No.

MR. NUNES: While all of this was going on?

MR. OLSEN: We were on -- there was a secure video conference with the Community, including the White House, that evening.

MR. NUNES: At what time?

MR. OLSEN: Ambassador Kennedy was on as well as I. And I don't remember if you were, Mr. Joyce. But it was probably a 2-hour or longer secure video conference.

MR. MORELL: And sir, I just want to add --

MR. OLSEN: In the evening.

MR. MORELL: You can talk to Director Petraeus about this tomorrow, but he did speak to Tom Donilon twice that night. And he ordered his staff to stay in close contact with the White House on this issue.

MR. NUNES: Okay. Do we know why the Ambassador met with this Turkish diplomat that day?

MR. KENNEDY: Congressman, this was the first trip by the Ambassador back to Benghazi since he had become United States Ambassador. As you know, he had been in Benghazi earlier as the U.S. representative to the Transitional National Council before, before Qadhafi fell.

MR. NUNES: Why was he meeting? Just to catch up?

MR. KENNEDY: To catch up. Absolutely. When a U.S. Ambassador visits anything other than the capital, he tries to see the leading officials of the local government there, and he also talks to the senior representatives of allies we have because it is a good way to exchange information and to get information that we

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can use to --

MR. NUNES: Are we aware of any arms that are leaving that area and going into Syria?

MR. MORELL: Yes, sir.

GENERAL CLAPPER: Yes.

MR. NUNES: And who is coordinating that?

MR. MORELL: I believe largely the [REDACTED] are coordinating that.

MR. NUNES: They are leaving Benghazi ports and going to Syria?

MR. MORELL: I don't know how they are getting the weapons from Libya to Syria. But there are weapons going from Libya to Syria. And there are probably a number of actors involved in that. One of the biggest are the [REDACTED]

MR. NUNES: And were the CIA folks that were there, were they helping to coordinate that, or were they watching it, were they gathering information about it?

MR. MORELL: Sir, the focus of my officers in Benghazi was [REDACTED], to try to penetrate the terrorist groups that were there so we could learn their plans, intentions and capabilities. [REDACTED]

THE CHAIRMAN: Excuse me. Not every member in the back is cleared for [REDACTED]

MR. MORELL: Then I will stop there.

THE CHAIRMAN: Thank you.

MR. NUNES: Okay. To the detainees, were there ever any detainees at either of these locations in the last year of any kind?

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MR. MORELL: Not with regard to the CIA facility, sir.

MR. KENNEDY: And the State Department does not engage in detentions overseas.

THE CHAIRMAN: I want to dispute that for the record. I have been in some country team briefs that I am pretty darn sure that you guys --

MR. KENNEDY: The question, Mr. Chairman, related to foreign nationals. We will be very glad to detain any of you for as long as you are willing to be our prisoner.

THE CHAIRMAN: Thank you, sir, for the correction.

MR. NUNES: Mr. Chairman, obviously the room is not cleared, but I would at some point maybe like to get more into what exactly our mission is there. So maybe at the appropriate time.

MR. MORELL: I would be happy to brief you myself, sir.

THE CHAIRMAN:

[REDACTED]. So when we get back -- which I am sure that the agency would be delighted to put that as a part of the coverage. Thank you. First week of December, excuse me.

Mr. Westmoreland.

MR. WESTMORELAND: Thank you, Mr. Chairman. Ambassador, you mentioned that there had been some requests for upgrades in the security, and that those had been done, such as the surveillance cameras and other things. In the timeline you have that the guards at the gate were unarmed. Now, was that part of the upgrade of the security not to give the guards weapons?

MR. KENNEDY: There are rules that the Government of Libya imposes about the arming of civilians, sir. So that is why we had unarmed guards to do like

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pass cameras or mirrors under vehicles and raise and lower the barriers. The armed presence was provided by the Government of Libya through this detachment from the 17th Brigade that were there as well as the unarmed guards. So it is not legal in Libya to have --

MR. WESTMORELAND: Sure. But don't you think on September the 11th, after all this, that it might have been a good thing to maybe take somebody from the 17th Brigade and maybe put them there with them or something?

MR. KENNEDY: There were three members of the Libyan 17th Brigade.

MR. WESTMORELAND: At the gate?

MR. KENNEDY: In the guard house right inside the gate, yes, sir. They were there. And we had also made other requests to the Government of Libya for augmented armed security.

MR. WESTMORELAND: But they didn't try to stop anybody from coming in.

MR. KENNEDY: We know that at least one of the 17th Brigade was shot.

MR. WESTMORELAND: Okay.

MR. KENNEDY: And I don't -- I can't go any more, because that is being still looked at in the investigation. I don't know. [REDACTED]

MR. WESTMORELAND: That is fine. But the security cameras. Now, if somebody was chanting and there was a demonstration outside of the embassy, I would assume that if I was inside the embassy, and especially if I was an intelligence officer, that I would have turned those surveillance cameras outside to see who was doing the chanting, and if they were armed, and what was going on.

MR. KENNEDY: [REDACTED]

MR. WESTMORELAND: Okay. Did you see anybody chanting?

MR. KENNEDY: The first -- the chanting and the chanting and an explosion and gunfire and the rush on the gate were I won't say simultaneous, but very, in a very, very compressed time frame.

MR. WESTMORELAND: [REDACTED]

MR. KENNEDY: [REDACTED]

MR. WESTMORELAND: Okay. Wouldn't that be conclusive evidence that there wasn't a demonstration outside?

MR. KENNEDY: [REDACTED]

MR. WESTMORELAND: No, I got you.

MR. MORELL: It is conclusive, sir. Absolutely.

MR. WESTMORELAND: It is conclusive. So that is done. There is not any more. Because I thought Mr. Clapper, General Clapper had said that there was still some questions rolling around. I may have misunderstood you, sir.

MR. MORELL: There are a lot of questions rolling around. That is not one of them.

MR. WESTMORELAND: I don't want to get Director Clapper upset right now. So there is definite evidence that there was no protest.

MR. MORELL: Yes, sir.

MR. WESTMORELAND: Okay.

GENERAL CLAPPER: There was no protests within eyeshot or earshot of the Annex.

MR. WESTMORELAND: I got you. I understand. Now, when the unarmed

overhead asset came up and we showed people inside the compound -- and I am assuming that is sovereign soil to us inside our compound, correct?

MR. KENNEDY: Yes. The mission premises are inviolable, yes, sir.

MR. WESTMORELAND: Okay. And do we know if there had already been requests for help at that point from the military or from anybody else that they could send some people to come in and protect our sovereign soil where we had a bunch of armed and unarmed people running around in it?

MR. KENNEDY: We notified the authorities. I mean, and I will ask my Defense Department colleagues to, if they could, to lay out where U.S. military forces were in the region in relation to Benghazi at 3:40 in the afternoon on that day.

MR. WESTMORELAND: Let me just say, and I know I am out of time. Let me close with this. [REDACTED]

THE CHAIRMAN: I might remind the members that we are not [REDACTED] at this time.

MR. WESTMORELAND: I am sorry. I will reserve that for later. Thank you.

THE CHAIRMAN: Just as a way of a quick announcement, Mr. Joyce from the FBI has agreed, and we promised him we would be out of here no later than 1:30. So we will finish the last three questions on this, clear the room, and then whatever time is left. And a hard stop at 1:30 that Mr. Joyce will give us an update on other activities of recent interest.

Mrs. Bachmann.

MRS. BACHMANN: Thank you, Mr. Chair. I have a request for some things that I think would be beneficial to the committee. Could you make available to us, if you have not yet, the Presidential order that authorized DOD to take any action

necessary to protect U.S. personnel or property? Could you make that available to the committee?

MR. REID: Madam, I believe that is a verbal instruction provided, as we mentioned in a previously -- not here, but in a letter. The Secretary and the Chairman were both at a preplanned meeting at the White House shortly after we learned of this and returned back to the Pentagon.

MRS. BACHMANN: So there was no paper document?

MR. REID: Not that I am aware of.

MRS. BACHMANN: There was no document. Was there an email or a communication that you could give to this committee?

MR. REID: Not that I am aware of.

MRS. BACHMANN: Would you check?

MR. REID: Yes, ma'am.

MRS. BACHMANN: Please check and get back to us. We may have it, I may not be not aware, but would you provide us the talking points for Ambassador Rice that she used for over the weekend? Do we have those? If we don't have them, would you make that available?

GENERAL CLAPPER: I think you do.

MRS. BACHMANN: But make it available for all the members. The other thing I would be requesting from you is we were able to view some of the presentation. Would you make the presentation that we have, Mr. Olsen, available to the committee so that we can have it, whether it is video or whether it is just the document?

MR. OLSEN: Yes.

MRS. BACHMANN: Okay. And for all of you who spoke, Director Clapper,

make your statements available to the committee so that we can have those as well? Thank you. And then also would you make available to the committee all of the video that was at the Annex and at the mission in Benghazi? Would you make that available to us? All of it. Not just the clips, but all of it.

MR. MORELL: Speaking for the CIA Annex, absolutely.

MRS. BACHMANN: Yes. And the mission, what they call the consulate. Ambassador. Or the FBI.

MR. KENNEDY: That material is in the hands of the FBI. And I must defer to them to turn --

MRS. BACHMANN: Mr. Joyce, would you make that available to the committee?

MR. JOYCE: Yes, with the understanding that it remains in a classified setting.

MRS. BACHMANN: Of course.

THE CHAIRMAN: All material that is supplied here is classified and remains in a classified setting.

MRS. BACHMANN: Correct. And would you make available to all the members of the this committee the drone video as well so that we could see that as well?

GENERAL ROBERSON: Fine.

MRS. BACHMANN: Okay. Are any of you prohibited from giving this committee information because of the ongoing investigation?

MR. MORELL: I am not.

MRS. BACHMANN: Is anyone prohibited?

MR. OLSEN: No.

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MRS. BACHMANN: Okay. Would you give this committee the reports, the full complete reports of the interviews with our guys on the ground in Libya? As the chairman said, that is the best information we can have. Could we get access to those full reports of the guys on the ground?

THE CHAIRMAN: My suggestion there is that we take what the CIA has also debriefed these individuals and the results of that. The 302s are part of a criminal matter. They are probably 302s. I may be dated in my recollection. They may have changed that.

MR. JOYCE: No, but I think we can skin that cat a different way. So from the interviews, which have U.S. person information, we take the body of what was in there, the substance, and put that into an intelligence report.

MRS. BACHMANN: Is that what you meant?

MR. JOYCE: So we can provide the intelligence report.

THE CHAIRMAN: The raw 302 would have personal identification information. Information I wouldn't even feel comfortable receiving.

MRS. BACHMANN: That would be fine.

MR. JOYCE: Then going back to your question is there anything that we haven't provided? I can tell you specifically that U.S. person information. So I have reviewed all of the statements --

MRS. BACHMANN: And would we be able to review all of that here at the Capitol? Could we review all of that here in classified setting?

MR. JOYCE: What I was saying, all of that information is provided in intelligence reports.

MRS. BACHMANN: Okay. And could we also have access, there was a critical incident report that was sent by the chief of station in Libya. Could we get

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that report?

MR. MORELL: Yes, ma'am.

MRS. BACHMANN: Okay. And also Ambassador, could we get the Secretary, Secretary Clinton's Civil Societies Initiative? It is unclassified. Can we get access to that? The Civil Societies Initiative? That is the policy document or the roadmap about our policy. Can we get access to that?

MR. KENNEDY: I am probably going to look very stupid here, but I am not sure what that document is. It is sort of outside of my normal purview on the management side. But let me dig into that and get back to you.

MRS. BACHMANN: Civil Societies Initiative is what it is called. If you could make that available to the committee. Also, I have a question about did anyone ask the military, did anyone ask the military for the F-16s, or if there were other planes at Sigonella to come and at least fly overhead?

GENERAL ROBERSON: No, ma'am. The closest fighters that were actually armed and available were in Djibouti. That is the distance from here to L.A. They were not available. The closest ones that were not armed already were F-16s in Italy. And they were at Aviano Air Base, which is the same as from here to Dallas. There were no bombs that were already built. They were not loaded on airplanes. There were no tankers --

MRS. BACHMANN: But there was no request to have any air power?

GENERAL ROBERSON: No, ma'am.

MRS. BACHMANN: Can you tell us where was the President when he was notified?

THE CHAIRMAN: This will have to be the last question. You are over.

MRS. BACHMANN: If it is the last question, let me ask this question then.

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Who told the CIA to stand down?

MR. MORELL: Nobody, ma'am. Those press reports are inaccurate. And the Director and I have looked into this personally. The Director and I have interviewed our folks. We took a thorough look at this. There was nobody at the Central Intelligence Agency or outside the Central Intelligence Agency who told any of our officers to stand down, don't go, don't help. That is just inaccurate.

MRS. BACHMANN: Thank you, Mr. Chair. I yield back.

THE CHAIRMAN: Mr. Rooney.

MR. ROONEY: Thank you, Mr. Chairman. I would like to focus, if I could, specifically on the Libyan security that we had there. Mr. Ambassador, is that part of an agreement with the Libyan Government that the security that would be non-U.S. would be who was at the Annex and at the mission there? Like I guess my question is why isn't that U.S. personnel? Is it just part of the agreement?

MR. KENNEDY: Congressman, think of it as multiple layers. Inside our walls we had armed special agents of the Diplomatic Security Service.

MR. ROONEY: Right.

MR. KENNEDY: At the wall and outside the wall we had armed personnel from the Government of Libya. It is the same thing in the United States. If you drove up and down Massachusetts Avenue and went inside an embassy, you might find an armed officer of that Nation's security service inside. But outside on Massachusetts Avenue you would find the Metropolitan Police Department or the uniformed division of the Secret Service.

MR. ROONEY: Got you. Matt, on your timeline there you were talking about at the Annex at about 0515 when -- is this the Shield militia that was there? They started flashing their lights and then they took off?

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MR. OLSEN: Yes.

MR. ROONEY: And then you said like about an hour later some Libyan group came back to escort our personnel to the airport. Is it the same people?

MR. MORELL: No, sir. The folks who came back were Libyan Government, they were folks associated with the Libyan defense intelligence.

[Senior CIA officer #1]: One point of clarification, sir. The flashing of the lights we actually think may have been a result of the concussions from -- so it wasn't that they flashed lights. We think it was because the mortars went off and the concussion caused the lights to flash, like a car alarm.

MR. ROONEY: Okay. I think that what as a former Federal and State prosecutor, one of the things, Sean, I just took from that video and your timeline was kind of the lack of anything resembling some kind of security there as far as what the Libyans were required to do. And I don't even know what they were required do. If it is like you say, if it is like the D.C. Metropolitan Police and what kind of security, but that looked like a street party. That was going into our compound and completely just doing -- they were walking around. And so I mean that was the most disconcerting thing to me. And I hear what you are saying about the flashing lights maybe being part -- but when I saw the initial truck leave the mission right before the fire, and then you see those other cars leave right before the mortars and the RPGs, I mean obviously the FBI would be looking at whoever is supposed to be helping with security because it wasn't there. And so I mean that is the thing that looked most concerning to me.

Sean, do you have any comment on that?

MR. JOYCE: I think we concur with you, sir. It is difficult to discern whether they are actually moving the vehicles to get out of the way of additional incoming

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mortars or whether they actually provided advanced knowledge or information to provide the individuals that committed the attack or what they were doing. So that is part of what we are trying to determine.

