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**PROPOSED ADDITIONAL VIEWS OF REPRESENTATIVES**  
**JIM JORDAN AND MIKE POMPEO**

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## SUMMARY OF CONCLUSIONS

### I.

#### **The First Victim of War is Truth: The administration misled the public about the events in Benghazi**

Officials at the State Department, including Secretary Clinton, learned almost in real time that the attack in Benghazi was a terrorist attack. With the presidential election just 56 days away, rather than tell the American people the truth and increase the risk of losing an election, the administration told one story privately and a different story publicly. They publicly blamed the deaths on a video-inspired protest they knew had never occurred.

### II.

#### **Last Clear Chance: Security in Benghazi was woefully inadequate and Secretary Clinton failed to lead**

The State Department has many posts but Libya and Benghazi were different. After Qaddafi, the U.S. knew that we could not count on host nation security in a country where militias held significant power. The American people expect that when the government sends our representatives into such dangerous places they receive adequate protection. Secretary Clinton paid special attention to Libya. She sent Ambassador Stevens there. Yet, in August 2012, she missed the last, clear chance to protect her people.

### III.

#### **Failure of Will: America did not move heaven and earth to rescue our people**

The American people expect their government to make every effort to help those we put in harm's way when they find themselves in trouble. The U.S. military never sent assets to help rescue those fighting in Benghazi and never made it into Libya with personnel during the attack. And, contrary to the administration's claim that it could not have landed in Benghazi in time to help, the administration never directed men or machines into Benghazi.

#### **IV.**

##### **Justice Denied: The administration broke its promise to bring the terrorists to justice**

After the attacks, President Obama promised “justice will be done.” There is no doubt our nation can make good on that commitment. Yet, almost four years later, only one of the terrorists has been captured and brought to the United States to face criminal charges. Even that terrorist will not receive the full measure of justice after the administration chose not to seek the death penalty. The American people are owed an explanation.

#### **V.**

##### **Unanswered Questions: The administration did not cooperate with the investigation**

Despite its claims, we saw no evidence that the administration held a sincere interest in helping the Committee find the truth about Benghazi. There is a time for politics and a time to set politics aside. A national tragedy is one of those times when as a nation we should join together to find the truth. That did not happen here. So while the investigation uncovered new information, we nonetheless end the Committee’s investigation without many of the facts, especially those involving the President and the White House, we were chartered to obtain.

## INTRODUCTION

*Yet tonight, we take comfort in knowing  
that the tide of war is receding.*

Barack Obama  
President of the United States<sup>1</sup>

The writer F. Scott Fitzgerald once observed, “Show me a hero and I will write you a tragedy.” The September 11, 2012 Benghazi attack showed America not one but many heroes—among them Ambassador Christopher Stevens, Tyrone Woods, Sean Smith, and Glen Doherty. The story of Benghazi is their tragic story—which ultimately is the story of four deaths that never should have happened. America owes its people—especially those that work to advance our interests and the interests of freedom around the world—its utmost protection. We failed those Americans in Benghazi.

This is not only the tragic story of two men who died trying to bring freedom to the people of a foreign nation and two others who died trying to save them. It is also the story of a State Department seemingly more concerned with politics and Secretary Clinton’s legacy than with protecting its people in Benghazi. It is the story of how the best military in the world never reached Benghazi with men or machines, leaving fellow Americans to fight, and die, alone. And it is the story of an administration so focused on the next election that it lost sight of its duty to tell the American people the truth about what had happened that night.

For the men on the ground in Benghazi, the terrorist attack began at 9:42 p.m. and the threat continued for hours until the planes carrying them and the bodies of the four murdered Americans left Benghazi. For the terrorists the attack was also continuous. It was a plan executed in multiple phases that began at the State facility. It continued when the terrorists ambushed the Americans *en route* to the Annex. The attack continued with multiple assaults on the Annex culminating with deadly mortar fire. According to the Department of Justice, the mission was

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<sup>1</sup> President Barack Obama, Remarks by the President on the Way Forward in Afghanistan (June 22, 2011), <https://www.whitehouse.gov/the-press-office/2011/06/22/remarks-president-way-forward-afghanistan>.

willful, deliberate, malicious, and premeditated—a coordinated assault aimed at killing or kidnapping America’s ambassador.<sup>2</sup>

Those in Washington decided that once the initial attack at the State compound had ended and our men moved to the Annex, the enemy had retreated as well. For those fighting for their lives in Benghazi that night, however, it was one long battle for survival. But the terrorists did not retreat. This view from Washington that the fight had ended is a lapse in judgment that may well haunt our nation for years to come. At the same time Secretary Clinton appears to have concluded that the attack was over, the men on the ground knew better.<sup>3</sup> In the end, two men died from smoke inhalation at the State Department’s compound during an initial attack involving dozens of extremists. Two more died from mortar fire at the end of a continuous, hours-long siege by approximately a hundred heavily armed and highly trained fighters at the CIA Annex.

Yet, beyond those basic facts other important questions required answers:

- Why were diplomats stationed in Benghazi in the first place and, more importantly, why did they stay as it became more and more dangerous?
- Why did the State Department ignore multiple requests for help from the team in Benghazi, leaving them to fend for themselves in a facility that was no match for a well-organized assault?

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<sup>2</sup> See *United States v. Ahmed Salim Faraj Abu Khatallah*, No. 14-CR-00141 (D.D.C filed Oct. 14, 2014), Indictment at 6, (hereafter “Khatallah Indictment”).

<sup>3</sup> During her testimony before the Committee Secretary Clinton testified, “**We knew that the attack was over.** We knew that our diplomatic security team had to evacuate from the compound to the CIA annex, and we were in a frantic search to find Ambassador Stevens.” *Hearing 4 Before the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi*, 114<sup>th</sup> Cong. (2015) (testimony of Hillary Rodham Clinton, Sec’y of State) (emphasis added). Secretary Clinton’s certainty about the attack contrasts with the view of those on the ground, where one of our men described the situation after arriving at the Annex, [REDACTED]

[REDACTED] Transcript of Deposition of DS Agent #3 before Comm. on Oversight and Government Reform, 113<sup>th</sup> Cong. 164 (emphasis added) (on file with the Committee).

- Why did the U.S. military do almost nothing to help and why did it take them so long to arrive in Libya and *never prepare assets* to arrive in Benghazi?
- Why did the administration mislead the American people about the nature and cause of the attack?
- Why, now almost four years later, has only one of the dozens of terrorists who murdered four of our countrymen faced American justice?

Our Democrat committee colleagues suggest all questions about Benghazi have already been asked and answered by earlier congressional investigations and the State Department's Accountability Review Board. While we recognize the contributions some of those other investigations made to our understanding of Benghazi, the questions above and other questions remained, both in our minds and in the minds of many Americans.

We had a duty to seek the entire truth. If we learned nothing new, we would be the first to admit it—and the time and resources devoted would have amounted to a small price to pay to close this chapter once and for all. Yet, our confidence grew that there was more to be learned even as the administration stonewalled at virtually every turn. Our confidence grew even more with each new revelation including the revelation of Secretary Clinton's unprecedented and exclusive use of a private e-mail account and server.

Unfortunately, the administration's efforts to impede the investigation succeeded, at least in part. The White House in particular left large holes in the investigation by denying the Committee access to documents and witnesses—often hiding behind vague notions of “important and longstanding institutional interests of the Executive Branch.”<sup>4</sup> And so the Committee ended its work without having spoken to anyone in the White House Situation Room that night. Nor did we receive all email communication between White House staffers concerning the attack—all off limits to Congress according to White House lawyers. Compounding the problem, the White House refused to identify any of the documents it

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<sup>4</sup> Letter from W. Neil Eggleston, White House Counsel, to Rep. Trey Gowdy, Chairman, Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi (“the Committee”) (Jan. 23, 2015) (on file with the Committee).

had withheld. If the administration had a sincere interest in cooperating with the Committee's investigation, as it stated repeatedly, we saw no real evidence of it.

And so we leave the Committee much the same way we joined it—knowing that Congress and the American people did not get every relevant fact from this administration. Nevertheless, we did learn more. Much more.

Most significantly, the administration consistently blamed flawed information from the U.S. Intelligence Community, primarily the Central Intelligence Agency (CIA), for its public misstatements about Benghazi—with the President, Secretary Clinton, Ambassador Rice, and others blaming a video-inspired protest that had never taken place in Benghazi.<sup>5</sup> But flawed intelligence is no excuse for officials who knew better, and we now know that key leaders did. Secretary Clinton in particular learned quickly that Benghazi amounted to an organized terrorist attack, not a spontaneous demonstration turned violent. Yet, Secretary Clinton and the administration told one story privately—that Benghazi was a terrorist attack—and told another story publicly—blaming a video-inspired protest. The misleading public statements led concerned State Department staffers to describe Ambassador Rice as “off the reservation” and another to add the “[White House was] very worried about the politics.”<sup>6</sup> A national tragedy, however, is not a time for politics; it is a time to set politics aside and do one's duty.

