

Appendix 1

SECRET

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

SECRET

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.

SECRET

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.

SECRET

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.

~~SECRET~~

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

~~SECRET~~

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