MR. ROONEY: Thank you, Mr. Chairman. I yield back.

THE CHAIRMAN: All set?

MR. ROONEY: Yeah.

THE CHAIRMAN: Thank you.

Mr. Heck.

DR. HECK: Thank you, Mr. Chairman. Again, thank you all for staying here for so long and going through all these questions. As I have mentioned in other hearings, I take the perspective of Tyrone Woods who was my constituent, lived three miles from my house. I spent a fair amount of time talking with his wife about this, and her unanswered questions. I guess the first question, and I am going to take these kind of quickly since we are almost out of time. So we have heard referencing back the question from Mr. Miller about who was watching the UAV feed. So it was the National Military Command Center, JSOC Main, General Petraeus who we know that you have listed as people that we know were watching the feed. Do we know if the President or Secretary of Defense Panetta or anybody from the national security apparatus was watching this feed live as it was available? We are talking about an attack on a U.S. facility, an Ambassador is reported missing, and now we have live feed. Do we know if anybody from the National Security Council was watching the feed?

MR. MORELL: Sir, I simply don't know the answer to the question.

GENERAL CLAPPER: We will have to take that one. We don't know.

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DR. HECK: Okay.

GENERAL ROBERSON: Sir, like you said, the NMCC was up. So we had a general officer that is on duty 24-7 that was monitoring. Took a little while to get it up, but he had the --

DR. HECK: I know NMCC. I am talking about the other individuals at the policymaking level who may have had an interest in watching the feed. And so the answer is we don't know.

MR. KENNEDY: The State Department was finally able to access the feed about midnight local time, after the events had passed. We did not -- we did not have the live feed up during the time of the attack on our facility.

DR. HECK: Major General Roberson and Secretary Reid, putting aside the issues of invading a sovereign nation, does AFRICOM, does the combatant commander have a commander's in extremis force?

GENERAL ROBERSON: Yes, sir.

DR. HECK: Was that force available during this time period?

GENERAL ROBERSON: It was. It was available and it was used.

DR. HECK: How was it used?

GENERAL ROBERSON: Well, as soon as we found out about the attack, as you have heard, the SECDEF and the Chairman were basically over at a meeting in the White House. So we got VOCCO, which is unusual for us to get voice orders to maneuver our forces. So we put three types of forces on order right away to prepare to move as quickly as possible. Two FAST units that were in Rota, Spain, and then the SIF that was in Croatia. And then a little while later, separated by a few minutes, but then the National Military Force was also activated.

DR. HECK: Realizing that -- and we have kind of got to the point where the

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FAST team is really in name only. It is not really meant to be a fast team to deploy. Probably the SIF is the thing that I am concerned about. Why did we not -- I know you gave the be prepared to deploy order. But why did we not utilize the SIF in any way?

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RPTS CALHOUNDCMN ROSEN

[1:04 p.m.]

GENERAL ROBERSON: Sir, we did. They were in Croatia. They got notified they needed to move. And they were ready to deploy. So we ended up sending them into Sigonella.

DR. HECK: But we didn't go in the country.

GENERAL ROBERSON: The first folks to go into country was the fast team that went into Tripoli. One of those two fast teams was initially designated to go into Benghazi. But then that was later changed after we knew some more facts about what was happening.

MR. REID: Sir, the SIF, as the General said, it is on a 4-hour alert. They were prepared to move. The delays getting them to Signonella is, again, based on coordination with the host nation. But the SIF is actually still employed. They are still in Sigonella. And an element is in Tunisia providing security there. So they are involved but not in the immediacy of this event.

DR. HECK. Thank you. The last question regarding the security issues and the request for additional security measures that may or may not have been fulfilled. There has been a lot of media reports about a former RSO saying that he had made requests for additional security at the TMF that went unanswered. And I understand that there is the give-and-take between what is requested and what is provided trying to accomplish the mission. Is it possible to get a list of what was requested and what was ultimately provided for the TMF and for the Annex?

MR. KENNEDY: Yes, sir, we can work on something. But all the press

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reports that I have seen keep conflating the discussions about security requests for Tripoli with security requests for Benghazi. For example, when they asked for additional money to expand the local guard force, they received it the same day. They asked for additional funds to purchase Jersey barriers, they got that money by the end of the week.

DR. HECK. So that would be helpful if we had a list of what was requested for Benghazi and what was provided or what was swapped out in lieu of the request.

MR. KENNEDY: Thank you very much, Doctor. There were times they asked, as I said, they asked for A, B, and C and we gave them A, B, D, and E because that was more forthcoming, faster, available and met the same purpose.

DR. HECK. Thank you. I appreciate that.

Thank you, Mr. Chairman. I yield back.

THE CHAIRMAN: Thank you very much. I appreciate the witnesses.

Just for the information of the members, tomorrow morning we are starting early, 7:30, in here. And we will start sharp at 7:30 to cover other issues of importance of the day. Mr. Petraeus will also be testifying that particular day.

To the witnesses, thank you very, very much. We just wanted to show you that we can still debate on this committee today. But I think you can appreciate the frustration level of what has gotten us here. We want to get through this. We want to get on to the more productive issues of the day. But it is important we get through and try to establish the facts on the committee as required, as I said earlier, by the Constitution and our statutory responsibility. So hopefully can get through this in the best manner possible so that we can move on and do good and positive things like you are doing every single day. Thank you very much.

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I am going to give Mr. Joyce about 7 minutes. We will start at about 12 minutes after the hour. And he does have a 1:30 hard stop time. So for those of you who are interested in getting that update -- and I encourage you to do so -- please stay. For the rest of you, thank you very much. The meeting is adjourned.

[Whereupon, at 1:08 p.m., the committee was adjourned.]

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Appendix 5

RPTS JOHNSON

DCMN BURRELL

DDCIA MICHAEL MORELL ON BENGHAZI

Wednesday, May 22, 2013

U.S. House of Representatives,
Permanent Select Committee on Intelligence,
Washington, D.C.

The committee met, pursuant to call, at 10:40 a.m., in Room HVC-304, the Capitol, the Honorable Mike Rogers [chairman of the committee] presiding.

Present: Representatives Rogers, Thornberry, Miller, Conaway, King, LoBiondo, Nunes, Westmoreland, Bachmann, Rooney, Heck, Pompeo, Calvert, Ruppertsberger, Thompson, Schakowsky, Langevin, Schiff, Gutierrez, Himes, and Sewell.

Staff Present: J. Michael Allen, Staff Director; Christopher Doneso, Chief Counsel; Darren Dick, Deputy Staff Director; Katie Wheelbarger, Senior Counsel; Thomas Corcoran, Senior Policy Advisor; Andy Keiser, Senior Policy Advisor; Ashley Lowry, Chief Clerk; Nathan Hauser, Professional Staff Member; Sarah Geffroy, Senior Counsel; Chelsey Campbell, Professional Staff Member; Brooke Eisele, Professional Staff Member; Geof Kahn, Professional Staff Member; Shannon Stuart, Professional Staff Member; Jim Hildebrand, Professional Staff Member; Susan Phalen, Communications Director; Kristin Jepson, Security Director; Todd Jones, Congressional Fellow; Allison Getty, Minority Communications Director; Michael

Bahar, Minority General Counsel; Janet Fisher, Minority Counsel; Chief Minehart, Minority Professional Staff Member; Carly Scott, Minority Professional Staff Member; Linda Cohen, Minority Professional Staff Member; Heather Molino, Minority Professional Staff Member; Amanda Rogers-Thorpe, Minority Professional Staff Member; and Wyndee Parker, Liaison to Minority Leader.

THE CHAIRMAN: I am going to call the committee to order and recognize the ranking member for a motion to close the hearing.

MR. RUPPERSBERGER: Pursuant to House rule XI, clause (2)(g)(2)(a), I move the hearing be closed because disclosure of testimony, evidence, or other matters being considered would endanger national security.

THE CHAIRMAN: Motion made to close the hearing on the basis of protecting national security. The clerk will take the roll.

THE CLERK: Chairman Rogers.

THE CHAIRMAN: Aye.

THE CLERK: Mr. Thornberry.

MR. THORNBERRY: Aye.

THE CLERK: Mr. Miller.

MR. MILLER: Aye.

THE CLERK: Mr. Conaway.

MR. CONAWAY: Aye.

THE CLERK: Mr. LoBiondo.

MR. LOBIONDO: Aye.

THE CLERK: Mr. Nunes.

MR. NUNES: Aye.

THE CLERK: Mr. Westmoreland.

MR. WESTMORELAND: Aye.

THE CLERK: Ms. Bachmann.

MS. BACHMANN: Aye.

THE CLERK: Mr. Rooney.

MR. ROONEY: Aye.

THE CLERK: Mr. Heck.

DR. HECK: Aye.

THE CLERK: Mr. Ruppertsberger.

MR. RUPPERSBERGER: Aye.

THE CLERK: Mr. Thompson.

MR. THOMPSON: Aye.

THE CLERK: Ms. Schakowsky.

MS. SCHAKOWSKY: Aye.

THE CLERK: Mr. Schiff.

MR. SCHIFF: Aye.

THE CLERK: Mr. Gutierrez.

MR. GUTIERREZ: Aye.

THE CLERK: Mr. Chairman, there are 15 ayes and zero noes.

THE CHAIRMAN: Great. The motion carries. The committee is in now closed session for the purposes of protecting national security information.

Before we begin, the Security Director has a reminder for our members, our guests, and our staff.

MS. JEPSON: I just want to remind everyone if you haven't checked your electronics out front to please do so at this time. That includes BlackBerrys, cell phones, E-readers, laptops recording devices, cameras, wireless headsets, and pagers.

Thank you.

THE CHAIRMAN: Thank you very much. Today, at the request of many, we will swear in the witness.

Mr. Morell, would you please stand and raise your right hand? Do you swear

that the testimony you are about to give this committee is the truth, the whole truth, and nothing but the truth so help you God?

MR. MORELL: I do.

THE CHAIRMAN: Thank you, sir. Today, as part of the committee's ongoing oversight into the attacks against United States facilities in Benghazi, Libya, on September 11th, 2012, the Deputy Director of the CIA, Michael Morell, has agreed to answer our questions about the events after the attacks.

Before we begin, I want to reiterate that in response to our continuing requests for more information, the Agency provided to this committee additional materials yesterday. These materials include debriefing summaries and email exchanges by the Agency personnel from the days after the attacks. I remind all members that they are of course free to review any of these materials or be briefed by HPSCI staff at any time. The committee investigation is an ongoing priority, and I encourage all members to be as engaged as possible.

The terrorist attacks in Benghazi by extremists and al-Qa'ida associates were a national tragedy, resulting in the death of four Americans, including Ambassador Stevens. The attacks were also a reminder of the continuing terrorist threat we face. America must continue to confront al-Qa'ida, and we must maintain a strong American counterterrorism policy not only in the war zones, but around the world.

Al-Qa'ida and its associates have not slowed down their efforts to secure a safe haven and plan operations against the United States and Western interests. To address and defeat this enemy, all Americans must view this continuing and growing threat with clear eyes. To maintain support for a strong counterterrorism policy and a robust military effort, the American public must have accurate and complete information about the threats the country faces.

I believe the talking point issue provided to this committee and to administration officials on September 15th failed to address the country's need for this information. Those points were unduly cautious because they failed to describe the perpetrators' believed links to al-Qa'ida and known terrorists. But they were equally careless in their description of the event as a demonstration. When describing to the American people the nature of the threats the country faces, words matter. And in this case, the words chosen simply failed to accurately describe the extent of the information we knew at the time. Unfortunately, the inaccuracies remained for far too long.

Recently, the public learned that Mr. Morell played a key role in the development of those talking points. And with the recent public release of various versions of the talking points, and the interagency email traffic that preceded the final version, it is clear that further information about how they were developed would help this committee understand the role of intelligence in informing policymakers about national security events.

Mr. Ruppertsberger, you have any opening statement?

MR. RUPPERSBERGER: Sure. First thing before I start, Mr. Morell, for years, unfortunately, I think this committee did not have the relationship that we needed to have with the CIA as far as oversight is concerned. We thought for a long time that the CIA were not giving us the information and testimony. And I think since you have been in leadership that changed. I think the chairman and I at least can state that you have been very open, very forthright. You have told us information that normally we weren't getting in the past. So I just want to acknowledge that fact that we do respect the way you have handled at least this committee.

With that said, in the past few weeks the media has been full of reports of other

individuals speculating about your motives and reasons for these decisions. I am very glad the committee members can now directly hear from you on the record why you selected the final content of the talking points and put this to rest. I am also glad the administration released emails related to the talking points so that Congress and the public can see their actual content. I want to say at this time, based on my analysis, at this time, and I think that is clear, because who knows where and what is going to happen tomorrow or the next day, and based on my analysis of the emails, it does not appear the content of the talking points was politically motivated. Because there is no mention of politics in the emails, there is no mention of the presidential election that was forthcoming, or covering up information about the terrorist attack. That doesn't mean that I am concerned about the issue and the elements there. But at this point that is my analysis of the emails that we received. Instead, the officials that were asked to review the talking points repeatedly stressed the same three concerns: One, protecting classified information; two, protecting law enforcement equities for the ongoing investigation, basically done by the FBI, and ensuring that information provided to Congress was accurate.

It is my hope that with your testimony about your concerns and motivations regarding the talking points Congress can move forward on oversight of what I think are the two most important issues regarding the attacks: Improving physical security at all U.S. overseas posts, and bringing the attackers to justice. Regarding State Department's performance, Ambassador Pickering and Admiral Mullen, two well respected experts and patriots who have served Democratic and Republican Presidents, made excellent recommendations in their independent review. Then-Secretary Clinton immediately accepted all of them and directed State Department personnel to implement them. Secretary Kerry is now there to ensure

that all the implementation is completed.

Deputy Director Morell, I would also like you to update the committee on whether the CIA conducted reviews of the Benghazi events, what lessons learned you identified, and what steps CIA leadership is taking to implement those lessons and improve CIA's performance and security the same as the State Department.

Finally, it has been a while since all members received an update on the status of known and suspected attackers. Without getting ahead of the FBI investigation, I would like you to describe what progress CIA has made in identifying and locating attackers and providing intelligence support to law enforcement investigators.

I yield back.

THE CHAIRMAN: Thanks. I too want to thank you for your cooperation. Just for the information of the committee, we have had those 4,000 classified cables. It has taken us a while to get through them. We wanted to wait until we had a better picture through those emails before we asked Mr. Morell to come and testify. He has always been forthcoming. And when we called, Mr. Ruppertsberger and I asked Mr. Morell, he was eager to do it at our time frame. And I want to make the committee well aware of those facts.

With that, Mr. Morell, if you would not mind giving your opening statement, we will take it from there.

STATEMENT OF MICHAEL MORELL, DEPUTY DIRECTOR, CENTRAL INTELLIGENCE AGENCY

MR. MORELL: Thank you. Chairman Rogers, Ranking Member Ruppertsberger, and members of the committee, thank you for the opportunity to testify today on this issue. I just want to say up front that I take this extremely seriously, and I was reminded of that this week when [REDACTED] [REDACTED] recognized the contributions of Glen Doherty and Tyrone Woods, who died on that rooftop in Benghazi that night, their contributions to our country. So this is, the seriousness of this is very fresh in my memory.