We also learned that by September 11, 2012 the security situation in Benghazi had deteriorated significantly. Months before the attack one State Department diplomatic security agent viewed the situation as a “suicide mission” where “there was a very good chance that everyone was going to die.”<sup>7</sup> Yet, the facility remained open—even as other

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<sup>5</sup> For example, the report issued by the House Permanent Select Committee on Intelligence concluded that “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.” *See* INVESTIGATIVE REPORT ON THE TERRORIST ATTACKS ON U.S. FACILITIES IN BENGHAZI, LIBYA, SEPTEMBER 11-12, 2012 (report by Chm. Rogers and Ranking Member Ruppertsberger, Members, H. Perm. Select Comm. on Intel.) (Comm. Print 2014).

<sup>6</sup> E-mail from Senior Advisor for Strategic Communications, State Dep't, Near Eastern Affairs Bureau to various (Sept. 17, 2012) (on file with the Committee, C05580618).

<sup>7</sup> Transcript of Interview of DS Agent #10 at 22 (on file with the Committee).

countries and organizations departed. And yet no one could give a satisfactory explanation for why the State Department remained. While we may never know for certain exactly why the State Department left Benghazi open in the face of such dangerous conditions, the most plausible answer is troubling. Secretary Clinton pushed for the U.S. to intervene in Libya, which at the time represented one of her signature achievements. To leave Benghazi would have been viewed as her failure and prompted unwelcome scrutiny of her choices. But when faced with a dire situation in Libya, Secretary Clinton had an obligation to act. And she had a clear chance to do so in August 2012 when presented with the facts in a memo from Assistant Secretary Beth Jones that painted a bleak picture of conditions in Libya. Yet, she failed to lead.

Finally, we learned troubling new details about the government's military response to the attack. Until now the administration has led us to believe the military did not have assets—men or machines—close enough or ready enough to arrive in Benghazi in time to save lives. As one earlier committee put it, “given their location and readiness status it was not possible to dispatch armed aircraft before survivors left Benghazi.”<sup>8</sup> The first asset to arrive in Libya—a Marine “FAST” platoon—did not arrive until nearly 24 hours after the attack began. What is troubling is that the administration never set in motion a plan to go to Benghazi in the first place. It is one thing to try and fail; it is yet another not to try at all. In the end, the administration did not move heaven and earth to help our people in Benghazi, as Americans would expect. The contrast between the heroic actions taken in Benghazi and the inaction in Washington—highlights the failure.

In 2011, the President boasted that “[w]ithout putting a single U.S. service member on the ground, we achieved our objectives [in Libya.]”<sup>9</sup> With parts of Libya now terrorist safe havens, it is difficult not to look back on that claim and the claim “the tide of war was receding” as little more than wishful thinking. The same wishful thinking may have also influenced decisions the administration made in Libya and set the background against which four Americans died. Yet, wishes are no

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<sup>8</sup> Staff of H. Armed Services Comm., 113th Cong., Majority Interim Report: Benghazi Investigation Update (Comm. Print 2014) at 19.

<sup>9</sup> See Press Release, Barack Obama, President of the United States, Remarks by the President on the Death of Muammar Qaddafi (Oct. 20, 2011), <https://www.whitehouse.gov/the-press-office/2011/10/20/remarks-president-death-muammar-qaddafi>.

match for facts—nor the basis for a sound foreign policy. The facts remain and the tide of war goes in and out. And it was still rising in Libya in September 2012 as Secretary Clinton and the President stood idle.

What follows are the views of two members of this Committee. We choose to add these additional views not to question the Committee's full report. Rather, we write separately to highlight those facts and conclusions uncovered by our investigation that we consider most important to a full understanding of the tragedy that is Benghazi.

## I.

### **THE FIRST CASUALTY OF WAR IS TRUTH: HOW THE ADMINISTRATION MISLED THE PUBLIC ABOUT THE BENGHAZI ATTACK**

*Was it because of a protest? Or was it because of guys out for a walk  
one night and decided they would go kill some Americans?  
What difference at this point does it make?*

Hillary Rodham Clinton  
Secretary of State<sup>10</sup>

It began the night of September 11, 2012 and continued for nearly two weeks after. The administration made statements about Benghazi that led the public to believe the attack began spontaneously as a protest over an anti-Islamic video circulating on the Internet. It was, they said, the same video that had sparked demonstrations in Cairo earlier that day. The first statement came from Secretary Clinton. More would follow, from the President, from Ambassador Rice, and from others. Each seemed to blame the murders on a video and a protest.

Yet, in truth, no protest had occurred in Benghazi that night. And even today no clear link between the video and the attack exists. In fact, in the

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<sup>10</sup> Benghazi: The Attacks and the Lessons Learned Before the S. Comm. on Foreign Affairs, 113<sup>th</sup> Cong. at 28 (2013) (testimony of Hillary Rodham Clinton, Sec'y of State), <http://www.cnn.com/TRANSCRIPTS/1301/23/se.01.html>. Oddly, even well after the fact Secretary Clinton continues the false narrative by leaving out of her answer any reference to it having been a planned terrorist attack.

The statement that begins this section—the first casualty of war is truth—is typically attributed to the late California Senator Hiram Johnson (1866-1945), albeit in a slightly different form.

criminal indictment against Ahmed Salim Faraj Abu Khatallah (hereafter “Abu Khatallah”)—the only person prosecuted thus far for taking part in the attack—the government does not mention the video or a protest. Rather, it blames the attack on revenge for U.S. intelligence collection efforts in the area—a far different explanation than America received in the immediate aftermath of the attack.<sup>11</sup>

Did the administration mislead the public because it worried a terrorist attack might affect the upcoming election? Or did it simply rely on flawed and changing information from the U.S. Intelligence Community as the administration has maintained? Some critics may say the question alone is evidence of the Committee’s alleged partisan agenda. Others may defend the misstatements as little more than election-year “spin”—something for which the public might fault both parties.

For her part, Secretary Clinton simply dismissed the issue—“at this point, what difference does it make?”—in her now famous exchange with Senator Johnson. Yet, the truth is always important. It is especially so during times when we as a nation must face a crisis—and mourn one—together and to learn from it. Instead of sharing that truth, the administration concealed it. And in doing so it misled the American people for political gain. When that happens, whether by Republicans or Democrats, it does, should, and always will make a difference.

## A.

### **56 Days**

The terrorist attack in Benghazi came during a critical time for the President. He faced an increasingly difficult re-election bid as polls showed his lead over Republican presidential nominee Mitt Romney narrowing. The President had few clear successes to highlight from his first term and the economy had yet to recover fully. The political landscape left little room for error—or bad news.

If one bright spot existed in the President’s record, nearly four years in office had passed without a significant terrorist incident at home or abroad and killing Osama bin Laden represented an important accomplishment—one the President and his team trumpeted often.<sup>12</sup> As

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<sup>11</sup> See Khatallah Indictment at 6.

<sup>12</sup> For example, just 5 days before the attack, the President in his nationally-televised speech said the following about the war on terror:

Vice President Biden put it just days before the attack, “Osama bin Laden is dead, and General Motors is alive.” It was a powerful political argument, but the tide of war continued to roll in.

September 11, 2012 threatened to take the President’s national security argument away. The Romney campaign and others seized on the attack as evidence of a failed policy and criticized the administration’s seeming refusal to call the attackers terrorists. To many, Benghazi represented a potential October surprise that could impact the President’s re-election bid.<sup>13</sup> As one publication put it, “with the American Presidential election only two months away, the murder of four American diplomats could be a game changer so far as Mr. Obama’s re-election prospects are concerned.”<sup>14</sup>

The President had a political problem. And his advisors saw it immediately. In fact, the election entered the discussion before the attack even ended. Sometime before 10:35 p.m. on the night of September 11, 2012, Victoria Nuland, the State Department’s spokesperson, sent an email to two other high level Clinton aides, Jacob Sullivan and Phillippe Reines:

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In a world of new threats and new challenges, you can choose leadership that has been tested and proven. Four years ago I promised to end the war in Iraq. We did. I promised to refocus on the terrorists who actually attacked us on 9/11, and we have. We’ve blunted the Taliban’s momentum in Afghanistan, and in 2014, our longest war will be over. A new tower rises above the New York skyline, *al-Qaida is on the path to defeat, and Osama bin Laden is dead.*

President Barack Obama, Speech to Democratic National Convention (Sept. 6, 2012) (emphasis added), <http://www.npr.org/2012/09/06/160713941/transcript-president-obamas-convention-speech>.

<sup>13</sup> See, e.g., Craig Unger, *GOP’s October Surprise? Source reveals “Jimmy Carter Strategy” to make Obama Seem weak on defense in campaign’s final month*, Salon (Oct. 1, 2012), [http://www.salon.com/2012/10/01/gops\\_october\\_surprise/](http://www.salon.com/2012/10/01/gops_october_surprise/).

<sup>14</sup> Con Coughlin, *The murder of the US ambassador to Libya is a wake-up call for Obama*, THE TELEGRAPH, (Sept. 12, 2012).

