

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  
113<sup>th</sup> 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.<sup>1</sup>

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.<sup>2</sup> 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.

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

<sup>2</sup> 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, 2012<sup>3</sup>**

Timeline (all times are local)<sup>45678</sup>

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.

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<sup>3</sup> 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.

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

<sup>5</sup> FBI Briefing on Benghazi Investigation January 13, 2013.

<sup>6</sup> Predator ISR video footage of Benghazi September 11-12, 2012.

<sup>7</sup> 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.

<sup>8</sup> 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.<sup>9</sup> He had other meetings planned that week, during which CIA was to provide additional security.<sup>10</sup>

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.<sup>11</sup> 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.<sup>12</sup>

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).<sup>13</sup>

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.<sup>14</sup> The CIA Annex was approximately 2.4 kilometers driving distance from the TMF.<sup>15</sup> 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

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<sup>9</sup> 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.

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

<sup>11</sup> 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.

<sup>12</sup> 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.

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

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

<sup>15</sup> 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.<sup>16</sup>

Security officers from CIA's Benghazi Annex recalled hearing explosions from an unknown location around 9:40 PM.<sup>17</sup> 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.<sup>18</sup> He also alerted the CIA Deputy Chief of Base who notified the Benghazi Chief of Base.<sup>19</sup> Meanwhile, the security team members prepared their weapons, equipment, and vehicles to depart for the TMF in 5 to 6 minutes.<sup>20</sup>

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.<sup>21</sup> 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.<sup>22</sup>

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.<sup>23</sup> 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.<sup>24</sup>

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.<sup>25</sup> 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

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<sup>16</sup> 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.

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

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

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

<sup>20</sup> 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.

<sup>21</sup> 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.

<sup>22</sup> Video footage.

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

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

<sup>25</sup> 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.<sup>26</sup>

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.<sup>27</sup> Traffic delayed the Team's arrival at the Tripoli airport.<sup>28</sup> They departed the Tripoli airport on a 60-minute chartered flight for Benghazi at about 12:15 AM.<sup>29</sup>

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.<sup>30</sup> 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.<sup>31</sup> 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.<sup>32</sup>

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.<sup>33</sup> The CIA officers who departed 11 minutes later headed west, avoided the roadblock, and returned to the Annex without incident.<sup>34</sup> 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.<sup>35</sup>

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

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

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

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

<sup>29</sup> 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.

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

<sup>31</sup> 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.

<sup>32</sup> Predator ISR video footage of Benghazi September 11-12, 2012.

<sup>33</sup> 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.

<sup>34</sup> 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.

<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup>

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.<sup>39</sup> The Team's mission at that point was to locate and rescue Ambassador Stevens.<sup>40</sup> The Tripoli Team later received reports from Tripoli Station that the Ambassador was at a local hospital.<sup>41</sup>

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.<sup>42</sup>

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.<sup>43</sup>

The Tripoli Team intended to travel to the hospital because they had received reports that there was a wounded American alive at the hospital.<sup>44</sup> 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.<sup>45</sup> It was not clear why those individuals did not want to travel to the hospital.<sup>46</sup> Additionally, the Team received some confusing (and ultimately inaccurate) intelligence reports; first that Ansar al-Sharia held the security

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<sup>36</sup> Video footage.

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

<sup>38</sup> 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.

<sup>39</sup> 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.

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

<sup>41</sup> 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.

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

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

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

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

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

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

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.<sup>49</sup>

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.<sup>50</sup> 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.<sup>51</sup>

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.<sup>52</sup> 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.<sup>53</sup>

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.<sup>54</sup> 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

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<sup>47</sup> 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."<sup>47</sup>

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

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

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

<sup>51</sup> 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.

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

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

<sup>54</sup> 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.”<sup>55</sup>

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.<sup>56</sup>

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.<sup>57</sup>

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.<sup>58</sup>

- 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.**

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<sup>55</sup> 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.

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

<sup>57</sup> Video footage; Predator ISR video footage of Benghazi September 11-12, 2012; <sup>57</sup> 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.

<sup>58</sup> 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.<sup>59</sup>

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.<sup>60</sup> In numerous analytical products, CIA specifically highlighted the threats to Western interests in eastern Libya.<sup>61</sup> 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.<sup>62</sup> Throughout 2012, there were more than 20 attacks against Western and international interests in Benghazi.<sup>63</sup> 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.<sup>64</sup>

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.<sup>65</sup>

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.

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

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

<sup>61</sup> 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.

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

<sup>63</sup> 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.