I very much want to respect the committee's request that I speak for only 15 minutes so that you can ask as many questions as possible. And as such, I want to focus my opening remarks on the now famous talking points. I want to do this because there remain, in my view, significant misperceptions in the media about the talking points, to include such things like the talking points were edited at the Deputies Committee meeting, that I conspired with the White House and the State Department to water down the talking points, and that I made the vast majority of the changes to the talking points. All of these assertions are not true. Mr. Chairman, I do not want to come across as defending the talking points or the process by which they were produced. As you will hear me say later, both were flawed. But what I want to do today is to set the record straight on exactly what did happen. So in the next few minutes I want to walk through the evolution of the talking points with a focus on the role of the CIA, to include my personal role. Then I would be happy to answer as many questions as I can. I brought some folks with me who can help me do that.

Among those is the DNI's General Counsel, Chief Litt, who as you know has worked this issue very hard, and who knows a lot about the interagency aspects of this better than I.

So let me start by walking step by step through the process so that we all have that as background when I get to the details. So as you remember, the committee requested the talking points during a Friday, 14 September briefing by then-Director Petraeus. [Senior CIA official #1], who is with me today, and who was then Director of our Office of Terrorism Analysis, had joined the Director for that briefing. And [senior CIA official #1] produced the first draft of the talking points immediately upon returning to headquarters. [Senior CIA official #1] coordinated these talking points with [senior CIA official #1] substantive experts, with officers from our National Clandestine Service, and with officers from our Office of General Counsel. The points then went through an additional editing and coordination process inside CIA. That coordination process was handled largely by officers from our Office of Public Affairs and our Office of Congressional Affairs, and did not involve the substantive experts. This was followed by a coordination process outside CIA, with the National Security Staff, the State Department, the FBI, and the Office of the Director of National Intelligence. As the day ended on 14 September, there was no interagency agreement on the talking points. The morning of Saturday, September 15th, began with a Deputies meeting, at which the talking points came up briefly. Later that morning, I edited the talking points, then asked that both the DI and the NCS see them. I was particularly interested in making sure that [senior CIA official #1] was okay with them. From a substantive perspective [senior CIA official #1] was okay, although having heard the committee's discussion the previous day, [senior CIA official #1] noted concern that they might not go far enough for the committee. Late

Saturday morning, I then circulated the revised points to the National Security Staff, the Office of the Director of National Intelligence, the FBI, the Department of Justice, State, the National Counterterrorism Center, and NSA. Only minor changes were suggested and made. Director Petraeus then reviewed the points. Although he did not think the points were robust enough, he approved them, and they were delivered to the committee. We will walk through all of this in detail later, but I just wanted to put that blueprint on the table.

So allow me next to make some general comments about the talking points. First, I agree fully with those who say that the talking points were thin gruel. There was little meat. There was not much there. The fact that they were not more robust, however, was in no way due to White House political influence, State Department concerns about how the Department might be portrayed publicly, or any interagency bureaucratic battles. The fact that they were not more robust was a reflection of how little we knew at the time, a reflection of what officers inside and outside CIA thought needed to be protected, and a reflection of what I thought would be fair to say about what CIA had or had not previously warned. And more on that later.

Second, the talking points as initially drafted and as finalized for Congress were fully consistent with what the analysts had written at the time in classified products for senior policy officials and for Congress. At the time, we assessed, based on a number of reports, that a protest preceded the attacks outside the temporary mission facility. Just to make that clear, let me read a sentence from an IC-coordinated product that was produced on 13 September, one day before the talking points were drafted, and two days before I edited them.

So on September 13th we wrote, and I quote, and this is in a classified

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product, "We assess the attacks on Tuesday against the U.S. consulate in Benghazi began spontaneously following the protests at the U.S. embassy in Cairo, and evolved into a direct assault against the consulate and a separate facility in the city," unquote. The title of the section of this article that contained this sentence was, quote, "Extremists capitalized on Benghazi protests," unquote. This language is entirely consistent with the first and second sentences of the final unclassified talking points. As you all know, the judgment that there had been a protest ongoing at the time of the attack turned out to be wrong. And we changed it when new and more compelling information became available. At the same time, while we did indeed get the protest judgment wrong, three other core elements of our initial analytic line have held up over time and remain our view to this very day. And those are that individuals with links to al-Qa'ida and militia groups were involved in the attacks, that some of the attackers were inspired by protests that day in Cairo or by Zawahiri's call for Libyans to avenge the death of senior al-Qa'ida leader Abu Yahya al-Libi in Pakistan, and that the attacks did not require significant preplanning. We said those at the time, and we continue to believe those.

Third, and this is important, what we wrote in our classified publications for policy officials and for Congress, and what we wrote in the talking points could have been clearer in two regards. For one thing, the language in the first sentence of the talking points, and similarly the same language in our classified writings, lacked precision, and as a result caused confusion among readers. The language we used that the attacks spontaneously evolved out of the protests left the impression that this was a crowd run amok. That was not what the analysts believed then. What we believed then was that extremists took advantage of a protest to launch an attack on the TMF. And we were not clear about that. In addition, we should have used the

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word "terrorists" instead of the word "extremists." For analysts in the Intelligence Community, these two words are synonyms. What we did not realize was that for others they are not synonyms. And just to be clear, we used the word "extremists" in both our classified products as well as the unclassified talking points. So we were consistent on that point.

So let me now turn to the talking points themselves. By my count, there were 20 changes made to the talking points between the first draft produced by [senior CIA official #1] and the version that was ultimately sent to the committee. Some were purely stylistic, and others more substantive. Of the 20 changes, I think there were a half dozen that have raised questions. And I want to go through those half dozen in detail. As I do so, I am going to refer to the package of drafts that hopefully you have in front of you. This package shows you step by step all of the changes that were made and the times that each version was sent back around for coordination. So first, the group of CIA Public Affairs and Congressional Affairs officers who worked the talking points deleted the phrase "with ties to al-Qa'ida" in the second bullet of the original draft. You can see that on the third page of your package. The officers who made this change agree 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 on any one person or group, and finally, that the information pointing to any particular group was limited, and therefore we needed to be careful in talking in any certain terms about who was responsible.

Second, and this is also on the third page of your package, you will see that the same CIA officers changed the word "attacks" in the first bullet of the talking points to

"demonstrations." Participants in that editing session do not have a clear recollection as to why they made these changes, but they have suggested that they believe the sentence was illogical as written. Saying that attacks evolved into an assault did not make sense because attacks and assault are synonyms.

Third, and still on the third page of your package, in the sentence in the second bullet in which we talk about Islamic extremists at the TMF that night, instead of saying "they participated in the attacks," these same CIA officers changed it to say that the extremists participated in violent demonstrations. This change, which I admit was not elegant, was in response to a concern expressed by an NCS officer, and shared by [senior CIA official #1], that the original phrasing could be interpreted to suggest that we had direct evidence that it was the extremists who were definitely responsible for the deaths of the Americans. And at that point in time, we did not have such evidence.

MR. WESTMORELAND: Mr. Chairman? Can I ask Mr. Morell, who was present?

MR. THOMPSON: Use your microphone.

THE CHAIRMAN: Let's let him get through his presentation, and we will get you some time for questions. Thank you.

MR. MORELL: Fourth, the FBI requested, and CIA agreed, to change the second bullet in the draft that was sent around at 8:59 p.m. You can see this change on page eight. The FBI asked that we change, quote, "We do know Islamic extremists participated in the violent demonstrations," unquote, to, quote, "There are indications that Islamic extremists participated in the violent demonstrations," unquote. The FBI made this request to protect the investigation, although I would also note that the sentence as changed was more accurate. At that point, we really

did only have indications. We did not have enough intelligence to say with absolute certainty that we knew.

Fifth, the State Department requested, and CIA agreed, to delete the entire third bullet in the draft sent around at 8:59 p.m. You will also see that on page eight of your package. That bullet noted that initial press reporting had linked Ansar al-Sharia to the attack, but that the group had denied its members were involved. You can see that change in the third page of your package. Actually, I am not sure that is right. That is wrong. Forget what I just said. State deemed it premature to single out only one group, and CIA agreed, because the only unclassified evidence that existed was that Ansar al-Sharia -- was the Ansar al-Sharia claim of responsibility, which the group had retracted.

Finally, and sixth, I should note that the addition of the warning language in two places in the draft at the request of Director Petraeus -- it appears back on page three of your package, and the subsequent removal of that language by me which you will see on page nine -- I should note that State Department also advocated the removal of this language. But let me make a key point here. Even before I learned of State Department's concern, I had already made the decision to delete this language when it came to me for review. I will explain this more fully in a minute.

Indeed, let me now walk through my personal role in the talking points. And I want to be very precise here. Director Petraeus' Chief of Staff, [senior CIA official #2], was the first person to make me aware of your request for talking points sometime between 5 p.m. and 6 p.m. on Friday the 14th. At the same time that [senior CIA official #2] made me aware of the request, [senior CIA official #2] showed me the draft of the talking points as they existed at that time. And that was after the internal CIA coordination review by officers from my Office of Public Affairs and Office

of Congressional Affairs. At that point, the draft contained the language added by the Director's office on the warnings. I immediately reacted to this language, telling [senior CIA official #2] that the language on the warnings was inappropriate. I felt the warning language was inappropriate for two key reasons. First, I worried that the language might lead to the misperception that the CIA had warned about the attack on September 11th itself, which we did not. And second, and most importantly, I simply felt that it was unprofessional and unfair to tell the public that CIA had provided warnings to State Department about the deteriorating security situation in Benghazi without saying what State Department did in response to those warnings. And when I made the deletion the next day, this is exactly what I was thinking. So early the next morning I learned from my staff that the State Department had concerns over the warning language, that the talking points were essentially stuck in limbo as a result, and that Mr. McDonough therefore wanted to discuss the talking points at the Deputies Committee SVTC, secure video teleconference, scheduled for Saturday morning. I mentioned this in passing to Director Petraeus, telling him that I agreed with State Department's concern. I do not recall his response. Near the end of the Deputies Committee meeting, which focused on the threats to our facilities throughout North Africa, the Middle East, and South Asia, I raised the talking points. What I said, and what I believe is fairly close to verbatim, is that I was aware that there were some concerns in the interagency over the talking points, that I had concerns of my own, and that I would work on the talking points and circulate them to deputies for final coordination. In response, Denis McDonough simply said thank you. There was no further discussion at the Deputies Committee meeting on the talking points. This week I spoke with my former Executive Assistant, [senior CIA official #3], who was with me in the SVTC room, in the CIA SVTC room that morning, and [senior CIA

official #3 recollection is very similar to mine. A number of other participants in that meeting have told me the same. I am of course aware of the internal U.S.-U.N. -- the U.N. office -- our office at the United Nations, Ambassador Rice's office, of an internal U.S.-U.N. email that says that there was additional discussion at the Deputies meeting that included the notion that I would work with Ben Rhodes and Jake Sullivan on the talking points. That just did not happen. Indeed, there were no phone calls or any other communication between Jake, Ben, and me before I sent my reworked version back around for final interagency coordination.

THE CHAIRMAN: Can you just clarify who Jake and Ben are again, and where they --

MR. MORELL: So Ben Rhodes is and was at the time the Director of Communications for the National Security Staff. And Jake at the time was a Senior Adviser to Secretary Clinton, and is now the Vice President's National Security Adviser.

So just to repeat, there was no communication between the three of us before I sent around my reworked version for final interagency coordination. And their only comment back to me on that version was to each request that we change the word "consulate" to "diplomatic post," because the TMF was indeed not considered officially a consulate. I am also aware of the email that I wrote to [senior CIA official #4], our then-head of Congressional Affairs, after the full interagency coordination on the final draft. The purpose of that email was to send [senior CIA official #4] the final draft, ask [senior CIA official #4] to run it by the Director, and then send it on to the committee. You have probably seen that I wrote in that email that, and I quote, "I spoke to the Director earlier about State's deep concerns about mentioning the warnings and the other work done on this, but you will want to reemphasize in your

note to the Director." So this raises the obvious question, Michael, if you yourself believed the warnings should not be in the talking points, why did you ask [senior CIA official #4] to emphasize to the Director State Department's deep concerns? The reason is simple. I knew how strongly the Director wanted the warning language in the talking points. I think you can actually see that in his response to the final version of the talking points, where the first thing he writes is, quote, "No mention of the cable to Cairo either?," unquote. I wanted to make the most persuasive case possible with the Director for not including those warnings. He was already aware of my view, and I decided that emphasizing State's concerns would be more compelling to him.

One last point, Mr. Chairman, which I think is a good summary of my testimony. Were the talking points as good as they could have been? No, they were not. Was the process by which they were produced perfect? No, it was not. But were the talking points in any way politicized? No, they were not. In short, we produced the talking points imperfectly, but we produced them in good faith.

Mr. Chairman, that concludes my opening statement, and I would be happy to answer as many as questions as I possibly can.

THE CHAIRMAN: Great. Thank you. Thank you for your candid presentation. There was a meeting between the CIA and State Department in August prior to the September 11th event talking about the possible merger of facilities. Can you talk about that?

MR. MORELL: I can't, but I am hoping that somebody behind me can. [senior CIA official #5]? This is [senior CIA official #5], my Director of Support. All of the security of CIA falls underneath [senior CIA official #5] writ.

[Senior CIA official #3]: Good morning, Mr. Chairman.

THE CHAIRMAN: Good morning.

[Senior CIA official #5]: There was a meeting in August. In country, our teams may not be one team, but they certainly communicate with each other.

THE CHAIRMAN: Sure.

[Senior CIA official #5]: In areas like Benghazi, where we are in nonstandard facilities, we are always looking to make sure that we have the best physical protection that we could. So we had meetings to discuss whether collocation on one compound or the other would make more sense to that. [REDACTED]

THE CHAIRMAN: Sure. And what was the conclusion of that meeting about collocating at the facility?

[Senior CIA official #5]: From our perspective, us collocating at the temporary mission facility, they did not have the same security features that we did. They didn't have the same CCTVs. The guard forces that they used were unarmed, and we believed that the positioning was better at the Annex where we were.

THE CHAIRMAN: Right. So what would happen, what would be the normal course of a follow-up of that meeting? So you decided, or someone in your chain of command decided that that was not appropriate for the Agency to move to the facility or collocate because of their lax security concerns.

[Senior CIA official #5]: Well, and the fact that our profile. So remember that that was not an identified facility. It wasn't a recognized --

THE CHAIRMAN: You mean your facility, just to be clear.

[Senior CIA official #5]: Our facility was not. And so it raised the profile as well. So when we consider our posture worldwide, we are looking at three things: The physical location, the profile, and the relationship that we have with the local guard forces around us.

THE CHAIRMAN: I appreciate that. Thank you. So you tell the State Department guard force is a concern, the camera locations are a concern. We don't feel comfortable for a host of reasons, but not of which the least is it is not a very secure location.

[Senior CIA official #5]: Absolutely had these conversations.

THE CHAIRMAN: Okay. So they had an understanding that your agency had concerns that it was not a secure facility, or at least it raised your level of --

[Senior CIA official #5]: That collocation for our purpose for our mission did not make sense at that time.

THE CHAIRMAN: Okay.

[Senior CIA official #5]: I would not speak to the actions that the State Department took or their assessment at the time.

THE CHAIRMAN: Right. And I am not concerned about their assessment. But your assessment was --

[Senior CIA official #5]: That it did not make sense for us at the time given the physical operational profile and the tradecraft.

THE CHAIRMAN: And some security concerns would be legitimate.

[Senior CIA official #5]: It is a combination.

THE CHAIRMAN: Sure. Great. Thank you.