*This is what Ben [Rhodes] was talking about.*

“I’m outraged by the attacks on American diplomatic missions in Libya and Egypt and by the death of an American consulate worker in Benghazi. It’s disgraceful that the Obama Administration’s first response was not to condemn attacks on our diplomatic missions, but to sympathize with those who waged the attacks. – Mitt Romney”<sup>15</sup>

The “Ben” in Nuland’s email was Benjamin Rhodes, the White House National Security Council’s Deputy National Security Adviser for Strategic Communications and one of the President’s top aides. The “this” was the accompanying “Tweet” issued from the Romney campaign attacking the administration’s handling of the situation. In short, the national security crisis turned into a political problem almost immediately.

And so on this highly charged political stage—just 56 days before the presidential election—events forced the administration to make a choice about what to tell the American people: Tell the truth that heavily armed terrorists had killed one American and possibly kidnapped a second—and increase the risk of losing the election. Say we do not know what happened. Or blame a video-inspired protest by tying Benghazi to what had occurred earlier in the day in Cairo. The administration chose the third, a statement with the least factual support but that would help the most politically.<sup>16</sup>

While the attack loomed largest, and most immediately, for the President and his reelection bid, he was not alone in having a choice to make—or with something to lose. Secretary Clinton would have seen her reputation

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<sup>15</sup> E-mail from Victoria Nuland, State Dep’t Spokesperson, to Jacob Sullivan, State Dep’t Deputy Chief of Staff and Phillippe Reines, State Dep’t Deputy Assistant Secretary for Communications (Sept. 11, 2012) (emphasis added) (on file with the Committee, C05412104).

<sup>16</sup> When asked on the night of the attack whether he knew “of any connection between what had occurred in Cairo and what had occurred in Benghazi,” Rhodes testified, “I did not, other than the fact that both events took place in proximity to one another.” See Transcript of Interview of Benjamin Rhodes, Deputy National Security Advisor for Strategic Communications, White House National Security Council at 13 (Feb. 2, 2016) (on file with the Committee).

and legacy—and possibly 2016 election prospects—tied to what had just occurred in Benghazi as well.

Secretary Clinton was the administration’s chief proponent of U.S. Libya policy and pushed for the President to join the NATO coalition to topple Qaddafi. According to then-Secretary of Defense Robert Gates, who opposed intervention, others who pushed to intervene—including Ambassador Rice and Ben Rhodes—are the same people who later worked to mislead the public about the attack.<sup>17</sup>

While that effort succeeded and Qaddafi is gone, most now agree that the Libya intervention failed, in large part because of inadequate planning for a post-Qaddafi Libya. As former Secretary of Defense Robert Gates said later, the administration was “playing it by ear” after Qaddafi’s fall.<sup>18</sup> So instead of a burgeoning democracy growing from the Arab Spring, we now have a terrorist safe haven growing in its place.

Secretary Clinton rarely mentions Libya now. Yet, early on her advisors pointed to Qaddafi’s ouster and her role as a historic foreign policy success. In August 2011, Secretary Clinton’s Deputy Chief of Staff and Director of Policy Jacob Sullivan described her role as no less than the “leadership/ownership/stewardship of this country’s Libya policy from start to finish” and that she was “instrumental in securing the authorization, building the coalition, and tightening the noose around Qadhafi and his regime.”<sup>19</sup>

Secretary Clinton’s longtime friend and advisor Sidney Blumenthal described the success in even loftier terms:

First, brava! This is a historic moment and you will be credited for realizing it.

When Qaddafi himself is finally removed, you should of course make a public statement before the cameras wherever you are, even in the driveway of your vacation

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<sup>17</sup> ROBERT F. GATES, DUTY 518 (2014).

<sup>18</sup> Nancy A. Youssef, *Hillary’s Libya Post-War Plan was “Play It by Ear,” Gates Says*, (Oct. 20, 2015, 8:00 p m.), <http://www.thedailybeast.com/articles/2015/10/20/hillary-s-libya-post-war-plan-was-play-it-by-ear-gates-says.html>.

<sup>19</sup> E-mail from Jacob Sullivan to Cheryl Mills, State Dep’t Chief of Staff (Aug. 21, 2011) (on file with the Committee, SCB0075905).

house. You must go on camera. You must establish yourself in the historical record at this moment.

The most important phrase is: “successful strategy.”

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Then you can *say whatever on future policy*—but only after asserting the historic success and explaining the reasons why.

This is a very big moment historically and for you. History will tell your part in it. You are vindicated. But don't wait, help *Clio* now.<sup>20</sup>

It is too soon to know how *Clio*—the goddess of history—will ultimately treat Secretary Clinton's push to intervene in Libya. What we do know is that when given a chance to tell the truth to the American people, she did the opposite. It began at 10:08 p.m. in Washington on the night of the murders—before the attack had even ended.

## B.

### **Out of the Fog: Telling One Story Privately and Another Story Publicly**

Some blame the “fog of war” for the administration's misstatements about Benghazi. While it is true officials in Washington did not have all the facts, the President, Secretary Clinton, and other senior leaders had enough information to conclude almost immediately that Benghazi and Cairo were very different. Benghazi was a terrorist attack and Cairo a large protest that had been publicized in advance on social media and that the State Department prepared for and expected.<sup>21</sup>

The information the President, Secretary Clinton, and other senior leaders had included detailed information about the sophisticated nature of the attack, the weapons used, the complexity of the attack, and the hours-long duration of the siege that spanned two locations. For example,

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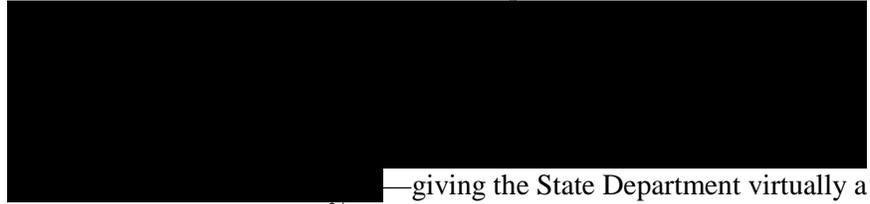
<sup>20</sup> E-mail from Sidney Blumenthal to Hillary Rodham Clinton (Aug. 22, 2011) (emphasis added) (as we now know and as Secretary Gates has pointed, out the day after Qaddafi fell called for far more planning than “whatever”) (on file with the Committee, BLU-094).

<sup>21</sup> See Transcript of Press Conference, Statement of Victoria Nuland, State Dep't Spokesperson (Sept. 17, 2012) (on file with the Committee, C05394583).

one State Department official was told that night by a witness in Benghazi that the attackers who fired the mortar launcher had significant training and were “not just persons off the street lobbing in mortars.”<sup>22</sup>

Significantly, the information known in Washington included reports from a number of eye witnesses on the ground in Benghazi—often in near real time—who remained in almost constant contact with officials in Washington during the attack. None of those eye witnesses mentioned a protest or the video.

One of those witnesses saw the attack begin in real time while watching the Benghazi compound’s security monitors inside the facility’s tactical operations center. Up to that point, no protests had occurred and all was calm. When asked later about whether a protest had occurred, he said,

—giving the State Department virtually a front row seat to the attack.<sup>24</sup>

The Deputy Chief of Mission in Libya, Gregory Hicks, who was in Tripoli at the time of the attack, spoke to Ambassador Stevens last. As terrorists swarmed the Benghazi compound, Ambassador Stevens managed to call Hicks and said, simply, “Greg, we are under attack.”<sup>25</sup> No mention of a protest. No mention of the video. Hicks relayed this same information to Acting Assistant Secretary for Near Eastern Affairs

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<sup>22</sup> Transcript of Interview of Charlene Lamb, Assistant Sec’y of State for Diplomatic Security for International Programs at 46-47 (Jan. 7, 2016).

<sup>23</sup> Transcript of Deposition of DS Agent #3 before House Comm. on Oversight and Government Reform at 231 (Oct. 8, 2013) (on file with the Committee).

<sup>24</sup> *Id.* at 165. At approximately 4:38 p.m. the State Dep’t Operations Center appears to have set up a direct line to Benghazi. *See* E-mail to Jacob Sullivan, Cheryl Mills, and Secretary Clinton’s Executive Assistant (Sept. 11, 2012) (on file with the Committee, C05561866).

<sup>25</sup> Transcript of Interview of Gregory Hicks, Deputy in Charge of Mission in Libya before H. Comm. on Oversight and Government Reform at 18 (Apr. 11, 2013).

(“NEA”) Beth Jones<sup>26</sup> and also spoke to Secretary Clinton and other top State Department officials that night.<sup>27</sup> When asked later whether he would have expected Ambassador Stevens and the security officers in Benghazi to report a protest if it had occurred, Hicks said:

*Absolutely*, I mean, we’re talking about both security officers who know their trade, even though they are brand new, and one of the finest political officers in the history of the Foreign Service. You know, *for there to have been a demonstration on Chris Stevens’ front door and him not to have reported it is unbelievable*. And secondly, if he had reported it, he would have been out the back door within minutes of any demonstration appearing anywhere near that facility. And there was a back gate to the facility, and, you know, it worked.<sup>28</sup>

Days later, one member of the State Department’s Diplomatic Security Command Center on duty the night of the attack was asked by a colleague whether a protest had been reported prior to the attack. His response left little doubt: “Zip, nothing nada.”<sup>29</sup> That same person in a “Terrorism Event Notification” emailed out the morning of September 12, 2012 described the event just as clearly: “It was a full on attack

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<sup>26</sup> Transcript of Interview of Beth Jones, Acting Assistant Secretary for Near Eastern Affairs before House Comm. on Oversight and Government Reform at 38-39 (July 11, 2013) (“He said . . . Greg Hicks has called. Ambassador Stevens is in Benghazi. He called and said, ‘We’re under attack.’”).