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

<sup>65</sup> 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.<sup>66</sup> 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.<sup>67</sup> 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.<sup>68</sup>

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.<sup>69</sup> 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.<sup>70</sup> 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.<sup>71</sup>

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.<sup>72</sup> 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

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

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

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

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

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

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

<sup>72</sup> Benghazi Base, Libya Comparative Analysis: Site Vulnerability, [REDACTED].

the operational buildings.<sup>73</sup> According to CIA officers' testimony and documentation, CIA continued to add physical security features to the Annex and upgraded their operational posture after both reviews and prior to the attacks.<sup>74</sup> The Committee found no evidence that the CIA turned down requests for additional resources at the Annex. Further, CIA's low profile in Benghazi generally provided it an additional layer of security.<sup>75</sup> Finally, in response to the continued growing threat against Western personnel and interests in Benghazi, CIA implemented additional security measures, including:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]<sup>76</sup>

Shortly after the Chief of Station in Tripoli arrived in country, he consulted with the Chief of Benghazi Base, personally assessed the security situation, and took actions that were intended to improve logistics, security, and communication that ultimately proved critical in enabling the Tripoli Team to quickly travel to Benghazi that night.<sup>77</sup>

**Finding #3: State Department security personnel, resources, and equipment were unable to counter the terrorist threat that day, and they required CIA assistance.**

Although HPSCI generally does not review State Department security capabilities, and this review did not set out to review those capabilities, evidence the Committee received related to the level of the State Department's security capabilities in Benghazi.

CIA security personnel testified that State Department DS agents repeatedly stated they felt ill-equipped and ill-trained to contend with the threat environment in Benghazi. According to eyewitnesses testifying before HPSCI, the DS agents knew well before the attacks that they could not defend the TMF against an armed assault. The DS agents also told CIA about their requests for additional resources that

<sup>73</sup> Benghazi Base, Libya Comparative Analysis: Site Vulnerability, [REDACTED].

<sup>74</sup> HPSCI Transcript "Subcommittee Interview with the former Chief of Tripoli Station," April 1, 2014 pg. 13; HPSCI Transcript "Subcommittee Staff Interview with Officer 8," December 13, 2013 pg. 41.

<sup>75</sup> HPSCI Transcript "Subcommittee Interview with Officers 3, 4, and 5," November 14, 2013 pg. 6.

<sup>76</sup> CIA Cable Benghazi 14986 "Security Recommendations for Benghazi Base Following the Recent Attacks Against Western Targets," [REDACTED]; CIA-provided Summary of Post-Review Actions in Response to Security Recommendations.

<sup>77</sup> HPSCI Transcript "Subcommittee Interview with the former Chief of Tripoli Station," April 1, 2014 pgs. 3-4.



were pending with the U.S. Embassy in Tripoli.<sup>78</sup> 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.<sup>79</sup>

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.<sup>80</sup> 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.<sup>81</sup> 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.<sup>82</sup>

According to testimony from CIA Deputy Director Morell and confirmed by other witnesses, the CIA's mission in Benghazi was to collect foreign intelligence. From the Annex in Benghazi, the CIA was collecting intelligence about foreign entities that were themselves collecting weapons in Libya and facilitating their passage to Syria. The Benghazi Annex was not itself collecting weapons. The Committee has not seen any credible information to dispute these facts.<sup>83</sup>

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

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

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

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

<sup>82</sup> 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.

<sup>83</sup> 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.<sup>84</sup> 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.<sup>85</sup> 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.<sup>86</sup>

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

<sup>84</sup> “[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.

<sup>85</sup> 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.

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

<sup>87</sup> 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.

<sup>88</sup> CIA Extremist Profile – ██████████ August 28, 2013.

<sup>89</sup> 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.<sup>90</sup> 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,<sup>91</sup> even though reliable intelligence indicates that Qumu was not in Benghazi on the night of the attacks.<sup>92</sup> 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.<sup>93</sup>

<sup>94</sup> [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.<sup>95</sup> 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.<sup>96</sup> 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.<sup>97</sup>

Another suspect, Faraj al Chalabi, was an al-Qa'ida terrorist linked to the 1994 terrorist murder of two German tourists.<sup>98</sup> 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

<sup>90</sup> 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).

<sup>91</sup> 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).

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

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

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

<sup>95</sup> 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/](http://www.cnn.com/2013/08/06/politics/benghazi-charges/)

<sup>96</sup> Statement by the President on the Apprehension of Ahmed Abu Khattalah, June, 17, 2014 [www.whitehouse.gov](http://www.whitehouse.gov)

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

<sup>98</sup> 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.<sup>99</sup> He was detained in Pakistan shortly after the Benghazi attacks and was later sent to Libya, where he was eventually released in June 2013.<sup>100</sup> NCTC assessed in June 2013 that he almost certainly would reengage in plotting against U.S. and Western interests.<sup>101</sup> 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.<sup>102</sup>

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.<sup>103</sup>

**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.<sup>104</sup>

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.<sup>105</sup> According to the team members, it took about five minutes to prepare their weapons, ammunition, gear, equipment, and vehicles.<sup>106</sup> After that, they prepared to depart for the TMF. After 21

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

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

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

<sup>102</sup> CNN "Where are the Benghazi Suspects," July 15, 2014.

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

<sup>104</sup> 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.

<sup>105</sup> 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.

<sup>106</sup> 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.<sup>107108109</sup>

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.<sup>110</sup>

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.<sup>111</sup>

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<sup>107</sup> Video footage.