Mr. Morell, on the September 15th Deputies meeting, were you at that September 15th Deputies meeting?

MR. MORELL: Yes. It was held by SVTC, so I was at CIA and I was SVTCing in. Most folks were. There were a handful of people in the sit room, but I was not physically there.

THE CHAIRMAN: Great. And who were the participants by agency?

MR. MORELL: You know, I don't remember, Mr. Chairman. I will have to come back to you on the record for that.

THE CHAIRMAN: Can you get us some information? I would assume that in a normal SVTC like that you would have State Department, somebody from the White House, FBI, DOJ, that kind of thing?

MR. MORELL: Absolutely. So, you know, in general we were doing at that point a SVTC every day, sometimes twice a day. What these Deputies meetings were focused on were all the protests and demonstrations happening throughout North Africa, the Middle East, and South Asia. And we were intensely focused on what we needed to do to keep our facilities and our people safe. So it would have been White House officials, State Department officials, DOD officials, Department of Homeland Security, Vice President's office, ODNI, CIA. And I can get you the full list.

THE CHAIRMAN: Sure. That would be great. When it was scheduled, was the schedule of the September 15th meeting about the -- what was the nature of that?

MR. MORELL: So the focus, the purpose and focus was to again review our security posture across that entire region given what we were seeing in terms of demonstrations and protests.

THE CHAIRMAN: And that was the scheduled agenda for the meeting.

MR. MORELL: Yes, sir.

THE CHAIRMAN: And did the Benghazi discussion come up?

MR. MORELL: So it only came up at the very end.

THE CHAIRMAN: Okay. And could you describe the nature of that?

MR. MORELL: Absolutely. So you remember I said in my testimony that I

had been told that Mr. McDonough wanted to discuss the talking points at the meeting. And so when we got to the end of the meeting, I was actually a little bit surprised that he hadn't. And Mr. McDonough, when he ran Deputies meetings, he would end every Deputies meeting by going around the room and asking people if they had anything else they wanted to say. So during his round robin he came to me and said, Michael, is there anything else? And that is when I raised the talking points. That is when I said what I said with regard to the talking points. So it was, you know, one-tenth of one percent of the discussion that took place at that Deputies meeting.

THE CHAIRMAN: Okay. And was there any offered conclusion to the talking points what they should include, what they should not include at that particular meeting?

MR. MORELL: No, sir.

THE CHAIRMAN: So none of those discussions happened. So was it you just informing the meeting and no questions were followed up?

MR. MORELL: No questions.

THE CHAIRMAN: Did the CIA provide written materials or review written materials in advance of this particular meeting?

MR. MORELL: I don't remember if we did. I don't believe so, but I will check. Every morning at that point we were doing -- [senior CIA official #1] correct me if I am wrong -- we were doing an executive update that looked at the threats and demonstrations and protests everywhere in the world. So that was really the factual basis, the factual lay down for the Deputies meeting. Is that correct, [senior CIA official #1]?

[Senior CIA official #1]: I believe that is correct. And I believe we were also

doing talking points for you at like 6:30 in the morning every morning.

MR. MORELL: So there would have been talking points for me as well.

THE CHAIRMAN: For the meeting based on what the agenda was, but would have included something on the -- because you had a request on the Benghazi talking points. Is that -- do I understand that correctly?

MR. MORELL: I don't know whether there were talking points for me on the talking points. I can certainly check. Since I knew exactly what I wanted to say, I didn't ask for them. But we can check.

THE CHAIRMAN: Great. And no discussion at that point about who we believed or who you all believed at the time at the Deputies meeting may have been responsible for the Benghazi attack?

MR. MORELL: No, sir.

THE CHAIRMAN: Would that be normal? It seems a little odd to me that you would have a Deputies meeting, a national security Deputies meeting and not have a conversation about who the perpetrators --

MR. MORELL: I would say two things. One is that wasn't the agenda. You know, the agenda really was the rest of the region and where we were now at risk. Benghazi had passed. And two, at that point the FBI was just beginning its investigation. And we were really just beginning, you know, our intelligence look at this. So the issue did not come up, and we did not offer anything, and neither did the Bureau.

THE CHAIRMAN: So there was no discussion about, hey, we just -- obviously, we had an attack on Benghazi. Is this group -- could they attack Tripoli? Could they attack our embassy in Tunisia? Actually, by the 15th there was an attack in Tunisia, was there not? I think it was the 13th.

MR. MORELL: [Senior CIA official #1], do you know?

[Senior CIA official #1]: I believe it was --

THE CHAIRMAN: I am sorry. Please identify yourself for the record as well.

[Senior CIA official #1]: [Senior CIA official #1]. I believe, sir, that the attack had occurred in Tunisia after, but I have to doublecheck on the date.

THE CHAIRMAN: I am pretty sure it was the 13th.

[Senior CIA official #1]: I think it was the 13th. Exactly.

THE CHAIRMAN: Okay. So September 15th, I guess I am a little shocked that you wouldn't have -- so we have now had two attacks on our embassies, and none of that came up in the September 15th meeting?

MR. MORELL: I am not saying the attack on Tunisia didn't come up. I am saying there was -- according to my recollection, okay, this was a long time ago, according to my recollection I do not remember a discussion of what do we know about what happened in Benghazi.

THE CHAIRMAN: Okay. I think you have answered the question. I will move on.

On November 15th, at a hearing here, it was specifically a question was asked of Director Clapper, actually by me, "Who removed the al-Qa'ida references from the talking points?" Mr. Clapper at that time said he did not know and would look into it. Is there a reason at that time you didn't feel comfortable volunteering your knowledge of the situation at that particular hearing?

MR. MORELL: Yeah. Very good question. This is a question that Senator Burr asked me as well, because when we did the same hearing for SSCI, Senator Burr actually went down the line and asked everybody that question. "Do you know who took out the al-Qa'ida reference?" And I said no. And the reason I said no was

because I didn't know at that time who took out the al-Qa'ida reference. You know, what happened to the talking points up until they got to me, I had no idea at that point. So that is why I said no to Senator Burr, and that is why I did not respond when you asked the question. Now, Senator Burr and I have actually talked about this. And his view, and I guess I share it, is that while I did not know, I should have then offered, "but I made a number of changes to the talking points later that day, and here is what they were." And so perhaps here I should have done the same thing, but I did not.

THE CHAIRMAN: Were you ever asked by the White House to provide a narrative on the talking points directly?

MR. MORELL: No, sir.

THE CHAIRMAN: So no one from the White House directly contacted you --

MR. MORELL: No, sir.

THE CHAIRMAN: -- from the Deputies meeting? Anyone? Good. At any time did you believe you were under any obligation to change the narrative of the talking points based on what you thought they wanted, or were you basing it purely on your analysis as a senior DI officer in the Central Intelligence Agency?

MR. MORELL: So I felt no pressure to change the talking points. And any change that we would have made to the talking points would have been changes that we would have had to agree to. And all the changes that were recommended by the other agencies we did indeed agree to. And had there been an issue that couldn't have been resolved at the working level, we would have worked it higher. So let's just assume for a moment that I agreed with Director Petraeus that that warning language should be in there. And so you have State Department saying it should come out and CIA saying it should be in, I would have called Bill Burns and worked that out. That's how that would have happened.

THE CHAIRMAN: All right. Did you ever have that conversation with the Director? You mentioned earlier that I think you believed the Legislative Affairs Director, [senior CIA official #4], at the time, [senior CIA official #4], recommended you have a conversation with the Director. Did you have that conversation?

MR. MORELL: Well, so this is the way it transpired. So when I came in on Saturday morning, I was told that the talking points were stuck, the talking points were stuck because of State Department's concerns about the warnings, and that Denis wanted, as a result, to talk about them at the Deputies meeting. Director Petraeus happened to be in that morning because it was family day at CIA. And I mentioned to him that the talking points were stuck. I mentioned to him that State Department had concerns about the warning language. I told him I shared those concerns. But again, I don't remember what his reaction was. I think we were actually walking to an event for family day. But there was not a long discussion between the Director and I about that point. So that was my only interaction with the Director. And at that point, at that point, Mr. Chairman, I had only shared my concerns about the warnings with [senior CIA official #2] and with some members of my staff. I had not reached out inside my agency to say, hey, look, I have deep concerns about these warnings. I had them, I shared them with [senior CIA official #2], I shared them with my staff, and my plan was to remove them when the talking points came to me.

THE CHAIRMAN: And you had none of those conversations with the State Department.

MR. MORELL: None.

THE CHAIRMAN: So the State Department never called you and said --

MR. MORELL: No.

THE CHAIRMAN: -- hey, Morell you have got to fix these talking points.

MR. MORELL: No.

THE CHAIRMAN: You never had that discussion.

MR. MORELL: No, sir.

THE CHAIRMAN: Okay. I have more questions, but I know we have a lot of members that have questions. I am going to turn it over to Mr. Ruppertsberger.

MR. RUPPERSBERGER: Just following up a little bit on that. There have been allegations by certain Members that this was very political and this was done to help the election. Did you have any conversation with anyone at the White House other than meeting with McDonough at that Deputies meeting?

MR. MORELL: No, sir.

MR. RUPPERSBERGER: Do you know of anyone else in your agency or maybe State Department that would have had conversations with any representative from the White House concerning the political allegation that this was -- they were being changed for a political reason?

MR. MORELL: So let me just -- just no, I don't know of any. I did not and I don't know of any. But let me just be very clear, there were a number of interactions between State Department and the White House when these talking points were put together. The talking points as drafted by [senior CIA official #1] were initially sent to the White House for their information, for their review. And then they were withdrawn because they had not been internally coordinated inside CIA, according to the views of several of my officers. So that was one interaction. Then there was a second interaction when the finally internally coordinated version was sent to the White House. That was the second interaction. The third interaction was the Deputies meeting. And then the fourth interaction was when I sent the final version around for comment. But there was no discussion at any point about politics related

to these talking points.

MR. RUPPERSBERGER: Okay. And we are looking for facts and evidence. And based on my analysis of the emails at this point, I don't see that either. But if there are, I think we need to know. So you don't have any knowledge other than what you just testified to.

MR. MORELL: That is correct, sir.

MR. RUPPERSBERGER: Okay. The other thing, and I get teased about this or whatever, at the meeting with Petraeus I knew this was going to be a really aggressive media situation when an ambassador was killed. So I made the comment to Petraeus that the Members are going to get hit hard. We don't want to give out any classified information or sources and methods. Could we just have some basic talking points so that we made sure that we weren't interfering with the -- there is three points you put, interfering with the FBI, and sources and methods, and that type of thing. What boggles my mind is that this very small request turned out to be a massive bureaucratic issue. And I would think for the future -- I mean I would think you by yourself or one or two people on your staff should be able to follow through with a request that I asked. And then it went out to State Department, and this, and back, and four or five different times. I think the process really needs to be evaluated. I have called you numerous times when there were very sensitive information, sensitive political issues that were newsworthy, and have asked your opinion what are sources and methods there? What would help you in continuing what we need to do to get the bad guys so to speak?

Do you have an opinion -- and by the way, we are going to continue to have this. There will be issues after issues. And I think it is really important that we have the ability to ask for -- maybe we shouldn't -- it's just like earmarks. You know, we

had to change the name, it is something that if you do it the right way, you know, it allows the Members of Congress to follow through with their constitutional duties. The same thing here. We are a special committee. We have sensitive information. So do you have an opinion on how this got out of control and what we need to do in the future about this type of situation?

MR. MORELL: Yeah. Let me say a couple things. That is a very good question. First of all, I think there is some good news here. And that's to show how seriously we take requests from the committee.

MR. RUPPERSBERGER: I didn't want to create --

MR. MORELL: So that's a good thing. Secondly, we really felt that given that four Americans had died, and given that there was a criminal investigation beginning, that these talking points needed to be coordinated, particularly with the FBI and the Department of Justice. And we included others because they, they, they obviously had interests here. So I do think, as ugly as the process was, I do think it was important in the situation to coordinate, particularly with those two agencies. Now, like I said earlier, was this pretty? Was this done well? No. But I do think, sir, it was important to coordinate those outside the building. I will tell you that I do share the DNI's view that maybe we should not be in the business of writing unclassified talking points. Because, because we really -- we really don't know how to communicate with the American people. And that I would feel much more comfortable, much more comfortable with you all drafting what you would like to say and then us looking at it and saying, hey, this is classified, or that's classified, or, you know, this is not consistent with the analytic line at the moment. I would feel much more comfortable doing that. And I am not just talking about Congress in this case. I am talking about with a similar request from the executive branch I would feel much

more comfortable looking at talking points as drafted and providing comments than drafting them myself.

RPTS COCHRAN

DCMN BURRELL

[11:30 a.m.]

MR. RUPPERSBERGER: One more question, because I want to be able to go. What do you think the biggest misconception or misrepresentation in the public arena about the talking points and the Intelligence Community performance was with respect to the Benghazi attacks?

MR. MORELL: That they were politicized.

MR. RUPPERSBERGER: I yield back.

THE CHAIRMAN: Mr. Thornberry.

MR. THORNBERRY: Mr. Morell, thanks for being here. I want to change the subject I guess a little bit. As others have pointed out, there are a number of allegations related to Benghazi, and what I want to ask is from your perspective, and we are going to talk about this more later today, but from your perspective, what was our base doing there and were they facilitating arms going into Syria?

MR. MORELL: So let me first say, no, they were not facilitating arms going to Syria. I can guarantee you that. They were there doing a number of missions. Number one, they were there to collect intelligence on terrorist organizations that were setting up shop in eastern Libya; [REDACTED]

[REDACTED] Those were the three main missions for being there.

[Senior CIA official #6], did I miss anything?

[Senior CIA official #6]: No, sir, you got it.

MR. MORELL: Those were the three main missions for being there.

THE CHAIRMAN: Could you identify yourself for the record, please.

[Senior CIA official #6]: [Senior CIA official #6], Deputy Director of the NCS for FI and CA.

MR. THORNBERRY: Were they monitoring arms that others were sending into Syria?

MR. MORELL: No, sir.

MR. THORNBERRY: No connection to that at all?

MR. MORELL: No, sir.

MR. THORNBERRY: Okay. Let me ask you this. From your understanding, and again we will ask more about this later, were there warnings given to the Ambassador about going to Benghazi on September 11th from CIA or from CIA folks in the country?

MR. MORELL: I don't know. I will ask the folks behind me if they know.

MR. THORNBERRY: That is okay. We will ask more in our afternoon session. I am just trying to go through some of the things that one hears about.

MR. MORELL: Sir, I do know that [REDACTED] regularly briefed the Ambassador at least twice a week and those briefings included our view from both the intelligence and from the analysis of the deteriorating security situation in eastern Libya in general and in Benghazi in particular, but I do not know if there was a particular warning.

MR. THORNBERRY: But to your knowledge, the Ambassador's trip to Benghazi did not have anything to do with CIA missions, priorities, work?

MR. MORELL: No, sir, it did not.

MR. THORNBERRY: Okay. Last question. Based on your review of CIA actions once the attack started going, trying to get people out, could that have been

improved upon? What are the primary lessons you think we can take from that part of this episode potentially for other places in Africa?

MR. MORELL: Yes. That is also a good question and I can come at this two ways. Let me come at it the first way which is, you know, there have been claims that our security officers at our annex in Benghazi were delayed in getting to the temporary mission facility. We looked very hard at those allegations, Director Petraeus and I asked for a very thorough but quick look at that allegation and we did not find evidence to support that. What we found is what you would expect to find.