<sup>27</sup> See Dep’t of State, Watch Log, Operations Center (Sept. 11, 2012) (showing call at 7:05 p.m. between Hicks and Secretary Clinton, Deputy Secretary Thomas Nides, Under Secretary Patrick Kennedy, Under Secretary Wendy Sherman, Chief of Staff Cheryl Mills, Deputy Chief of Staff and Director Jacob Sullivan, Spokesperson Victoria Nuland, and Acting Assistant Secretary for Near Eastern Affairs Beth Jones (on file with the Committee, C05872462).

<sup>28</sup> Transcript of Interview of Gregory Hicks before H. Comm. on Oversight and Government Reform at 81-82 (emphasis added) (on file with the Committee).

<sup>29</sup> E-mail from DS Agent #30 to DS Agent (Sept. 18, 2012) (on file with the Committee, C05390678).

against our compound in Benghazi.”<sup>30</sup> Again, no mention of a protest. No mention of the video.

All of the information coming into the State Department that night and in the days that followed from the witnesses pointed to a terrorist attack. There is no evidence that any of the accounts blamed a video-inspired protest or, in fact, any protest at all. Moreover, this attack did not occur in a vacuum. Rather, it came toward the end—not the beginning—of a long list of terrorist and other violence aimed at the U.S. and other interests in Libya and Benghazi—a history of violence well known to senior State Department officials.

Officials also recognized very quickly the differences between what had occurred in Cairo in response to the video and what occurred in Benghazi. As one official put it the night of the attack, “We can confirm that our office in Benghazi, Libya has been *attacked by a group of militants* [and] [i]n *Cairo*, we can confirm that Egyptian police have now removed the *demonstrators*. . . .”<sup>31</sup> That line between Benghazi and Cairo, however, would soon be blurred and then erased completely.

Notwithstanding clear evidence of a terrorist attack in Benghazi, Secretary Clinton began to connect Cairo and Benghazi in the public’s mind almost immediately even as she and others admitted privately the two were unrelated. It began at 10:08 p.m. on the night of the attack—before the attack had even ended—with Secretary Clinton’s statement condemning the attack. Other statements would follow as well that week. As shown in the following timeline of administration statements, the administration told two different stories, one publicly that connected the attack to the video and protests in Cairo and another privately that recognized it was a terrorist attack.

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<sup>30</sup> E-mail from DS Agent #30 to various (Sept. 12, 2012) (on file with the Committee, C05389586)

<sup>31</sup> E-mail from Victoria Nuland, State Dep’t Spokesperson to Jacob Sullivan, Patrick Kennedy, Patrick Ventrell, Bernadette Meehan, National Security Council, Assistant Press Secretary (Sept. 11, 2012) (on file with the Committee, SCB000471).

## C.

### Public vs. Private Timeline

#### **9/11—Public Statements**

##### ***Secretary Clinton’s 10:08 p.m. Statement on the Attack in Benghazi:***

“I condemn in the strongest terms the attack on our mission in Benghazi today. \* \* \* Some have sought to justify this vicious behavior as a response to inflammatory material posted on the Internet.”<sup>32</sup>

#### **9/11—Private Statements**

##### ***Secretary Clinton’s Call Sheet for call with President of Libya Mohammed al Magariaf at 6:49 p.m.:***

Under heading Purpose of Call” notes that “Secretary should urge Mr. Magariaf to respond urgently to the attack against the U.S. Mission Benghazi, and security threats against U.S. Embassy Tripoli.” No mention of a protest or video.<sup>33</sup>

##### ***Summary of Call between Secretary Clinton and President Magariaf:***

“[O]ur diplomatic mission was attacked[.] . . . [T]here is a gun battle ongoing, which I understand Ansar as-Sharia [sic] is claiming responsibility for.”<sup>34</sup> No mention of protest or video.

##### ***Secretary Clinton’s E-mail to daughter at 11:23 p.m.:***

“Two of our officers were killed in Benghazi by an Al Queda-like [sic] group[.]”<sup>35</sup>

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<sup>32</sup> Press Statement, Hillary Rodham Clinton, Sec’y of State, Statement on the Attack in Benghazi (Sept. 11, 2012), <http://www.state.gov/secretary/20092013clinton/rm/2012/09/197628.htm>.

<sup>33</sup> See The Secretary’s Call Sheet for Libyan General National Congress President Mohammed al Magariaf (Sept. 11, 2012) (on file with the Committee, C05580497).

<sup>34</sup> Notes of Secretary Clinton’s Call with Mohammed al Magariaf (Sept. 11, 2012) (on file with the Committee, C05561906).

<sup>35</sup> E-mail from Hillary Rodham Clinton to “Diane Reynolds” (Sept. 11, 2012) (on file with the Committee, C05794191).

## 9/12—Public Statements

### *Secretary Clinton’s Remarks on the Deaths of American Personnel in Benghazi, Libya morning of September 12, 2012:*

“We are working to determine the precise motivations and methods of those who carried out this assault. Some have sought to justify this vicious behavior, along with the protest that took place at our Embassy in Cairo yesterday, as a response to inflammatory material posted on the internet.”<sup>36</sup>

## 9/12—Private Statements

### *Summary of Discussion between Acting Assistant Secretary Beth Jones and Libyan Ambassador Aujali at 9:45 a.m.:*

“I told him that the group that conducted the attacks—Ansar Al Sharia—is affiliated with Islamic extremists.”<sup>37</sup>

### *Jacob Sullivan in e-mail to embassy in Kabul, Afghanistan:*

“There was not really violence in Egypt [and] “*we are not saying that the violence in Libya erupted ‘over inflammatory videos.*”<sup>38</sup>

### *Secretary Clinton’s Statements to Egyptian Prime Minister Kandil at 3:04 p.m.:*

“*We know* that the attack in Libya had *nothing to do with the film*. It was a planned attack – not a protest. . . . Based on the information we saw today we believe the group that claimed responsibility for this was affiliated with al Qaeda.”<sup>39</sup>

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<sup>36</sup> Hillary Rodham Clinton, Sec’y of State, Remarks on the Deaths of American Personnel in Benghazi, Libya (Sept. 12, 2012), <http://www.state.gov/secretary/20092013clinton/rm/2012/09/197654.htm>.

<sup>37</sup> See E-mail to Victoria Nuland, Deputy Secretary William Burns, Wendy Sherman, Jacob Sullivan, Patrick Kennedy, Cheryl Mills, and others (Sept. 12, 2012) (on file with the Committee, C05391027).

<sup>38</sup> E-mail from Jacob Sullivan to Benjamin Rhodes and others (Sept. 12, 2012) (emphasis added) (on file with the Committee, SCB0066195).

<sup>39</sup> Notes of Secretary Clinton’s Call with Egyptian Prime Minister Hesham Kandil (Sept. 11, 2012) (emphasis added) (on file with the Committee, C05561911).

***Under Secretary Patrick Kennedy to congressional staff briefing:***

When asked whether “this [was] an attack under the cover of a protest” Kennedy said, “No the attack was a direct breaching attack.” More to the point, he was then asked whether “we believe [this was] coordinated with [the] Cairo [protests] to which Kennedy responded, “Attack in Cairo was a demonstration. There were no weapons shown or used. A few cans of spray paint.”<sup>40</sup>

**9/13—Public Statements**

***Secretary Clinton’s Morocco Remarks:***

“I also want to take a moment *to address the video circulating on the Internet that has led to these protests in a number of countries.* \* \* \*

To us, to me personally, this video is disgusting and reprehensible. It appears to have a deeply cynical purpose: to denigrate a great religion and to provoke rage. But as I said yesterday, there is no justification, none at all, for responding to this video with violence. \* \* \*

Violence, we believe, has no place in religion and is no way to honor religion. Islam, like other religions, respects the fundamental dignity of human beings, and it is a violation of that fundamental dignity to wage attacks on innocents. *As long as there are those who are willing to shed blood and take innocent life in the name of God, the world will never know a true and lasting peace. It is especially wrong for violence to be directed against diplomatic missions.* . . .

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I wanted to begin with this statement, because, as our Moroccan friends and all of you know, this has been a difficult week at the State Department. I very much appreciate, Minister, the condolences your government expressed to our Embassy in Rabat. *And even though that tragedy happened far away in Benghazi, we found a reminder of the deep bonds that connect Morocco to the United States.*”<sup>41</sup>

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<sup>40</sup> E-mail from Joy E. Drucker to various (Sept. 13, 2012) (forwarding notes from call between Patrick Kennedy and congressional staff that began at 6:30 p.m. September 12, 2012) (on file with the Committee, C05580110).

