

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.