What we found is that after our security officers got the call to come help, after they had kitted up, got all their gear on and after they were in their vehicles, they were anxious to go. They were very anxious to go. That is what I would hope, that is what I expect of them, and I am happy that they are that eager to get going.

The Chief of Base I pay money and I have different expectations for. My expectations for the Chief of Base is that he thoroughly assess the situation and make a determination about whether to send that team, and, if so, when to send them. And in this case the Chief of Base, and I know you are going to meet with the Chief of Base later, in this case the Chief of Base decided that it would be a very wise idea to try to find some militia in Benghazi who would be willing to go with us, because at that point the Chief of Base had no idea what we were going to be walking into.

I believe that that was a very prudent decision and I believe that that was the Chief of Base's decision to make, and I have not questioned that decision and I don't believe any of my senior officers have questioned that decision. And as a result, I don't believe -- oh, and as the story goes on here the Chief of Base was not able to find any militia who were willing to go with us. So after just a few minutes, essentially nine additional minutes after the security folks were ready to go there was a

realization that help was not coming and that we were on our own and the security officers left.

So I don't believe there was a delay. I think all my officers on the ground acted professionally that night and actually were -- and actually acted with heroism. So I don't have any second guessing of what happened there.

You know, [senior CIA official #6] actually has been in these kind of situations in the field and if you want to take just a minute [senior CIA official #6] can sort of give you a field guide's perspective for what this is like on the ground. Mr. Chairman, I think that might be helpful to the committee.

THE CHAIRMAN: Why don't we go ahead and do it. Come up and take a couple of minutes, [senior CIA official #6]. Most of you if you don't know you should know [senior CIA official #6]. [Senior CIA official #6] is one of the fine case officers in the CIA.

[Senior CIA official #6]: Well, that part I don't think is accurate. I am an average case officer.

THE CHAIRMAN: You are under oath, too, so I had to clarify that.

[Senior CIA official #6]: Sir, Michael made some very important points. A lot of folks that have not been in the situation where they are in charge in an emergency that is in a military situation or a situation involving violence, sometimes they think the decision that that person in charge, that commander is making is just do you go right now or do you not go, when the reality is there is a lot of choices that you can make in that situation, there is a lot of nuance, and the choice you make can have grave implications for a lot of people.

I have been involved. I have had to roll out as part of a response force and I have been part of the decision-making process on rolling out as part of a response

force and I have been the person in charge. And I wish I could tell you I have done it perfect every time, but I haven't. I have been involved in some hasty roll-outs, I have directed some hasty roll-outs, and it is very fortunate that I didn't contribute to making the situation worse.

But I think our chief in Benghazi did the right thing. The situation of violence, you know, partway across town, not a lot of information, knowing that it could be very bad and choosing to develop the situation, try to get a little bit more information and try to get some tactical assistance before having people launch in the direction of the TMF. I have looked at it a bunch of ways. I think he made the right call.

I have seen situations where people rolled out right away and they ended up having to be rescued. I have seen situations where people rolled out right away and they got ambushed on the way because it was part of an enemy plan. I have seen situations where people got lost, vehicles rolled over, and so forth, and instead of coming to the assistance of somebody you actually detracted from the assistance that they were going to get.

MR. MORELL: It has occurred to me that had the Chief of Base sent them the moment they were ready at that 15-minute mark and they had gotten to the TMF and they had all been killed, what I would be explaining to you now is why the Chief of Base was not more careful and did not try to get some help.

[Senior CIA official #6]: So I think he made a good call trying to develop a little bit more information and a little bit more tactical support before rolling out. It is possible to wait too long in those situations, you know. It is a call the person is making at the moment based on a lot of inputs and a lack of information and some bogus information. But I think the chief made the right call, tried hard to gain some advantages so the response team would have better odds of success and better

command of the information situation. That wasn't coming and then they rolled out.

MR. MORELL: Thanks, [senior CIA official #6].

THE CHAIRMAN: Mr. Thompson.

MR. THOMPSON: Thank you, Mr. Chairman. Thank you, Mike, for being here.

MR. MORELL: You are welcome.

MR. THOMPSON: There is a media report that there is an internal CIA review of lessons learned from Benghazi, is that correct?

MR. MORELL: Yes, sir.

MR. THOMPSON: What are the lessons learned?

MR. MORELL: Sir, this is important. It is a great question. So when I was Acting Director I ordered two reviews. I ordered a review of our analysis as it related to Benghazi and what the lessons learned were from that, and I shared that with the committee back I think in January.

I also ordered a second review which was a review of the internal process and our internal performance in putting the talking points together. A draft of that review was completed in January, but given the debates about executive privilege and deliberative process that Mr. Litt was so deeply involved in we put that review on hold, because what I really wanted to do was share it with you all, we put that review on hold.

The truth is that when Bob resolved those issues of executive privilege and deliberative process, we should have turned immediately back to the review, finished it and got it to you. We didn't. When the White House decided to release the emails last week, it was a reminder to us that we needed to finish the review and get it to you, and that is what we are doing right now.

MR. THOMPSON: So you are still in the process of doing that?

MR. MORELL: We are still in the process, but I can give you the preliminary kind of bottom lines. One is what I said earlier, we really shouldn't be in the business of writing unclassified talking points. A second is that when we are in this kind of situation in the future, although we would not like to be, but if we happen to find ourselves, then it really needs to be the substantive experts who are at the center of the coordination process, not officers from the Office of Public Affairs or the Office of Congressional Affairs. It really needs to be the analysts, the substantive experts, who are managing that process. And the analysts who were at the start of the process and at the very end of the process but weren't in the middle, they need to be in the whole thing. Those are the basically the bottom lines of the review.

MR. THOMPSON: Have you started to implement any of those bottom lines?

MR. MORELL: We haven't faced the situation yet again. Nobody has asked us since then to write unclassified talking points --

MR. THOMPSON: You have not explained to folks that this is how we are going to do business?

MR. MORELL: No. I think when we finalize the report we will get it to both you and distribute it internally within CIA --

MR. THOMPSON: That is my next question. Are we going to see it and if so when?

MR. MORELL: I hope you will see it and I hope you will see it very soon.

MR. THOMPSON: I have one other question. There has been a lot of allegations, suggestion, questioning, regarding whether or not your activity in regard to these talking points was done to protect anyone at the White House going into -- you know all the drill. But one thing that hasn't been said, at least not here,

during the time that you were deciding what to do, was there any issue raised regarding how your talking points could somehow damage Secretary of State Clinton in the future years?

MR. MORELL: No, sir.

MR. THOMPSON: So no one said to you you ought to clean this up because if Secretary Clinton decides to run for the mayor of New York or the U.S. Senate or any other office this could hurt her?

MR. MORELL: No, sir.

MR. THOMPSON: Nothing at all.

MR. MORELL: I never heard that.

MR. THOMPSON: Do you know of anyone in any corner of this debate who has suggested that that might be a reason for you to clean this stuff up?

MR. MORELL: I have heard the allegation out there.

MR. THOMPSON: No, I mean when you were doing it.

MR. MORELL: No, sir.

MR. THOMPSON: There wasn't any signals from anybody --

MR. MORELL: No, sir.

MR. THOMPSON: No winks, no nods, no nothing?

MR. MORELL: No, sir.

MR. THOMPSON: Thank you very much. I yield back.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Does CIA know why the Ambassador was there? Following up on Mac's question, why was the Ambassador in Benghazi that day?

MR. MORELL: Sir, I don't know the answer to that question. I don't know if anybody behind me does. I know he had some meetings.

MR. MILLER: Do you ever wonder why he was there?

MR. MORELL: Yes, sir, I wonder why he was there on that date.

MR. MILLER: Victoria Nuland on page 53, this is the section where she says these don't resolve all my issues or those of my building leadership, does anybody know who the building leadership was?

MR. MORELL: No, sir, I don't.

MR. MILLER: Do you ever wonder who the building leadership was? If somebody said the building leadership for CIA, would you expect that would be the Director?

MR. MORELL: Or me. Yes, sir.

MR. MILLER: Okay. Could you read the quote again about extremists capitalizing? Is that too difficult for you to get back in your notes. You read a note from extremists capitalizing on the Benghazi attack somewhere. I am very confused, but it was early on in some of your discussion.

MR. MORELL: Page five of my notes. Yes. So the point I was making, sir, is that the talking points as written by [senior CIA official #1] initially and as finalized were fully consistent with the classified documents and analysis that we had prepared for both senior officials in the executive branch and for Congress. And to try to make that clear what I read was a sentence from a classified document that was produced on the 13th that went to policymakers on the 13th and came to Congress on the 13th and that sentence was "We assess the attacks on Tuesday against the U.S. consulate in Benghazi began spontaneously following the protests at the U.S. embassy in Cairo and evolved into a direct assault against the consulate and a separate facility in the city." And the point I was making was that that sentence from that classified document, from the classified analysis we were doing for policymakers

was entirely consistent with the first and sentences of the unclassified talking points as finalized.

MR. MILLER: And then we get to the -- somewhere in here where we have got the U.S.-U.N. section. I am trying to follow, we talk about the subject line and all of a sudden it goes to the movie, I mean the video. This is on Saturday morning the 15th. We are still holding the line that -- I read this just because somebody is reacting to a protest in Cairo doesn't mean they are reacting to the video.

MR. MORELL: Correct.

MR. MILLER: And I think there is a desire by some, not you, to collectively say because there was a protest, it got over the wall, let's do this in Benghazi.

I think what a lot of folks in my district are asking is why did we keep going back over and over again, and the question that I really have is a lot of the reporting that the CIA was looking at in regard to the protest was being done in the open media. I mean, a lot of that -- and it was from sources that are really not reputable sources. But yet is that all you had at that point was open source reporting from Egyptian newspapers about what was going on?

MR. MORELL: Well, let me say a couple of things, and, one, [senior CIA official #1] will be happy that I actually say this.

MR. MILLER: Good, because [senior CIA official #1] has been shaking [senior CIA official #1] head like this.

MR. MORELL: I just want to say that the CIA, as far as I can tell, and [senior CIA official #1] will correct me if I am wrong, the CIA never side that what happened in Benghazi was a result of the film. What we said was that what happened in Benghazi may have been motivated by what happened in Cairo, and what we meant by that was the protest in Cairo and the guys going over the fence into the embassy.

That is what we meant.

Now, what happened in Cairo was clearly motivated by the film, but we did not ever say or mean to say that what happened in Benghazi.

MR. MILLER: Real quick, and my time has run out and I apologize, but the Director when he was in this room said that it was as a result of that. He even went so far as to say that it had been put into Arabic language and then was put on this TV station, this cleric's TV station. I mean, he drove that in pretty hard when he was in here. That is what kind of confuses me now, is that -- but he did say that in here.

MR. MORELL: Sir, I wasn't here.

MR. MILLER: Yes?

[Senior CIA official #1]: Sir, the Director read directly from talking points that we had also provided him that day and my recollection, having been in the room, was that he too referred to it as inspired by events in Cairo. In talking about the events in Cairo, we did talk about as well that that film had the potential to insight violence elsewhere because it had been translated into Arabic. It was getting some spread. But, sir, my recollection is that he did not emphasize, he did not say that the attacks in Benghazi, the events in Benghazi, were inspired by the video.

MR. MILLER: Okay. My notes, Mr. Chairman, basically said that he said it was translated into Arabic and broadcast, which is what you said, and then I asked him the question did he see Ambassador rise's five appearances on the Sunday morning talk shows and his response was I think no, he had not seen it, which again surprised me. I yield back.

THE CHAIRMAN: Ms. Schakowsky.

MS. SCHAKOWSKY: Mike, I want to ask you, did you feel insulted or diminished by having to take an oath this morning?

MR. MORELL: No, I did not.

MS. SCHAKOWSKY: I wanted to just make the point to the committee and to the chairman and ranking member, you may remember some time ago I had suggested as basically an oversight committee that we ask all of our witnesses on other oversight committees to take an oath before they testify, and I didn't -- I am glad you said what you have said. I think it would be a good thing to do in general.

I wanted to make a couple of points. First of all, so one lesson learned, and Director Petraeus made it himself, this idea don't write talking points, I like the suggestion. I think it is a positive suggestion that if we are concerned about explaining, let us write it and then you send it back. I think it would definitely cut down the time, for one thing. We could do it in real time and say no, don't say this. So I think that is really constructive and I thank you for that.

I just want to say in terms of unfolding facts and how they get reported and how we talk about them, I would say that if you think about Sandyhook, for example, there were all kinds of really wrong things that came out initially; that the shooter was the son of a teacher and allowed in, all kinds of things. In the United States, with all of our law enforcement, things change and evolve. And this week when it came to Oklahoma, they just reduced the number of dead there. So somehow the fact that talking points or statements to the press or reports, public or otherwise, change, is the nature of a confusing and evolving situation of violence, particularly in a place like Benghazi. And I just want to make that point.

The other point I wanted to make, revising talking points. Well, we have talked about the process, how we could improve it. But I know in my own office when we send out a letter or an email in response to many calls that have been coming in, it gets vetted through the staff. One of the staff will write it; my chief of

staff will look it over, make some changes; it will go to me, I will make some changes. So this idea that a document has been amended, revised, discussed, as important as this one, I think is absolutely the responsible thing to do.

I appreciate that you said could it have been done better? I think that is true. Could the final product have been better? Probably true. All those things, and those are lessons learned. But I just want to express my endorsement of the idea that it is not unusual for things like that to be changed. I mean, I imagine that that is true of certainly NIE, that they go through many iterations, lots of input, which I think is a good thing.

MR. MILLER: Will the gentlewoman yield?

MS. SCHAKOWSKY: Yes.

MR. MILLER: We are not questioning the fact they were changed. It is what the motivation for the change was.

MS. SCHAKOWSKY: Well, actually in the public press that there were 20 different revisions, that -- you know, I do think that the quantity of the revisions has, I am not saying in here, but has become an issue when discussing this out in the public, that somehow suggests that something fishy was going on. And I don't think that ever should be the case.

And, you know, so, again on the question of political motivation, is there -- you know, if we keep digging deeper and we have more hearings, are we ever going to find something? Is there a question that could be asked that could reveal that there was some political influence in this whole process?

MR. MORELL: Ma'am, the only thing I can say is that I have seen no information and I know of no information that would suggest that.

MS. SCHAKOWSKY: Thank you, and I yield back.

THE CHAIRMAN: Just to the gentlewoman's point on the oath, this is an ongoing review by the committee, and you and I have had this discussion before, I worry that not every oversight function has to be contentious. This is a review. I think it is important for Mr. Morell. We didn't spring it on him. We also talked to him about the fact that he would be put under oath. But this is I argue a little bit different than the normal oversight function. Again, I don't want to make every oversight function a contentious effort. I don't know if -- this committee has a bit of a unique position here. As part of the investigation, doing the review of the documents, having his clarifying testimony today, we felt it was important to do that.

MS. SCHAKOWSKY: I would emphatically disagree and don't think that reflects contentiousness. I just think it is proper procedure.

THE CHAIRMAN: We will respectfully disagree. We agree on so much.

MS. SCHAKOWSKY: We do.

THE CHAIRMAN: Mr. Conaway.

MR. CONAWAY: Thank you, Mr. Chairman.

Michael, thanks buddy. I appreciate your being here. I had a packet of 11 pages which appear to be a step by step on how the talking points from went from where they started to where they wound up. Have you got that?

MR. MORELL: Yes.