<sup>41</sup> Hillary Rodham Clinton, Sec’y of State, *Remarks at Opening Plenary of the United States–Morocco Strategic Dialogue Washington, D.C. Wednesday,*

### 9/13—Private Statements

#### *Summary of call between State Department Deputy Secretary Thomas Nides and Egyptian ambassador to U.S.:*

“Nides said he understood the difference between *the targeted attack in Libya* and the way the protest escalated in Egypt.”<sup>42</sup>

### 9/14—Public Statements

#### *White House Spokesman Jay Carney during press conference answering question about Benghazi:*

“We have no information to suggest that it was a preplanned attack. The unrest we’ve seen around the region has been in reaction to a video that Muslims, many Muslims find offensive. And while the violence is reprehensible and unjustified, it is not a reaction to the 9/11 anniversary that we know of, or to U.S. policy.”<sup>43</sup>

#### *E-mail from White House Advisor Benjamin Rhodes:*

Under heading “Goals” he wrote “To underscore that these protests are rooted in an Internet video, and not a broader failure of policy[.]”<sup>44</sup>

#### *Return of remains ceremony statement to father of Tyrone Woods recorded in diary:*

"I gave Hillary a hug and shook her hand, and she said we are going to have the filmmaker arrested who was responsible for the death of my son."<sup>45</sup>

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September 13, 2012, <http://www.state.gov/secretary/20092013clinton/rm/2012/09/197711.htm>.

<sup>42</sup> E-mail from State Dep’t Operations Officer to State Dep’t Official (Sept. 13, 2012) (on file with the Committee, C05562242).

<sup>43</sup> Transcript of White House Press Conference, Jay Carney, White House Spokesperson (Sept. 14, 2012), <https://www.whitehouse.gov/the-press-office/2012/09/14/press-briefing-press-secretary-jay-carney-9142012>.

<sup>44</sup> E-mail, Benjamin Rhodes to David Plouffe, White House Political Advisor, Jay Carney, White House Spokesperson, Erin Pelton, aide to Amb. Susan Rice, and others (Sept. 14, 2012 at 8:09 p.m.) (on file with the Committee, C05415285).

<sup>45</sup> See Fox News Insider, *Father of Benghazi Victim Reveals Journal Entry Documenting Meeting With Hillary*, YOUTUBE (Jan. 13, 2016), <http://www.youtube.com/watch?v=dMx0huMabos>.

***Return of remains ceremony statement to mother of Sean Smith:***

“We were nose-to-nose at the coffin ceremony. She told me it was the fault of the video. I said ‘are you sure?’ She says ‘yes, that’s what it was . . . it was the video.’”<sup>46</sup>

**9/14—Private Statements**

**E-mail from State Department press officer in embassy in Tripoli, Libya:**

“Colleagues, I mentioned to Andy this morning, and want to share with all of you, our view at Embassy Tripoli that we must be cautious in our local messaging with regard to the inflammatory film trailer, adapting it to Libyan conditions. . . . Relatively few [Facebook comments and tweets] have even mentioned the inflammatory video. So if we post messaging about the video specifically, we may draw unwanted attention to it. *And it is becoming increasingly clear that the series of events in Benghazi was much more terrorist attack than a protest which escalated into violence. It is our opinion that in our messaging, we want to distinguish, not conflate, the events in other countries with this well-planned attack by militant extremists.* I have discussed this with Charge Hicks and he shares PAS’s view.”<sup>47</sup>

**9/15—Public Statements**

***President’s Weekly Address titled “Carrying on the Work of Our Fallen Heroes” muddles Benghazi and protests in other countries:***

“This tragic attack takes place at a time of turmoil and protest in many different countries. I have made it clear that the United States has a

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<sup>46</sup> See Fox Business, *Benghazi Victim’s Mom: Hillary Needs to Tell Me the Truth!* (Mar. 10, 2016) (available here <http://www.foxbusiness.com/features/2016/03/10/benghazi-victims-mom-hillary-needs-to-tell-me-truth.html>).

<sup>47</sup> E-mail from Public Affairs Officer, U.S. Embassy Libya to Senior Advisor for Strategic Communications, Near Eastern Affairs Bureau, NEA-Libya Desk, Gregory Hicks, Deputy in Charge of Libya Mission, and others (Sept. 14, 2012 at 6:43 p.m.) (on file with the Committee, C05396788).

profound respect for people of all faiths. We stand for religious freedom. And we reject the denigration of any religion – including Islam.”<sup>48</sup>

#### **9/15—Private Statements**

##### ***Secretary Clinton’s call with Prime Minister-Elect of Libya:***

Makes no mention of either a protest or the video.<sup>49</sup>

#### **9/16—Public Statements**

##### ***Ambassador Rice on Fox News With Chris Wallace***

“But we don’t see at this point signs this was a coordinated plan, premeditated attack.”<sup>50</sup>

#### **9/16—Private Statements**

##### ***Excerpt from Embassy Tripoli Media Report September 16, 2012***

“[T]here is evidence that suggests that the second confrontation at the UM mission’s safe house could not have happened without insider knowledge or some degree of organization. This goes against statements that the attacks were not carried out by a single group but by an angry multitude protesting[.]”<sup>51</sup>

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<sup>48</sup>Barack Obama, President of the United States, Weekly Address: Carrying on the Work of Our Fallen Heroes (Sept. 15, 2012), <https://www.whitehouse.gov/the-press-office/2012/09/15/weekly-address-carrying-work-our-fallen-heroes>.

<sup>49</sup> E-mail from State Dep’t officer to S\_CallNotes (Sept. 15, 2012) (notes of call between Secretary Clinton and Libyan Prime Minister-elect Abu Shagur) (on file with the Committee, C05561908).

<sup>50</sup> Transcript of Interview of Amb. Susan Rice on Fox News Sunday with Chris Wallace (Sept. 16, 2012).

<sup>51</sup> E-mail from Public Affairs Officer, U.S. Embassy Libya to Senior Advisor for Strategic Communications, Near Eastern Affairs Bureau, Senior Libyan Desk Officer, Near Eastern Affairs Bureau, and others (Sept. 16, 2012) (attacking Tripoli Media Report for Sept. 16, 2012) (on file with the Committee, C05396830).

## 9/17—Public Statements

### *Excerpt from State Department Daily Press Briefing:*

“Ambassador Rice, in her comments on every network over the weekend, was very clear, very precise, about what our initial assessment of what happened is. . . . I don’t have anything to give you beyond that.”<sup>52</sup>

## 9/17—Private Statements

### *Excerpt from e-mail discussion between members of NEA press office about what to say about attack:*

#### **NEA Press Officer Suggested the following language:**

“The *currently available information suggests the demonstrations in Benghazi* were spontaneously inspired by the protests of the US Embassy in Cairo and evolved into a direct assault[.]”

#### **Senior Libya Desk Officer, Near Eastern Affairs Bureau responding to suggested language:**

“I really hope this was revised. *I don’t think we should go on the record on this.*”<sup>53</sup>

## 9/18—Public Statements

### *Excerpt from White House Press Briefing by Press Secretary Jay Carney:*

. . . I would point you to what Ambassador Rice said and others have said about what we know thus far about the video and its influence *on the protests that occurred in Cairo, in Benghazi* and elsewhere.”

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<sup>52</sup> State Dep’t of State, Daily Press Briefing – September 17, 2012, Victoria Nuland, State Dep’t Spokesperson, <http://www.state.gov/r/pa/prs/dpb/2012/09/197821.htm>.

<sup>53</sup> See E-mail from Senior Advisor for Strategic Communications, NEA to Spokesperson, NEA, Senior Libyan Desk Officer, NEA, Deputy Director, Office of Maghreb Affairs, NEA (Sept 17, 2012) (emphasis added) (on file with the Committee, C05580618).

## 9/18—Private Statements

### *Deputy Director of CIA Michael Morell in written statement to House Permanent Select Committee on Intelligence:*

“The critically important point is that the analysts considered this a terrorist attack from the very beginning.”<sup>54</sup>

### *E-mail exchange between State Department security officers commenting on news article titled “White House sees no sign Libya attack premeditated”:*

DS Agent #30: “Can you believe this?”

DS Agent: “Was there any rioting in Benghazi reported prior to the attack?”

DS Agent #30: “Zip, nothing nada”<sup>55</sup>

## 9/19—Public Statements

### *From “ALDAC”—a worldwide cable—from Secretary Clinton to all U.S. Embassies drafted by Deputy Chief of Staff Jacob Sullivan:*

“Since September 11, 2012, there have been widespread protests and violence against U.S. and some other diplomatic posts across the Muslim world. *The proximate cause of the violence was the release by individuals in the United States of the video trailer for a film that many Muslims find offensive. Diplomatic compounds have been breached in several countries including Libya, Egypt, Tunisia, and Yemen. In Benghazi, Libya four U.S. personnel were killed in the violence*[.]”<sup>56</sup>

The administration, including Secretary Clinton, knew that Benghazi was a terrorist attack—from witness accounts, from their understanding of the history of violence in Benghazi, and from the nature of the well-planned,

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<sup>54</sup> Michael Morell, Former Acting Director and Deputy Director of the CIA, Written Statement for the Record before the H. Perm. Select Comm. on Intel. (April 2, 2014).