<sup>108</sup> 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.

<sup>109</sup> The 21 minutes is discussed extensively in the next section of this report.

<sup>110</sup> 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.

<sup>111</sup> 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.”<sup>112</sup>

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

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<sup>112</sup> 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.<sup>113</sup>

**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.<sup>114</sup>

**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.<sup>115</sup> Testimony revealed that the militia at the airport would not offer the Tripoli Team assistance in getting to the hospital.<sup>116</sup> 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.<sup>117</sup>

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

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

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

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

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

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

reporting.<sup>118</sup>

**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.<sup>119</sup>

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.<sup>120</sup> 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.<sup>121</sup> 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.<sup>122</sup> 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.<sup>123</sup>

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

<sup>118</sup> CIA Email to HPSCI Staff, January 8, 2014.

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

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

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

<sup>122</sup> 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.

<sup>123</sup> 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.”<sup>124</sup>

**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.<sup>125</sup> 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.<sup>126</sup>

<sup>124</sup> CIA Cable “DIRECTOR [REDACTED]” [REDACTED]

<sup>125</sup> 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/>

<sup>126</sup> 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.”<sup>127</sup> 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,”<sup>128</sup> 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.<sup>129</sup> Libyan government officials told the media that the perpetrators of the attacks were loyalists of ousted and deceased Libyan leader Muammar Qadhafi.<sup>130</sup>

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.”<sup>131</sup>

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.”<sup>132</sup> To this day, significant intelligence gaps regarding the identities, affiliations and motivations of the attackers remain.<sup>133</sup>

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,<sup>134</sup> there were also early reports that the attacks were not spurred by a protest in Benghazi.<sup>135</sup> 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.”<sup>136</sup> On September 15, the CIA assessed that the attacks were inspired by the September 11 storming of the U.S. Embassy in Cairo.<sup>137</sup> 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

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“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.

<sup>127</sup> NCTC, “Libya Crisis Update,” September 12, 2012 (1200).

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

<sup>129</sup> NCTC, “Libya Crisis Update,” September 12, 2012 (1200).

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

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

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

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

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

<sup>135</sup> 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.

<sup>136</sup> CIA “Executive Update,” September 12, 2012

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

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opportunity amidst security vulnerabilities created by protest activity.”<sup>138</sup> Weeks afterwards, CIA and NCTC reported that “the attack probably was not specifically planned for 11 September.”<sup>139</sup> In total, analysts received 21 reports that a protest occurred in Benghazi—fourteen from the Open Source Center; one from CIA, two from DoD, and four from NSA.<sup>140</sup>

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.<sup>141</sup> 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.”<sup>142</sup>

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.”<sup>143</sup>

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.<sup>144</sup>

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

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

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

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

<sup>142</sup> 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.

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

<sup>144</sup> 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.”<sup>145</sup>

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.”<sup>146</sup>

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.<sup>147</sup> 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.<sup>148</sup>

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

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<sup>145</sup> Susan Rice, Interview with Jake Tapper, *This Week*, September 16, 2012.

<sup>146</sup> 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.

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

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

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attacks.<sup>149</sup> 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.<sup>150</sup>

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.<sup>151</sup> 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.<sup>152</sup> 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."<sup>153</sup>

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.

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

<sup>150</sup> NBC "Meet the Press" Transcript February 23, 2014.

<sup>151</sup> David Petraeus, "Hearing on Benghazi," November 16, 2012, pg. 19.

<sup>152</sup> 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.

<sup>153</sup> 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.”<sup>154</sup> 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.”<sup>155</sup>

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.<sup>156</sup>

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.”<sup>157</sup> 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.<sup>158</sup>

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

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

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

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

<sup>158</sup> 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.<sup>159</sup> 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."<sup>160</sup> 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.<sup>161</sup>

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.<sup>162</sup>

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."<sup>163</sup>

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

<sup>160</sup> CIA "Executive Update" September 12, 2012.

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

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

<sup>163</sup> 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."<sup>164</sup>

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.<sup>165</sup>

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."<sup>166</sup>

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.<sup>167</sup> 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.

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<sup>164</sup> 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.

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

<sup>166</sup> 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.

<sup>167</sup> 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.<sup>168</sup> 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....”<sup>169</sup>

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.<sup>170</sup> 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.<sup>171</sup>

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

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<sup>168</sup> 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.

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

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

<sup>171</sup> 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...<sup>172</sup>

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.<sup>173</sup> The CIA submitted evidence to the Committee proving all three officers signed contract amendments on May 20, 2013.<sup>174</sup>

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.<sup>175</sup> 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,"<sup>176</sup> 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

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

<sup>173</sup> 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.

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

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

<http://www.washingtontimes.com>

<sup>176</sup> 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."<sup>177</sup>

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.<sup>178</sup>

**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.<sup>179</sup> 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

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<sup>177</sup> CIA Email to HPSCI Staff December 16, 2013.

<sup>178</sup> 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.

<sup>179</sup> 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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