MR. CONAWAY: The last one dated on Friday is 8:59. They appear to be relatively stable throughout that afternoon. There is the reference to al-Qa'ida is taken out. Is everything that went up to the 8:59 version, is that all internal to the CIA? You guys are doing that, or is there outside input?

MR. MORELL: No. So the 8:59, I believe --

MR. CONAWAY: Page 8. And that is the first major one where we strike out

the Ansar al-Sharia. Who struck that paragraph?

MR. MORELL: No. So there were external changes to what is on page 8. So there is an FBI change in the second bullet.

MR. CONAWAY: Okay. Who deleted the third bullet?

MR. MORELL: And State Department asked that the Ansar al-Sharia material be removed.

MR. CONAWAY: Any reason why?

MR. MORELL: And we agreed.

MR. CONAWAY: Say again?

MR. MORELL: And we agreed.

MR. CONAWAY: I know. But why did they want it out? Was it inaccurate?

MR. MORELL: There was a couple reasons. One is, again there was a desire not to prejudice the FBI investigation by getting out --

MR. CONAWAY: State is asking you that, not FBI?

MR. MORELL: State asked us that.

MR. CONAWAY: Essentially they have gone to bath for FBI at this point? Anyway, then the next morning we have one at 9:45, and that is where the bulk of the changes looked like they happened.

MR. MORELL: And that would be me.

MR. CONAWAY: So these are your changes at 9:45?

MR. MORELL: Yes. On page 9, right.

MR. CONAWAY: Okay. There was a report --

MR. MORELL: I can walk you through, if you want. I can walk you through every single one of you.

MR. CONAWAY: No, that is all right. As long as you made them. I trust

you were motivated simply because you wanted to get it right, not because of any external contact. I got that. You are an honest broker. I am fine.

What was the CIA's role in vetting the February 14th or whatever that security team was around the State Department's facility? Did you have a role in vetting those guys?

MR. MORELL: Yes. Let me say a couple things and then ask [senior CIA official #5] if [senior CIA official #5] wants to add anything. So we did not, CIA did not have a contract with February 17th.

MR. CONAWAY: Wrong country. February 14th is a different country.

MR. MORELL: We did not have a contract with them to provide security to us. We did occasionally work with them and the people we worked with we vetted. The State Department folks also worked with them, and we did not vet all of those people. We only vetted the ones that State Department asked us to vet. So occasionally State Department would say could you vet this person or this person, and when they asked, we did, but we did not do it as a general rule.

MR. CONAWAY: So the accusation in this article yesterday or the day before that there was an intelligence failure at the CIA's feet, and that was the fact that these security folks didn't perform the way they were supposed to and you guys didn't vet them all on behalf of State and all that kind of stuff, you just simply weren't asked to do that.

MR. MORELL: Correct.

MR. CONAWAY: And as a normal part of the overall country security, State is responsible for asking you for that kind of help.

MR. MORELL: Yes. [Senior CIA official #5], did I get that right?

[Senior CIA official #5]: No, you got it exactly right.

MR. CONAWAY: In this instance State did not ask you either for the February 17th group or the other ancillary groups that were unarmed and kind of wandering around. That is not an intelligence failure in your minds.

[Senior CIA official #5]: That is correct. In one or two individual instances if they asked us to we would check to see if we had any specific information or there was information on cell phone calls, but it was not our responsibility nor did we make that promise to them.

MR. CONAWAY: All right. Thank you. I appreciate it. Michael, thanks for being here, buddy. I yield back.

THE CHAIRMAN: Mr. Schiff.

MR. SCHIFF: Thank you, Mr. Chairman. Just a couple of quick points. The first is this whole incident confirms what we have learned on this committee and that is that Dutch Ruppertsberger creates a lot of mischief. I think that is the first conclusion.

On a more serious note, I just want to say, express my view that I think it is very unfortunate in the political fight between the two parties that the CIA and much of the IC has ended up getting burned when I think you were doing your job, and while the talking points certainly weren't perfect, I have never seen any evidence of any malice or desire to distort or mislead or politicization of the process. And I think it is really regrettable that the IC has been dragged through the mud the way it has.

I just have a couple of questions. One is prior to the release by the White House of the 99 pages of emails, those emails were shared I guess with a couple committees. Do you know which committees those were shared with?

MR. MORELL: Bob, can you? Bob Litt.

THE CHAIRMAN: Would you give your name and title for the record.

MR. LITT: I am Bob Litt. I am the general counsel for the Director of National Intelligence. Those emails were shared with this committee and the Senate Intelligence Committee. They were shared in slightly different form than they were publicly released. You saw a slightly more completion version because there was some information redacted out of the public release to protect individuals names and there were a couple of classified items.

MR. SCHIFF: They were shared with committee members or committee staff?

MR. LITT: They were shared with members, and for each committee my recollection is it was staff directors plus two staffers for each party and leadership staff as well.

MR. SCHIFF: Leadership staff of --

MR. LITT: Of the House and the Senate.

MR. SCHIFF: Of the full House and the full Senate.

MR. LITT: Yes.

MR. SCHIFF: And those staff members were able to take notes on the emails but not actually get copies of them?

MR. LITT: That is correct.

MR. SCHIFF: I ask this because obviously some of those were leaked and some of them were leaked inaccurately. Okay, that is very helpful.

Mr. Morell, you mentioned, and thank you for the very detailed and candid description of the chronology, in terms of removing the prior threat information I think you mentioned that you reached that conclusion independently as well, and I thought you said for a couple reasons. One was you thought it was unfair to mention the threat information without mentioning what State had done in response to it. Was

there another reason you had mentioned the connection? I couldn't recall.

MR. MORELL: Yes, there was a second reason which I was concerned that we would create the impression that CIA had warned about this particular attack in Benghazi when we in fact had not.

MR. SCHIFF: I see. Let me diverge from the talking points because frankly I think we spent way too much time on that and way too little time on hearing from you about how we are doing in terms of identifying those that were responsible for killing our people. Can you give us the intel community's perspective on where we are? There was a press report of five people of interest. There were obviously the three photographs that were disclosed by FBI.

MR. MORELL: If I could just ask both Bob and [senior CIA official #1] maybe to talk about sort of what we are doing to support the FBI because they are really in the lead here. I don't know which one of you --

[Senior CIA official #6]: Do you want to go first.

[Senior CIA official #1]: Sorry. Just a second to find my notes. I want to make sure of the exact number of times we have visited.

[Senior CIA official #6]: Nineteen. Why don't I talk about the support to the FBI first.

As you can imagine, we are trying very hard to generate leads, assist the FBI, identifying people involved in the attack and the deaths of our folks because the support to the FBI is so important and because we lost our people and because we don't want the perpetrators to be able to do something like it again. Since the attack, CIA has put out about 200 formal intelligence reports, raw intelligence reports related to the attack.

MR. SCHIFF: Instead of, because I have very little time, kind of generically

answer your excellent questions than unfortunately we are at this moment.

[Senior CIA official #1]: If I could add, I am sorry, one last thing, sir. I would recommend to the committee there was a wire article that was published on 28 March

[REDACTED]

MR. SCHIFF: You said 28 March.

[Senior CIA official #1]: Yes, sir. We continue to look to update it. That is a comprehensive list that was published in the wire. There are no new editions, I checked this morning beforehand. So that was published on 28 March.

MR. SCHIFF: I would just ask, Mr. Chairman, if the FBI is willing, if they can without compromising the investigation, I would love to learn, I think maybe others would too, where we are in the hunt for these people.

THE CHAIRMAN: It is an intelligence-based investigation at this point so they can and have the responsibility to come up and talk to us. So we can open it up to a broader group of members. We will do that at our earliest convenience.

Mr. LoBiondo.

MR. LoBIONDO: Thank you, Mr. Chairman.

Mike, thank you. [Senior CIA official #6], thank you. Mike, how many of your officers were evacuated that needed medical attention and are they still getting medical attention?

[Senior CIA official #5]: In addition to the killed in action, we had one seriously injured officer.

[REDACTED]

MR. LoBIONDO: So these reports of 8, 10, 12 people at Walter Reed, are they folks who were there but not CIA folks, or you don't know?

[Senior CIA official #5]: Well, that number is much higher than any I know. There is a State Department officer who is also injured, the security officer that was at the temporary mission facility that came with us and fought with us at the Annex. He was seriously injured and he also is still receiving medical treatment. But I believe it is outpatient as well, you should check with the State Department. But the numbers are not 8 to 10.

MR. LoBIONDO: Okay. And did you have officers that were not injured but were there firsthand accounts and then evacuated that are back here now?

[Senior CIA official #5]: I don't know where all the officers that were there are. Most of the security officers have been redeployed. For example, our team lead that was in Benghazi is [REDACTED]. So they are all back in service. We don't have folks that are not back in service. I just don't know where they all are.

MR. LoBIONDO: If they would have been asked to come before this committee, would there have been any move to stop them from doing that?

MR. MORELL: No.

[Senior CIA official #5]: No.

MR. LoBIONDO: Okay.

THE CHAIRMAN: And I want to make clear that some of those officers have made themselves available to the committee. And we couldn't work it out for this afternoon, but they are coming up to testify. But part of it is some expressed an interest not to get dragged into this, and I respect that and I won't call them if they

don't want to be called.

[Senior CIA official #5]: But we have made no move.

MR. LoBIONDO: I understand that. You explained a lot about how this was unfolding and the decision by the Chief of Station to see if there was additional help before moving people and so on and so forth. Was there a request made for a rapid response team to be moved in from your folks or from Chief of Station that -- there are reports that there were requests made for help from outside of Libya or outside of Benghazi that folks were told to stand down, we are not sending additional help. And we know that, I don't know how many hours this went on, there is strong speculation that maybe not initially, but by the latter end of this mess there could have been help on the ground.

Did the CIA make that request and can you talk about that being denied or how that was handled?

[Senior CIA official #5]: So as far as the actions in Benghazi, everyone in Benghazi was focused on responding to the mission facility. And then when we were back at the Annex there were activities going on in Tripoli to both get the aircraft there with the additional support from Tripoli station. [REDACTED]

[REDACTED]. We have no requests that we made that were denied. I think we have discussed in several venues the limitations of the access that the Department of Defense could provide to us. But as far as requests that were denied or orders to stand down, in no conversation with our office do I have that information.

MR. LoBIONDO: So these reports that we have received that help possibly could have been on the way at least at the latter end of this, CIA was not involved with that. That was somebody else?

[Senior CIA official #5]: I can't speak to those reports. Of the activities in

which we were involved to bring as much help as was reasonable to bear in the time frame we had with the assets available, we are confident in the actions that were taken at the time.

MR. MORELL: So nobody has come to me, Congressman, and said I asked for help that didn't come, and I haven't read that anywhere either.

MR. LoBIONDO: Okay. Mike, thank you very much.

MR. MORELL: You are welcome.

THE CHAIRMAN: Mr. Himes.

MR. HIMES: Thank you, Mr. Chairman. And Mr. Morell, welcome. Thank you for being here. I am new to the committee. We haven't met before. I don't have a lot of questions, but maybe one or two. Being on this committee has been terrific. I have been stunned by the competence of the people in the IC and pleasantly surprised by the bipartisan quality usually of the work that we do here. I am disconcerted frankly by this hearing today. It is not at all a mystery what is happening today. You have been enormously forthcoming.

We had a report by Ambassador Pickering and Admiral Mullen. I can't think of people more respected and apolitical than the two of them. It was hard hitting and did exactly what you did, which was identified some shortcomings in how this was handled. We had a situation of great chaos in which nobody possibly could have known what was going on and an intense desire from us and from the American people for information, and you have been very clear that at no point in time were you put under any political pressure. But that is not enough. That is not enough because this is a political moment and some of my colleagues, despite the facts and despite very clear testimony on your part, will, particularly in the context of new revelations if there is pretty outrageous behavior by the IRS, look to just keep this

going, keep this going. Keep this narrative going that this is an over-politicized White House, that they will stop at nothing to advance their political ends. And there is not a shred of evidence out there that suggests that is true, but we will be back because that narrative is pretty important to some people.

And I associate myself with the comments of Mr. Schiff. It is not just that your agency and the IC with which I have been startlingly impressed has been dragged through the mud, but I have to assume that the testimony today apart, from having some of the most senior people in the CIA, probably took several hundreds of hours to prepare, and those were hundreds of hours in which you were not hunting terrorists or paying attention to North Korea or to China or to Iran. So I very much hope we can move beyond this and acknowledge that there were lessons learned and get back to the business of national security.

I guess my one question is we haven't touched much on the question of what institutionally you have done to rethink the cost-benefit, the policy, if you will, as to where you put outlying bases. And I assume this is not just a Benghazi problem. I assume you think about this in terms of Pakistan and Iran and plenty of other dangerous places.

So could you just describe what are the lessons learned and how are you rethinking the cost-benefit of both your presence but also the assets, the security assets and whatnot that are put in place against those?

MR. MORELL: Sure. So we did a number of things after Benghazi. One thing that I did as Acting Director was we have something called a war zone board that meets monthly and looks at security issues among other things in war zones, and I asked that that board expand its writ to not only include [REDACTED]

[REDACTED], and there are a handful of those. So the war zone board now looks at those very, very closely.

Two, the second thing I did as Acting Director was to ask for a weekly update on the security situation, threat situation at each of our facilities that are [REDACTED]. And I get that every Friday, the Director gets that every Friday. It walks through the mission of the facility, why we are there. It walks through the value of what we get out of that facility in terms of intelligence. It walks through the threat. It walks through the trend in the threat. It walks through whether there is any credible immediate threat information. It walks through the security posture. It walks through a whole set of things that I pour over every weekend to make sure that our security is the best it can be.

The third thing we did was we --

MR. HIMES: I am sorry, I am running out of time. Just one question. Has this new process and the things that you have put in place, has it actually caused a change in footprint?

MR. MORELL: It has not caused a change in footprint, but it has caused a change in terms of upgrading security at a number of facilities.

MR. HIMES: Great. Thank you. I yield back.

THE CHAIRMAN: Mr. Nunes.

MR. NUNES: Thank you, Mr. Chairman.

Mr. Morell, I want to talk about the YouTube video just for a second. When was the first HUMINT or SIGINT raw intelligence report that you received in from any country around the globe regarding the YouTube video, that your officers, case officers, assets, SIGINT, NSA.

MR. MORELL: I think we will have to take that for the record, sir. I don't

know.

[Senior CIA official #1]: Sir, if you are speaking of the actual existence of the video, is that the --

MR. NUNES: I am talking about a YouTube video saying let's all go out and protest and invade embassies and attack embassies because of this video.

[Senior CIA official #1]: Yes, sir. It was on the 9th, I believe, sir, the 9th or the 10th, I will double-check the date, we had individuals in the Counterterrorism Center who discovered a reference to the video and the call for a protest at Cairo. That was indeed, sir, the cable that we sent out to [REDACTED] Cairo the day before warning that we had seen this video or that we had seen the calls based on this video for a protest at the embassy in Cairo. So I believe that was the first we had seen of an actual inciting something to happen at the embassy.

MR. NUNES: Can you provide that to the committee?

[Senior CIA official #1]: The cable, sir? I believe it has been provided, but we can do so again.

MR. NUNES: Okay. I haven't seen it yet. Mr. Morell --

THE CHAIRMAN: Excuse me, all those materials are open for review for any Member at any time. Just make sure you -- Darren is the deputy. We have all these materials.