<sup>55</sup> E-mail from DS Agent #30 to DS Agent (Sept. 18, 2012) (on file with the Committee, C05389586).

<sup>56</sup> E-mail from Sullivan Assistant to various (attaching “Immediate ALDAC for transmission” drafted by J Sullivan 9/19/2012 noting approval by “S: The Secretary”) (Sept. 2012) (on file with the Committee, SCB0052811) (emphasis added).

complex attack. Yet, they led the public to believe the video and a protest were to blame in Benghazi.

### 9/20—Public Statements

#### *Excerpt from interview of the President on Univision Town Hall:*

In response to the question, “We have reports that the White House said today that the attacks in Libya were a terrorist attack. Do you have information indicating that it was Iran, or al Qaeda was behind organizing the protests?” the President answered, “[W]e’re still doing an investigation[.] . . . ***What we do know is that the natural protests that arose because of the outrage over the video*** were used as an excuse by extremists to see if they can also directly harm U.S. interests[.]”<sup>57</sup>

Secretary Clinton has since blamed her statements on changing information received from U.S. intelligence reports. She and others have claimed that the 10:08 p.m. statement was not meant to ascribe a motive to the attack. Yet, Sullivan knew the morning of September 12th—based on the press release from the embassy in Kabul—that people had heard it exactly that way. Moreover, whether or not the intelligence information changed, Secretary Clinton’s public and private statements remained unchanged—publicly tying Benghazi and Cairo together and privately recognizing the violence in Benghazi was a terrorist attack with nothing to do with a protest or video.

Moreover, to the extent any intelligence analysis incorrectly reported on a protest or a video in connection with Benghazi, Secretary Clinton and other State officials, who knew better, simply ignored them. As just one example, in her conversation September 15, 2012 with the president of Libya, Secretary Clinton made no mention of anything in the CIA talking points that administration officials later claimed were the best assessment available at the time, and those talking points made no mention of a video in connection with Benghazi. In short, Secretary Clinton and the administration knew better than to rely on flawed intelligence reports. Intelligence assessments may have changed. News reports may have changed. But the eye witness accounts remained same—and not one said a protest had occurred. Yet, once Secretary Clinton and Ben Rhodes set the message, the truth became an afterthought.

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<sup>57</sup> Press Release, Remarks by the President at Univision Town Hall with Jorge Ramos and Maria Elena Salinas (Sept. 20, 2012), <https://www.whitehouse.gov/the-press-office/2012/09/20/remarks-president-univision-town-hall-jorge-ramos-and-maria-elena-salina> (emphasis added).

## D.

### Ambassador Rice Faces the Nation

On September 16, 2012, Ambassador Susan Rice appeared on five Sunday talk shows and blamed Benghazi on the video. She took the brunt of the criticism for doing so when it finally became public that no protest had occurred. It is now clear, however, that connecting the video to Benghazi started far sooner. It began with Secretary Clinton's 10:08 p.m. statement the night of the attack. Rice compounded the deception. While Secretary Clinton and others blurred the line between Cairo and Benghazi, Ambassador Rice erased it completely.

Ambassador Rice now claims that she did not blame the video for what occurred in Benghazi. The plain wording of what she said, however, refutes her testimony to the Committee. She also claims that she simply relied on the flawed CIA talking points. But even a casual reading of those talking points shows that she went far beyond what the CIA prepared—in a way that helped the President politically.

The original draft of the CIA talking points included key information that would have at a minimum pointed to the possibility of a planned terrorist attack. For example, the initial draft referred to knowing that “Islamic extremists with ties to al-Qa’ida” had taken part in the attack, that “there had been at least five other attacks” previously, and that they could not rule out that “individuals had previously surveilled the U.S. facilities.”<sup>58</sup> By the final draft, however, officials had stripped out all of that and other information. It then read simply:

The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. diplomatic post and subsequently its annex. There are indications that extremists participated in the violent demonstrations.

This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated.

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<sup>58</sup> See *Talking Points Timeline*, ABC NEWS, <http://abcnews.go.com/images/Politics/Benghazi%20Talking%20Points%20Timeline.pdf>.

The investigation is ongoing, and the U.S. Government is working w/ Libyan authorities to help bring to justice those responsible for the deaths of U.S. citizens.<sup>59</sup>

The talking points in their final form make no mention of the video. Nevertheless, and with no discernable basis for doing so, Ambassador Rice drew that inaccurate connection. On Meet the Press she said “putting together the best information we have available to us today our current assessment is that what happened in Benghazi was in fact initially a spontaneous reaction to what had just transpired hours before in Cairo, almost a copycat of – of the demonstrations against our facility in Cairo, which were prompted, of course, by the video.”<sup>60</sup>

The statement Rice made was false. The “best information” available at the time—from the witnesses on the ground—pointed directly to a pre-planned, complex terrorist attack. Many within the State Department came to that conclusion quickly as well. For example, a Senior Advisor for Strategic Communications, Near Eastern Affairs Bureau, “My opinion, that night, was simply that this was a terrorist attack.”<sup>61</sup> Likewise, Assistant Secretary of State Beth Jones testified that “there was discussion about was it a demonstration, was it an attack? And I knew very well that the Embassy [in Tripoli] believed it to be an attack. I believed it to be an attack.”<sup>62</sup>

No one—and certainly not the CIA or the broader U.S. Intelligence Community—had described Benghazi as a copycat of Cairo. In fact, knowing what they knew at the time it is hard to imagine how the two events could have been more different. On the very night of the attack, Ambassador Rice herself received an e-mail that described the Cairo protests as “2000 protestors in total. 20 got to the top of the wall, 10 got inside the perimeter – they tore down the flag and sprayed graffiti inside

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<sup>59</sup> *Id.*

<sup>60</sup> Transcript of Interview, Amb. Susan Rice on Meet the Press (Sept. 16, 2012).

<sup>61</sup> Transcript of Interview of Senior Advisor for Strategic Communications, Near Eastern Affairs Bureau at 89 (July 29, 2015) (on file with the Committee).

<sup>62</sup> Transcript of Interview of Acting Assistant Sec’y of State NEA Beth Jones before H. Comm. on Oversight and Government Reform at 138-139 (July 11, 2013) (on file with the Committee).

the compound. They went after employee cars as well.”<sup>63</sup> No one used or showed a weapon in Cairo and no American was hurt. In short, Benghazi was not “almost a copycat” of what occurred in Cairo and Ambassador Rice knew it.

Ambassador Rice’s “copycat” claim was particularly troubling in light of the fact that the President said virtually the opposite just days earlier. In an interview with Steve Kroft of 60 Minutes on September 12, 2012 he was asked, “This has been described as a mob action, but there are reports that they were very heavily armed with grenades. That doesn’t sound like your normal demonstration.”<sup>64</sup> To which the President responded, “As I said, we’re still investigating exactly what happened. I don’t want to jump the gun on this. ***But you’re right that this is not a situation that was exactly the same as what happened in Egypt***, and my suspicion is, is that there are folks involved in this who were looking to target Americans from the start.”<sup>65</sup> It is troubling that this portion of the President’s answer was deleted from the show that aired on September 23, 2012 and was not made public until just days before the election.

Similarly, on CNN’s State of the Union Ambassador Rice, almost indignant, insisted “[f]irst of all, let’s be clear about what transpired here. What happened this week in Cairo, ***in Benghazi***, in many parts of the region . . . was a result – ***a direct result*** of a heinous and offensive video that was widely disseminated.”<sup>66</sup> Again, nowhere in the talking points did the U.S. Intelligence Community blame the video for what occurred in Benghazi let alone describe it as a “direct result” of the video. When confronted with this, Ambassador Rice seemed to deny the meaning of the very words she used, claiming that she did not “intend[] to include[] Benghazi in that statement[.]”<sup>67</sup>

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<sup>63</sup> E-mail from a State Dep’t Senior Policy Advisor to Amb. Susan Rice and others (Sept. 11, 2012) (on file with the Committee, C05390691).

<sup>64</sup> Internal Transcript, Interview of the President by Steve Kroft, 60 Minutes at 2 (Sept. 12, 2012) (on file with the Committee, C05527907).

<sup>65</sup> *Id.*

<sup>66</sup> Transcript of Interview, Amb. Susan Rice on CNN State of the Union (Sept. 16, 2012).

<sup>67</sup> Transcript of Interview of Amb. Susan Rice at 102 (February 2, 2016), (on file with the Committee).

Nor did Ambassador Rice—or anyone else from the administration—tell the full story. In fact, they only told the half that helped politically. For example, the administration claimed publicly there was no “actionable intelligence” prior to the attack—suggesting the attack was spontaneous.<sup>68</sup> However, it failed to disclose that at the time significant gaps existed in U.S. intelligence collection in Libya that made it virtually impossible to have picked up such warnings in the first place. It also failed to highlight the casing incident that had

occurred the morning of the attack just outside the Benghazi compound.<sup>69</sup> The administration also failed to disclose the long history of terrorist violence in Benghazi—information that would have placed the Benghazi attack into its proper context.

Nor did Ambassador Rice show any sincere interest in finding all of the facts—or as she put it—the best information available before going on the Sunday talk shows. In fact, her preparation session the day before, which included Benjamin Rhodes and White House political adviser David Plouffe—appeared to spend very little time on Benghazi at all.<sup>70</sup>

On Monday, September 17, 2012, some State Department officials reacted with shock to Ambassador Rice’s claims. Specifically, the Department’s NEA Bureau press department—the experts on Libya—reacted with disbelief. The discussion began with NEA’s Senior Libyan Desk Officer reacting to draft press guidance that quoted the CIA talking points by saying, “I really hope this was revised. I don’t think we should go on the record on this.”<sup>71</sup> This led to the Deputy Director, Office of

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<sup>68</sup> See US ‘had no actionable intelligence’ over Benghazi attack, THE TELEGRAPH (Oct. 10, 2012), <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/9597738/US-had-no-actionable-intelligence-over-Benghazi-attack.html>.

<sup>69</sup> See E-mail from Assistant Regional Security Officer (Sept. 11, 2012) (“We received word from our local guards that this morning they observed a member of the police force assigned to the [Benghazi] Mission at a construction site across the street from our main gate taking pictures of our compound. I briefed the [Ambassador.]” (on file with the Committee, C05271656).

<sup>70</sup> See Transcript of Interview of Amb. Susan Rice at 39 (February 2, 2016) (Rice testified “I don’t recall us talking about the CIA talking points” and “we didn’t talk about Benghazi, in fact, on the phone call, as I remember”) (on file with the Committee).

<sup>71</sup> E-mail from Senior Libyan Desk Officer, NEA to NEA Press Officer (Sept 17, 2012) (on file with the Committee: Doc# C05580617).

Maghreb Affairs, NEA saying, “Not sure we want to be so definitive[,]”<sup>72</sup> which led to the following e-mail exchange:

***NEA Spokesperson:***

The horse has left the barn on this, don’t you think? Rice was on FIVE Sunday Morning shows yesterday saying this. Tough to walk back.

***Senior Advisor for Strategic Communications, NEA:***

[Nuland] planned on walking it back just a bit, though.

***Senior Libyan Desk Officer, NEA:***

I think Rice was *off the reservation* on this one.

***Senior Advisor for Strategic Communications, NEA:***

Yup. Luckily there’s enough in her language *to fudge exactly what she said/meant*.

***NEA Spokesperson:***

Off the reservation on five networks!

***Senior Advisor for Strategic Communications, NEA:***

[White House] very worried about the politics. This was all their doing.<sup>73</sup>

Although these individuals may not have seen the CIA talking points prior to Rice’s appearances, they did know what had occurred in Benghazi based on their vantage point that night.<sup>74</sup>

The exchange also highlights another important issue. Toward the end of the exchange the NEA Senior Advisor for Strategic Communications

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<sup>72</sup> *Id.*

<sup>73</sup> E-mail from Senior Advisor for Strategic Communications, NEA to Spokesperson, NEA, Senior Libyan Desk Officer, NEA, Deputy Director, Office of Maghreb Affairs, NEA (Sept 17, 2012) (emphasis added) (on file with the Committee, C05580618).

<sup>74</sup> *See, e.g.*, Transcript of Interview of Senior Advisor for Strategic Communications, NEA at 89 (“Q: So let me make sure I’m clear. So your opinion on the night of the attack, when you were at the State Department, your opinion was that it was a terrorist attack? A: Correct.”) (on file with the Committee).

describes it as “luck” that Ambassador Rice had said enough to “fudge” what she meant. A national crisis is no time to fudge the truth; it is a time to find it and to tell it. But what we found here is just the opposite. And for those who appear to have known the truth—such as Secretary Clinton—the American people waited in vain for them to correct Ambassador Rice’s misleading public statements.

Possibly most troubling is the evidence suggesting the State Department may have changed its public statements to match Rice’s claims. Specifically, on September 17, 2012, a State Department Press Officer in the NEA Bureau circulated a document entitled “NEA Press Guidance Libya: Update on Investigation on Attack in Benghazi,”<sup>75</sup> a document intended as guidance for public comments about the attack. In the original draft it said that “we have not seen any signs that the attack . . . in Benghazi was other than *premeditated or coordinated*.” In a later draft, however, “other than premeditated or coordinated” morphed into “other than spontaneous.” The document produced by the State Department to the Committee still contained the insertion (in bold) and deletions (in bold strikethrough) under the heading “Key Points”:

We will continue to wait for the findings of the ongoing FBI investigation before reaching a final conclusion, but at this preliminary stage, time, we have not yet seen any signs that the attack on our consulate in Benghazi was other than **spontaneous. ~~premeditated. or coordinated.~~**<sup>76</sup>

No one asked about it could explain the change. The change—from the truth to a known false statement—is troubling.

Secretary Clinton and others in the State Department clearly knew the truth about Benghazi almost immediately. Yet they only shared that information with others privately, including with Secretary Clinton’s daughter. Publicly they told a very different story—one in line with Ben Rhodes’s instruction to blame the video and not a failure of the President’s policy. In doing so, the President and Secretary Clinton put politics ahead of the truth. The four victims deserved better. And the American people deserved better.

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<sup>75</sup> See E-mail from NEA press officer to Bernadette Meehan and others (Sept. 17, 2012) (on file with the Committee, C05578291).

<sup>76</sup> *Id.*

## II.

### LAST CLEAR CHANCE

In August 2012, however, it did not take an expert to see that the State Department facility in Benghazi should have been closed if additional security was not to be provided. The location and the risk demanded Secretary Clinton's attention. The Benghazi facility was wholly unique and there is no evidence that Secretary Clinton asked her experts—let alone Ambassador Stevens who she personally chose for the position—the hard questions. The robust host-nation security forces that the United States takes for granted in other countries did not exist in Libya. Rather, competing militias—some friendly, some not—filled the vacuum left by 40-plus years of Qaddafi's rule. And escalating violence against the U.S. compound and others in Libya—230 incidents since June 2011 alone—made a terrorist attack all but inevitable. These were the facts known in August 2012. And in August 2012 Secretary Clinton had the last, clear chance to provide adequate protection or, failing that, to close the facility and pull our people out. She did neither.

#### A.

##### **The “wild east”: Post-Qaddafi Benghazi**

*I told him that this was a suicide mission; that there was a very good chance that everybody here was going to die; that there was absolutely no ability here to prevent an attack whatever. \*\*\* [H]he said, “everybody back here in D.C. knows that people are going to die in Benghazi, and nobody cares and nobody is going to care until somebody does die.”*

State Diplomatic Security Agent #10<sup>77</sup>

According to the Diplomatic security agent quoted above, he had this exchange with the State Department's desk officer for diplomatic security in the region that covered Libya, shortly after he arrived in Benghazi on temporary assignment as the regional security officer. The conversation did not occur days before the attack. It did not occur a month before the attack. Rather, he gave the warning nearly nine months

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<sup>77</sup> Transcript of Interview of DS Agent #10 at 22-23 (April 2, 2015) (recounting conversation with DS Agent #25 who was the desk officer for diplomatic security in the Near Eastern Affairs Bureau).

before September 11, 2012 shortly after he arrived in Benghazi. Nor was his the only warning.

In June 2012, a second Benghazi security official reported on the “increase in extremist activity” in Benghazi and described his “fear that we have passed a threshold where we will see more targeting, attacks, and incidents involving western [sic] targets.”<sup>78</sup> The official also listed a series of very recent attacks and noted that a source had warned of a “group attack” on an American facility.<sup>79</sup> He specifically mentioned “[t]argeting [and] attacks by extremist groups particularly in the eastern portion of Libya[.]”<sup>80</sup> These warnings contained troubling information about possible terrorists trying to learn information about U.S. facilities.<sup>81</sup>

The list of incidents in Benghazi that were reported back to Washington was long. And it told a compelling story of a city on the brink. To anyone aware of the conditions, it was not a matter of “if” but rather “when” a terrorist attack on the U.S. compound would occur. The list ran the gamut from minor to major incidents, including a rocket attack on the British ambassador’s convoy that prompted withdrawal of British personnel from the city. The incidents included:

- April 10, 2012 explosive device hits U.N. convoy in Benghazi<sup>82</sup>
- May 22, 2012 rocket propelled grenade attack on the International Red Cross facility, which included a warning that “Americans would be targeted next”<sup>83</sup>
- June 6, 2012 attack on U.S. mission in Benghazi<sup>84</sup>

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<sup>78</sup> E-mail from DS Agent #24 to DS Agent #25 (June 14, 2012) (on file with the Committee, C05388987).

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.* (“LES bodyguard assigned to the Ambassador’s Protection Detail informed the RSO that he was asked about specific security questions concerning the embassy by an individual that he believed was an extremist.”).

<sup>82</sup> E-mail from Diplomatic Security Agent 16 to DS-IP-NEA (Apr. 10, 2012) (on file with the Committee, SCB0048085).

<sup>83</sup> E-mail from OpsNewsTicker to NEWS-Libya (May 22, 2012, 9:06 AM) (on file with the Committee, C05392368).