MR. NUNES: Mr. Morell, [REDACTED]

MR. MORELL: Well, it does two things, sir. It collects intelligence on their plans, intentions and capabilities --

MR. NUNES: [REDACTED]
[REDACTED]

MR. MORELL: [REDACTED]
[REDACTED]

MR. NUNES: Okay. [REDACTED]
[REDACTED]

Why is the FBI involved?

MR. MORELL: This is an investigation into who killed four Americans. And as the chairman pointed out, it is an intelligence investigation at the FBI, which means that when the FBI comes to a conclusion about who did this, all the options will be open to the President about how to respond.

MR. NUNES: It sounds like you are not involved in developing any intelligence on these terrorists.

MR. MORELL: What [senior CIA official #6] was trying to brief earlier was all the things that we are doing to assist the FBI in their investigation, and those things are extensive, including multiple, multiple trips to Benghazi so that the FBI is able to collect --

MR. NUNES: But aren't you better suited? I mean, you guys have been doing this now for over a decade. [REDACTED]
[REDACTED]

MR. MORELL: Sir, we don't investigate the deaths of Americans. The FBI does that.

MR. NUNES: But these are terrorists and we are trying to track terrorists.

MR. MORELL: We are working as hard as we can to try to collect intelligence that we can provide to the FBI to assist in its investigation, but it is the FBI who is actually doing the investigation.

MR. NUNES: Okay. The weapons, you mentioned there were weapons at the Annex.

MR. MORELL: Yes.

MR. NUNES: What kind of weapons were there?

[Senior CIA official #5]: [REDACTED]

MR. NUNES: These are weapons for the people there, for our folks?

[Senior CIA official #5]: That is right. That is exactly right.

MR. NUNES: GRS.

[Senior CIA official #5]: GRS.

MR. NUNES: Okay. But you also mentioned [REDACTED] were there?

MR. MORELL: What I said was in answering the question about what the mission was of my people there, [REDACTED]

MR. NUNES: [REDACTED] ?

MR. MORELL: Absolutely. [REDACTED]

MR. NUNES: [REDACTED] --

MR. MORELL: [REDACTED]

MR. NUNES: [REDACTED]

MR. MORELL: Um-huh.

MR. NUNES: GRS or case officers? Who does that?

MR. MORELL: Sir, I don't know exactly how that works.

[Senior CIA official #6]: [REDACTED]

MR. NUNES: So any story that comes out about -- there were never any weapons that left that facility that were sold or got into the hands of anyone. [REDACTED]

MR. MORELL: Correct. Correct.

MR. NUNES: Never any weapons that left?

MR. MORELL: Correct.

THE CHAIRMAN: I think there is confusion here. [REDACTED]

[Senior CIA official #6]: [REDACTED]

RPTS JOHNSON

DCMN BURRELL

[12:25 p.m.]

THE CHAIRMAN: [REDACTED]

There may be an

exception, but that was not the rule.

[Senior CIA official #6]: Right. [REDACTED]

MR. MORELL: [REDACTED]

MR. NUNES: [REDACTED]

MR. MORELL: Fully coordinated.

MR. NUNES: [REDACTED]

MR. MORELL: Because we had access to parts of the country that they did not have access to.

MR. NUNES: [REDACTED]

[Senior CIA official #6]: [REDACTED]

MR. NUNES: [REDACTED]

MR. MORELL: Yes, sir.

MR. NUNES: [REDACTED]
[REDACTED]

MR. MORELL: Correct. Correct.

MR. NUNES: Okay. I yield back.

THE CHAIRMAN: Ms. Sewell?

MS. SEWELL: Thanks so much for your testimony today. As a new member of the Intel Committee, I actually wanted to just go back to the basics, motivation. Is it fair to say that at the time of the writing of the talking points that you all didn't really know what was motivating this attack? Because so many different things came out. Was it the movie? Was it in commemoration of 9/11? And I just wanted to understand at the time of writing of the talking points you were unclear of the motive of this attack?

MR. MORELL: There was some intelligence, there was a couple of intelligence reports that spoke to motivation. I don't know if that, [senior CIA official #1], came in before or after the talking points.

[Senior CIA official #1]: Ma'am, as we wrote in the talking points, we were not o'clear on the motivations of all of the individuals involved in the attack.

MS. SEWELL: Right.

[Senior CIA official #1]: We did have intelligence reporting. So beyond press, we had intelligence reporting that came in prior to the talking points being written of individuals associated with al-Qa'ida [REDACTED] were going to go join the brothers who were already -- who were taking advantage of a protest --

MS. SEWELL: Right.

[Senior CIA official #1]: -- to commit an attack. We had intelligence of

individuals [REDACTED] were, like had happened in Cairo, they were going -- so we did have [REDACTED]

[REDACTED] But we did not know motivations, nor do we still know the motivations of all the individuals --

MS. SEWELL: I was going to ask you what do we know now?

[Senior CIA official #1]: -- still involved in the attack.

MS. SEWELL: What do we know now? Do we feel like we have a better conclusive reason for why the attacks occurred?

[Senior CIA official #1]: Ma'am, we still, and I believe that we will not know the motivations of those involved until indeed individuals are detained for us to do that effect. [REDACTED]

MS. SEWELL: Right. Well, Mr. Morell, do you know was there any discussion at the Deputies meeting about who would actually be on the Sunday morning talk shows? Like did you know that Susan -- that Ambassador Rice would be the person doing all the talking?

MR. MORELL: So two points here. One is no discussion at the Deputies meeting about who was going to be on the Sunday talk shows. And the second point, which has been kind of lost in this whole thing, is when we were preparing the talking points we had no idea --

MS. SEWELL: Who would ultimately --

MR. MORELL: -- that Susan was going to go on the Sunday shows. And we thought we were just doing the talking points for the committee.

MS. SEWELL: And so there was -- was there any discussion about providing

to Ambassador Rice the same talking points that the committee would have?

MR. MORELL: No, because obviously we didn't know she was going to be on. So, no.

MS. SEWELL: In hindsight being 20/20 vision, you have talked about sort of lessons learned.

MR. MORELL: Yes.

MS. SEWELL: It would be helpful to me just to hear you personally, hindsight being 20/20, would you do the same thing that you did?

MR. MORELL: Yeah. Great question. You know, I am the kind of person who is harder on himself than any boss ever has been. And so I have asked myself this question over and over and over again. And I think institutionally there are things that we could have done differently. And I have talked about some of them. I think the one thing that I would have done differently, looking back on it, is when I got the talking points to edit on that Saturday morning, what I should have done, which is what I normally do, which is get all the experts around my table and go through it line by line by line by line and ask questions like this doesn't make any sense. What does this mean? What does that mean? Why are we saying this? Isn't this classified? I didn't do that. I probably didn't do that because we were in a rush. I probably didn't do that because it was family day, and there were people flowing through my office and I was supposed to be greeting them. But in retrospect, I should have done that. And I think that might have made a difference.

MS. SEWELL: Fair enough. I yield back, Mr. Chairman.

THE CHAIRMAN: Thank you.

Mr. Westmoreland.

MR. WESTMORELAND: Thank you. Mr. Morell, on your sequence here of

all the different changes that were made, the last one on page eight, 8:59 p.m. on the 14th, and then if you go to 9:45 a.m. on the 15th, 9/11, you can see the changes there. I have a copy of a 14 September where the changes has already been made. You can see the -- I don't know if you have this. It is actually on page 63 of --

MR. MORELL: Yes. What you are looking at there on page 63 are my, my edits. That is my hand.

MR. WESTMORELAND: These are your edits?

MR. MORELL: That is my hand.

MR. WESTMORELAND: Okay. This is your hand. And I am assuming --

MR. MORELL: Those are the people who I told my Executive Assistant to send it to --

MR. WESTMORELAND: Okay.

MR. MORELL: -- for coordination.

MR. WESTMORELAND: Which does include Ben Rhodes and Jake Sullivan.

MR. MORELL: Yes, it does.

MR. WESTMORELAND: Okay. What time of day was this on the 14th of September? Because this is the final talking points, even though on the 15th it goes through some more changes.

MR. MORELL: Yeah. So the unedited version of what you are looking at was produced late on the night of the 14th.

MR. WESTMORELAND: After 8:59, I am assuming?

MR. MORELL: At some point, yes. But there was still disagreement between State Department and other folks. There wasn't agreement yet. So I got that draft on Saturday morning and I made those edits on the 15th even though it was

a draft from the 14th.

MR. WESTMORELAND: Okay. So you actually made the changes on the 14th --

MR. MORELL: 15th, sir.

MR. WESTMORELAND: -- and you kind of overrode or went along or evidently sent your stuff to the State Department and they said that's fine.

MR. MORELL: I agreed with State Department's concerns, yes.

MR. WESTMORELAND: Okay. But you actually made the changes. It wasn't the State Department. Correct?

MR. MORELL: Correct.

MR. WESTMORELAND: Okay. You mentioned earlier in your testimony that the unclassified talking points matched the classified talking points. Did you not say that?

MR. MORELL: I didn't say matched. I said were consistent with.

MR. WESTMORELAND: Were consistent with. Okay. Well, if you look at the WIRe, and I don't know what the WIRe is, but as of 13 September --

MR. MORELL: Yep.

MR. WESTMORELAND: -- if you look at what it says, it says, "We assess the attacks on Tuesday against the U.S. consulate in Benghazi began spontaneously following the protests at the U.S. embassy in Cairo, and evolved into a direct assault against the consulate and a separate U.S. facility in the city. Extremists with ties to al-Qa'ida were involved in the attacks [REDACTED]." So this is a classified that you sent, but yet the unclassified that we got you had taken the al-Qa'ida out. Correct?

MR. MORELL: Not me personally, but CIA, yes.

MR. WESTMORELAND: But CIA did.

MR. MORELL: Yes.

MR. WESTMORELAND: But you don't know who in the CIA did.

MR. MORELL: It was done in this group coordination session that I discussed earlier with my officers from Office of Public Affairs and Office of Congressional Affairs.

MR. WESTMORELAND: But they had taken it -- they took it out. But on November the 15th, as you testified when we were having a hearing and you were sitting next to Mr. Clapper, you said the reason you didn't say anything is because --

MR. MORELL: I didn't know at that point who took it out.

MR. WESTMORELAND: Okay. So you didn't know at that point?

MR. MORELL: I did not know at that point, sir.

MR. WESTMORELAND: Okay. So it was taken out, and you had gone through this progress of stuff on September 14th, and when al-Qa'ida got taken out you didn't know who had done it. It just happened, although you were the ones -- you were the one kind of making the final decision on what was going to go out.

MR. MORELL: Correct. But I didn't know, I had no idea -- I didn't have this package in front of me that showed all the changes that had been made to that point. I only had that final version.

MR. WESTMORELAND: But you knew that the CIA had made it. You just didn't know who.

MR. MORELL: No, sir, I did not know that the CIA had made it. It could have been any number of folks in the interagency who had coordinated.

MR. WESTMORELAND: Okay. But you don't have any reason why the

people that you sent the classified version to, which is, you know, the classified is supposed to be the real deal kind of thing, why they left out extremists with ties to al-Qa'ida when they were informing the American people what had happened.

MR. MORELL: My officers took out the reference to al-Qa'ida.

MR. WESTMORELAND: For the unclassified.

MR. MORELL: For the unclassified.

MR. WESTMORELAND: The classified had it in.

MR. MORELL: Classified had it in.

MR. WESTMORELAND: So you don't have any idea why when the White House and evidently State Department and all of that had the classified, where it mentioned extremists with ties to al-Qa'ida, that they just didn't want to mention it, or they wanted to use the unclassified talking points?

MR. MORELL: I can't -- sir, I can't speak to sort of what their motivation was.

MR. WESTMORELAND: I understand.

MR. MORELL: Yeah.

MR. WESTMORELAND: But I mean it was classified. So you did believe it. But you wanted to take it out of the unclassified. And I am just assuming that was the reason you wanted to take it out of the unclassified wouldn't have anything to do that you were wanting them to correspond to what the administration or State Department had failed to mention.

MR. MORELL: That is correct, sir. We did not.

MR. WESTMORELAND: I yield back.

THE CHAIRMAN: Mrs. Bachmann.

MRS. BACHMANN: Thank you, Mr. Chair. Thank you, Mr. Morell, for giving us all the information today. One thing I wanted to do, as I was just looking through

some of my notes, and I just wanted to back up what Mr. Miller was saying. When we asked that question about General Petraeus coming in and what we were told as a committee, the events happening on Tuesday the 11th, we had a very, very short brief from someone on the -- it would have been the 13th, on Thursday. We got virtually no information in that brief. That's the first time that we spoke with anyone. There was just nothing. We knew more from watching TV than we did from that brief. Then on Friday, that's when General Petraeus came in and talked to the members.

MR. MORELL: Correct.

MRS. BACHMANN: And I can corroborate what Mr. Miller was saying, that in part of what we were told by General Petraeus is that the video was a part of it. And so that is part of what we heard at that point. And part of what he told us is that some had hijacked the clip. That was the first indication that anyone had. It was the day, September 10th, before the clip was translated into Arabic, it was put on TV, Egyptian TV. On the day of demonstration it went viral with modern social media. So that's part of what we were told. And that's why Mr. Miller isn't just making this up, we were -- this is part of what we were told. We were given a lot of information by the General. But that I just want to say as members, that's information that we received. The strong impression we were given is that it was the video that was pushing this. Because again, if you remember, we were told over and over again that the State Department had issued a statement 6 hours before the protests started in Egypt, and they had issued a statement denying any involvement, denying any U.S. involvement in the clip. And so the clip was given very high priority. It was given a lot of credibility. And so that is something that we took in that we were given, this idea of the clip.

Now, why do I bring that up? The reason why I bring that up is because a report apparently, a work product is written from the Intelligence Community on September 13th, if I recall what you told us.

MR. MORELL: Uh-huh.

MRS. BACHMANN: That you had a work product on September 13th. And in that, you wrote that the attacks on Tuesday began spontaneously following Cairo, and it evolved from there. That extremists capitalized on the Benghazi protest. That seems to me -- let me ask you a question first. When that report was written, did the analysts contact the people on the ground to speak to them? For instance, you know, we had heard testimony from Mr. Hicks, Mr. Thompson, Mr. Nordstrom in the Oversight Committee. Mr. Hicks I believe said he was the first one who answered the phone when he said it was an ordinary day, and he answered the phone, and all the events began transpiring. Did the analysts talk to the people who were on the ground who got the initial call?

MR. MORELL: No, ma'am.

MRS. BACHMANN: Okay. The reason why I ask that is because in the testimony that came out before the Oversight Committee it was very clear, when he was asked the question by members were there any protests on the 11th in front of the mission in Benghazi, no, there weren't. Would you have known if there were any protests out there? Yes, we would. If you would have known about it, would that information have been transmitted to the Ambassador? Yes, it would have. Clearly, the testimony that came across is that -- and again I don't mean to interpret the witness, and I stand corrected if anything I am saying is inaccurate -- but it seemed as what he was saying is there were no protests in front of the mission on September 11th in Benghazi. There was no indication of it. And so that's what we

have been told by the people on the ground. And yet on September 13th there is an intelligence work product that has a very different view of what those events were. And we as a committee are given a very different view as well on the 14th.

So it just seems to me, and I don't mean to use a pejorative term, but it just seems to me that this was an intelligence failure after the fact in the work product, that we were not given accurate information about what happened in the immediate lead up and what happened on that day. And that seems to me important that we do get accurate information. Now, I realize there is a lot of different views and a lot of different opinions. But that seems like it is important information that we should have. And some of this seems like it really has changed and danced around.

And so anyway, I just want to put that out. I think that that's important. Let me also ask, with whatever time I have left, you had said that you learned later, not November 14th when you were here in front of this committee, you learned later that someone removed the words "al-Qa'ida" from the talking points. Do you know now who that person was?

MR. MORELL: I don't know who the person was. I know who -- what the group was comprised of, but I don't know. And it was a group, it was a group effort. So I don't know if it was one person who made the decision or --

MRS. BACHMANN: Did it come from the White House from the national security team?

MR. MORELL: It didn't. It came from --

MRS. BACHMANN: Did it include Mr. Brennan?

MR. MORELL: No, ma'am. No, ma'am. It came from inside this group at CIA.

MRS. BACHMANN: Would you give us the list of who was there?

MR. MORELL: Yes.

MRS. BACHMANN: Okay. I would like to have that. Also, let's see. You said that February 17th Brigade did not deal with your security. Right?

MR. MORELL: We did not have a contract with them for them to provide security services to us. That is correct.

MRS. BACHMANN: Okay. So let me just go back to what I began with when I asked about speaking with Mr. Hicks, Nordstrom, or Thompson. Is that standard operating procedure within the CIA not to speak to the people on the ground who would have direct knowledge of the situation?

MR. MORELL: It is, ma'am. It is. It is. And I think this is important. You know, there is a number of reasons why. The most important being we train our analysts to only use disseminated information in forming their analysis. And there are very good reasons for that. If our analysts pick up the phone and call people and interview them and talk to them, the chances are very, very high that the information that they get is going to be incorrect, slightly wrong. It is very important that officers in the field put their information down on paper. Because when you put your information down on paper it is much more accurate than oftentimes what you say. So that is one very, very important reason. The second reason is I don't want my analysts calling my collectors in the field and asking them questions because my collectors have collecting to do. And if analysts are calling them all the time they are not going to be able to do their job. And then the third reason in this case was that the CIA picking up the phone and calling witnesses to a crime would have put us in a difficult position vis-à-vis the FBI and its investigation.

MRS. BACHMANN: That's informative. It is very helpful to know, and I appreciate it.

Can I just say one thing for the record? And I know we are over. I just want to make one comment for the record. All I want to say very briefly is that it was said in here a little bit earlier that the CIA never said Benghazi was a part of a Cairo protest and of the video. And we were given just the opposite message by the Director of the CIA on the 14th.

MR. MORELL: Yeah. Ma'am, what I -- I don't know what the Director said. But what I do know is what our analysts thought. And what our analysts thought, based on intelligence information, was that some of the people in Benghazi who had stormed the temporary mission facility were inspired by what they saw in Cairo, which were people protesting and going over the fence to our embassy in Cairo.

MRS. BACHMANN: Yes, but again, I want to state that is what the analysts said, but the CIA Director told this committee on Friday something very different, which is that that was a direct contributor.

MR. MORELL: And [senior CIA official #1] told us earlier that that's not [senior CIA official #1]'s recollection of what the Director said.

MRS. BACHMANN: And that is my recollection and Mr. Miller's, and I have contemporaneous notes. And just for the record. And thank you for your patience, Mr. Chair.

THE CHAIRMAN: Mr. Heck.

DR. HECK: Thank you, Mr. Chairman, and thank you, Mr. Morell, for your perseverance in giving the last man on the totem pole an opportunity to ask questions.

MR. MORELL: You are welcome, sir.

DR. HECK: Look, I have reviewed just about everything there is to review. In fact, I just spent the hour before this meeting rereviewing it. And I will associate

myself with the introductory comments of Mr. Schiff. I see no malicious intent on the part of the CIA in any of this process. And I appreciate the detail that you have revisited the incident. And really I look at it, it is unfortunately I think a tragic comedy of errors that brought us to where we are. And in your goal to be ecumenical in how this process evolved, you actually took what probably could have been very simple talking points for the HPSCI into what we are talking about today. And I think part of it goes to the fact that as you have talked about the changes that were made internally in the CIA, where [senior CIA official #1]'s initial draft were chopped on by Congressional Affairs and Public Affairs, and not folks that are analysts, I think there is a different lens when you are talking about Congressional Affairs and Public Affairs in how you try to word things --

MR. MORELL: Yes.

DR. HECK: -- for public consumption.

Now, we have been over your handwritten edits. And I know your role was clearly underscored in an email from USUN to Ambassador Rice where they reference the SVTC, and quote, "you were going to take a heavy hand in editing." And there was an email from the DI on September 15th at 9:45 asking for internal coordination of your edits. And then an email, I am assuming that you are M-I-C-H-A-E-J-M.

MR. MORELL: Yeah, not any more because -- I was at the time, but that has now been changed because everybody in the world now knows my email address.

DR. HECK: I just wanted to make sure I had the right handle.

MR. MORELL: You got it.

DR. HECK: But your email on September 15th at 11:08 --

MR. MORELL: Yes, sir.

DR. HECK: -- from you to the IC saying, "Per discussions at Deputies, here are the revised TPs for HPSCI. Let me know what you think."

MR. MORELL: Yep, that's me.

DR. HECK: So you have answered the questions already about what went on at the Deputies meeting, that there really was no discussions or conversations, just kind of an after the fact --

MR. MORELL: Yes, sir.

DR. HECK: Now, interesting, the final talking points that were issued were identical to your edits with the exception of a statement saying, quote, "There are indications that extremists participated in the violent demonstration," end quote, that was added at the end of the first paragraph.

MR. MORELL: What happened there was that I inadvertently removed that sentence when I did the editing. And my Executive Assistant came to me and said, "You didn't mean to take this out, did you?" And I said, "No, I didn't. Put it back in."

DR. HECK: Great. So anticipating my question, you are the one who added that back in.

MR. MORELL: I took it out and added it.

DR. HECK: You also stated that you independently made these changes during the course of the day after you got the chop from Congressional Affairs and Public Affairs. So you were unaware of the email that was on September 14th at 2039 hours where Victoria Nuland emailed her concerns about some of these statements implicating State and State's inability, or perhaps setting State up for a fall. So you were unaware of all that at the time?

MR. MORELL: So I was unaware of the emails. I was unaware of the content of the emails. But I was told that State Department had concerns about the

warning language.

DR. HECK: Okay. Now, I just got to say, and I understand a lot of people have referred to their notes regarding Director Petraeus's appearance. I didn't have my notebook, so I didn't take notes. But I did review the transcript.

MR. MORELL: That's good.

DR. HECK: And I can say that in the transcript from the September 14th appearance that Director Petraeus, he stated, quote, "There was no direct link between Cairo and Benghazi protests," end quote.

Thank you, Mr. Chair. I yield back.

THE CHAIRMAN: And just to clarify the record, the meetings that the other members were talking about was an informal session that was not recorded. So you would not have been -- there was no transcript available for review on that particular issue.

Mr. King, do you have any questions?

MR. KING: No, Mr. Chairman. I had to chair a subcommittee hearing. I missed the first part of it and I was not able to add my usual brilliance to the questioning.

THE CHAIRMAN: We would ask you to review the transcript.

MR. KING: I just want to thank Mr. Morell for coming in today. Thank you, Mr. Chairman.

THE CHAIRMAN: I too want to thank Mr. Morell. We have a 1 o'clock with the Chief of Station on the day in question, which we would like probably to have the transfer of individuals so that you can get off. I know, Mr. Morell, you would like to stay here for at least another hour. Unfortunately, the clock has run out on your time. But I want to thank you again for your candid testimony and your responsiveness.

And through this whole process you have been incredibly responsive. And I think the ranking member and I would agree that at no time did we ever believe that you had not been fully truthful at any point during the process of this. And I want to thank you for that, and thank you for your attendance today, as well as the individuals who you have brought with you as well.

MR. MORELL: Thank you, Mr. Chairman.

THE CHAIRMAN: Thank you.

[Whereupon, at 12:53 p.m., the committee was adjourned.]

Appendix 6

SECURITY AGREEMENT

1. I, _____ (print full name), hereby agree to accept as a prior condition of my being employed by, or otherwise retained to perform services for, the Central Intelligence Agency, or for staff elements of the Director, Central Intelligence (hereinafter collectively referred to as the "Central Intelligence Agency"), the obligations contained in this agreement.
2. I understand that in the course of my employment or other service with the Central Intelligence Agency I may be given access to information or material that is classified or is in the process of a classification determination in accordance with the standards set forth in Executive Order 13526 (75 Fed. Reg. 707), or any successor thereto as amended or superseded, or other applicable Executive order, that if disclosed in an unauthorized manner would jeopardize intelligence activities of the United States Government. I accept that by being granted access to such information or material I will be placed in a position of special confidence and trust and will become obligated to protect the information and/or material from unauthorized disclosure.
3. In consideration of being employed or otherwise retained to provide services to the Central Intelligence Agency, I hereby agree that I will never disclose in any form or manner, to any person not authorized by the Central Intelligence Agency to receive it, any information or material in either of the following categories:
 - a. information or material received or obtained in the course of my employment or other service with the Central Intelligence Agency that is marked as classified or that I know is classified.
 - b. information or material received or obtained in the course of my employment or other service with the Central Intelligence Agency that I know is in the process of a classification determination.
4. I understand that it is my responsibility to consult with appropriate management authorities in the component or Directorate that employs me or has retained my services, or with the Central Intelligence Agency's Publications Review Board if I am no longer employed or associated with the Agency, in order to ensure that I know 1) whether information or material within my knowledge or control that I have reason to believe might be in either of the categories set forth in paragraph 3 is considered by the Central Intelligence Agency to fit in either of those categories; and 2) whom the Agency has authorized to receive such information or material.
5. As a further condition of the special confidence and trust reposed in me by the Central Intelligence Agency, I hereby agree to submit for review by the Central Intelligence Agency any writing or other preparation in any form, including a work of fiction, which contains any mention of intelligence data or activities, or contains any other information or material that might be based on either of the categories set forth in paragraph 3, that I contemplate disclosing publicly or that I have actually prepared for public disclosure, either during my employment or other service with the Central Intelligence Agency or at any time thereafter, prior to discussing it with or showing it to anyone who is not authorized to have access to the categories set forth in paragraph 3. I further agree that I will not take any steps towards public disclosure until I have received written permission to do so from the Central Intelligence Agency.
6. I understand that the purpose of the review described in paragraph 5 is to give the Central Intelligence Agency an opportunity to determine whether the information or material that I contemplate disclosing publicly contains any information or material that I have agreed not to disclose. I further understand that the Agency will act upon my submission and make a response to me within a reasonable period of time. I further understand that if I dispute the Agency's initial determination on the basis that the information or material in question derives from public sources, I may be called upon to specifically identify such sources. My failure or refusal to do so may by itself result in denial of permission to publish or otherwise disclose the information or material in dispute.
7. I understand that all information or material that I may acquire in the course of my employment or other service with the Central Intelligence Agency that fits either of the categories set forth in paragraph 3 of this agreement are and will remain the property of the United States Government unless and until otherwise determined by an appropriate official or final ruling of a court of law. I agree to surrender anything constituting, containing or reflecting such information or material upon demand by an appropriate official of the Central Intelligence Agency, or upon conclusion of my employment or other service with the Central Intelligence Agency.
8. I agree to notify the Central Intelligence Agency immediately in the event that I am called upon by judicial or congressional authorities, or by specially established investigatory bodies of the executive branch, to testify about, or provide, information or material that I have agreed herein not to disclose. In any communication with any such authority or body, I shall observe all applicable rules or procedures for ensuring that such information and/or material is handled in a secure manner.

9. I understand that nothing contained in this agreement prohibits me from reporting intelligence activities that I consider to be unlawful or improper directly to the Intelligence Oversight Board established by the President, or to any successor body that the President may establish, or to the Select Committee on Intelligence of the House of Representatives or the Senate. I recognize that there are also established procedures for bringing such matters to the attention of the Agency's Inspector General or to the Director, Central Intelligence. In making any report referred to in this paragraph, I will observe all applicable rules or procedures for ensuring the secure handling of any information or material that may be involved. I understand that any such information or material continues to be subject to this agreement for all other purposes and that such reporting does not constitute public disclosure or declassification of that information or material.

10. I understand that any breach of this agreement by me may result in the Central Intelligence Agency taking administrative action against me, which can include temporary loss of pay or termination of my employment or other service with the Central Intelligence Agency. I also understand that if I violate the terms of this agreement, the United States Government may institute a civil proceeding to seek compensatory damages or other appropriate relief. Further, I understand that the disclosure of information that I have agreed herein not to disclose can, in some circumstances, constitute a criminal offense.

11. I understand that the United States Government may, prior to any unauthorized disclosure that is threatened by me, choose to apply to any appropriate court for an order enforcing this agreement. Nothing in this agreement constitutes a waiver on the part of the United States to institute a civil or criminal proceeding for any breach in this agreement by me. Nothing in this agreement constitutes a waiver on my part of any possible defenses I may have in connection with either civil or criminal proceedings that may be brought against me.

12. In addition to any other remedy to which the United States Government may become entitled, I hereby assign to the United States Government all rights, title, and interest in any and all royalties, remunerations and emoluments that have resulted or will result or may result from any divulgence, publication or revelation of information or material by me that is carried out in breach of paragraph 5 of this agreement or that involves information or material prohibited from disclosure by the terms of this agreement.

13. I understand and accept that, unless I am provided a written release from this agreement or any portion of it by the Director, Central Intelligence or the Director's representative, all the conditions and obligations accepted by me in this agreement apply both during my employment or other service with the Central Intelligence Agency, and at all times thereafter.

14. I understand that the purpose of this agreement is to implement the responsibilities of the Director, Central Intelligence, particularly the responsibility to protect intelligence sources and methods, as specified in the National Security Act of 1947, as amended.

15. These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations rights or liabilities created by Executive Order 13526, section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the Military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C., 421 *et seq.*) (governing disclosures that could expose confidential Government agents), sections 7(c) and 8H of the Inspector General Act of 1978 (5 U.S.C. App.) (relating to disclosures to an inspector general, the inspectors general of the Intelligence Community, and Congress); section 103H(g)(3) of the National Security Act of 1947 (50 U.S.C. 403-3h(g)(3)) (relating to disclosures to the inspector general of the Intelligence Community); sections 17(d)(5) and 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(5) and 403q(e)(3)) (relating to disclosures to the Inspector General of the Central Intelligence Agency and Congress); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligation, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.

16. I understand that nothing in this agreement limits or otherwise affects any provision of criminal or other law that may be applicable to the unauthorized disclosure of classified information, including the espionage laws (sections 793, 794 and 798 of title 18, United States Code) and the Intelligence Identities Protection Act of 1982 (P.L. 97-200; 50 U.S.C., 421 *et seq.*).

17. Each of the numbered paragraphs and lettered subparagraphs of this agreement is severable. If a court should find any of the paragraphs or subparagraphs of this agreement to be unenforceable, I understand that all remaining provisions will continue in full force.

18. I make this agreement in good faith and with no purpose of evasion.

19. This agreement shall be interpreted under and in conformance with the law of the United States.

Signature
20 MAY 2013
Date

The execution of this agreement was witnessed by the undersigned, who accepted it on behalf of the Central Intelligence Agency as a prior condition of the employment or other service of the person whose signature appears above.

WITNESS AND ACCEPTANCE;

Printed Name
5/20/13
Date