- June 18, 2012 armed attackers storm Tunisian Consulate<sup>85</sup>
- June 11, 2012 rocket attack on the British ambassador<sup>86</sup>
- July 27, 2012 attempted bomb attack on Tibesti Hotel in Benghazi, the hotel used by the State Department during Revolution<sup>87</sup>
- July 31, 2012 seven Iranian-citizen International Committee of the Red Crescent workers abducted<sup>88</sup>
- August 20, 2012 small bomb thrown at Egyptian diplomat's vehicle parked outside of the Egyptian consulate<sup>89</sup>

Without this background one could, in theory, jump to the mistaken conclusion that the terrorist attack in Benghazi and the protests in Cairo were connected in time and in cause. But the State Department and the NEA Bureau in particular knew this history all too well. For those people, it was against this backdrop that they quickly saw Benghazi for what it was: a terrorist attack, not a protest.

Nor did this escalation in violence escape the notice of American policy makers or the U.S. Intelligence Community. Intelligence analysts

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<sup>84</sup> E-mail from Principal Officer 2, U.S. Dep't of State, to John C. Stevens, U.S. Ambassador to Libya, Joan A. Polaschik, Deputy Chief of Mission in Libya, William V. Roe-buck, Dir. Office of Maghreb Affairs, Bureau of Near Eastern Affairs, U.S. Dep't of State (June 6, 2012, 4:49 AM) (on file with the Committee, C05393187).

<sup>85</sup> See Mohamed al-Tommy and Hadeel al-Shalchi, *Gunmen Attack Tunisian Consulate in Benghazi*, Reuters (Jun. 18, 2012, 19:03), <http://www.reuters.com/article/us-libya-gunmen-tunisia-idUSBRE85H1V620120618>

<sup>86</sup> Memo from Regional Director, Near Eastern Affairs Bureau, Diplomatic Security at 44 (June 15, 2012) (on file with the Committee, SCB0048161).

<sup>87</sup> See *Blast and Jailbreak Rock Libya's Benghazi*, AlJazeera (Aug. 1, 2012) (available at [http://www.aljazeera.com/news/africa/2012/08/201281818\\_48269995.html](http://www.aljazeera.com/news/africa/2012/08/201281818_48269995.html)).

<sup>88</sup> *Iran Red Crescent Team 'Kidnapped' in Libya*, AlJazeera (Jul. 31, 2012), <http://www.aljazeera.com/news/africa/2012/07/201273120552473238.html>.

<sup>89</sup> See Steven Sotloff, *The Bomb Attacks in Libya: Are Gaddafi Loyalists Behind Them?*, Time (Aug. 24, 2012), <http://world.time.com/2012/08/24/the-bomb-attacks-in-libya-are-gaddafi-loyalists-behind-them/>.

produced numerous reports on the growing terrorist threat centered in Benghazi—yet the State Department did nothing. Again, why? And so even though the security problems in Benghazi appear to have been well known to State Department officials at the time, no one acted in any meaningful way to protect the Benghazi facility let alone to get the people out. The question remained: Why?

Although the agent’s warning quoted at the section heading could not have been clearer, it was ignored even as the situation in Benghazi went from bad to worse. The situation became so grave that it prompted one State Department official to dub Benghazi the ██████████. Sadly, the humor foreshadowed the horror to come as he made this statement in an e-mail sent to Ambassador Stevens just hours before his death.<sup>90</sup>

Some blame the deplorable security conditions in Benghazi on the facility’s “made up” State Department designation. To them, the fact the Department labeled the facility “temporary” excused shortcomings in the compound’s physical security. A “temporary” designation enabled the facility to skirt a host of written internal security requirements that applied to more permanent locations. We also learned it was an improvised designation not used at any of the State Department’s other 275 facilities around the world.<sup>91</sup> The requirements this designation avoided cover everything from setbacks to perimeter wall heights to razor wire placement. Standards that, had the State Department complied with them, would have given the Benghazi staff a fighting chance that night.

In trying to excuse the security conditions in Benghazi, some have argued that it would have been impossible to comply with the State Department’s internal requirements in Benghazi. That may be true, but it is also irrelevant. The suggestion that a facility’s label should dictate whether men and women have adequate security of course makes no sense.

It makes no sense because it ignores a critical requirement applicable to all facilities regardless of whether it will stand for a day, a year, or a

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<sup>90</sup> E-mail from Public Affairs Officer, U.S. Embassy Libya to Amb. Christopher Stevens (Sept. 11, 2012) (on file with the Committee).

<sup>91</sup> This is the number of facilities identified by Assistant Secretary for Diplomatic Security Gregory Starr in his testimony before the Committee in 2014. Transcript of Hearing 1 H. Sel. Comm. on Benghazi Testimony of Gregory Starr at 97 (Sept. 17, 2014).

decade. The facility's label did not trump commonsense. Nor did it blind officials to the deadly attack that to trained professionals appears to have been all but inevitable, as the security agent quoted above observed months before. In other words, the State Department cannot hide behind its regulations. It had an obligation to act yet did far too little to secure the facility. The question, again, was why?

The same question came from the former Ambassador to Yemen, who the day after the attack observed:

People are bound to ask how we can send unarmed civilian diplomats to conduct [U.S. government] business into a region with no local security forces to rely on, only a handful of lightly armed [diplomatic security] agents serving as close protection team, and a couple dozen local militiamen of questionable pedigree with AK-47's providing perimeter security.<sup>92</sup>

It was a question that the ambassador himself could not even answer: "I would suggest that we *begin to think now* of how we explain/justify our presence in these non-permissive environments."<sup>93</sup> To most Americans, the time to think about justifying a presence in Benghazi and other dangerous places should have come before, not after, Americans have died.

So the question remained, what was so important in Benghazi that it meant risking the lives of Americans in what many appeared to view as a suicide mission? It is true that American diplomats cannot hide inside bunkers. That we can never eliminate all risk in diplomacy. That Benghazi was the seat of the revolution and home to important anti-regime leaders. And that the United States was not alone in seeing a good reason to be there, as other Western countries had done the same. Yet, other Western countries left and the U.S. stayed. So while all this may be true, it still begs the essential question: Why Benghazi? The answer that best fits is politics.

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<sup>92</sup> E-mail from former ambassador to Yemen to Beth Jones, Acting Assistant Secretary for NEA (Sept. 12, 2012) (on file with the Committee, C05391021).

<sup>93</sup> *Id.*

**B.**

**Putting Politics Ahead of People: Failing to Close  
the Benghazi Compound**

It remains unclear why a State Department presence in Benghazi was so important. What is clear, however, is keeping a facility open there was important to Secretary Clinton. In addition, on this matter, many questions remain and much classified information was withheld from the Committee.

In his interview with Secretary Clinton prior to confirmation as ambassador to Libya, Secretary Clinton told Ambassador Stevens that she hoped that Benghazi would become a permanent post. In late July 2012, Ambassador Stevens discussed the issue with his Deputy Chief of Mission Gregory Hicks. According to Mr. Hicks, during their discussion Ambassador Stevens said that Secretary Clinton might travel to Libya again, possibly in October,<sup>94</sup> and that Stevens wanted to have a “deliverable” for her trip. That “deliverable” was to make the mission in Benghazi permanent.

No matter how important a presence in Benghazi was—to Secretary Clinton, to the State Department, to the United States—it should have become very clear that the risks of staying without more security outweighed any possible benefit.

On August 17, 2012, Secretary Clinton received a document titled “Information Memo for the Secretary.” The memo did not pull punches. Under the somewhat benign heading “Uptick in Violence, Primarily in Eastern Libya” it said, “Since May, there has been a spike in violent incidents, including bombings, abductions, assassinations, and car-jackings.”<sup>95</sup> The memo, from Acting Assistant Secretary for Near Eastern Affairs Beth Jones, is quoted at length here:

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<sup>94</sup> Transcript of Testimony of Gregory Hicks, Deputy in Charge of Mission Embassy Libya, before H. Comm. on Government Reform and Oversight at 15 (April 11, 2013).

<sup>95</sup> Information Memo for the Secretary from Acting Assistant Secretary Beth Jones, NEA (Aug. 17, 2012) (on file with the Committee, C05390124).

- “While unpredictable security conditions restrict the movement of U.S. government personnel, they have not limited our assistance work.”<sup>96</sup>
- “The attachment lists the major events, which include a June 6 bombing at the U.S. Mission in Benghazi and an August 6 attempted car-jacking of embassy personnel in Tripoli.”<sup>97</sup>
- “Recently, foreign residents of Benghazi have expressed concern about the risks of living and working there.”<sup>98</sup>
- “In response to five attacks since May, the International Committee of the Red Cross (ICRC) withdrew its personnel from Benghazi and Misrata in early August[.] The ICRC country director believes international organizations in Libya have underestimated the recent rise in violence out of a shared sense of optimism.”<sup>99</sup>
- “The variety of the violence points to the overall lack of effective security institutions, particularly in the east.”<sup>100</sup>
- “The distance from the already weak central security services, feelings of marginalization from the central government, and a history of Islamist extremism in some eastern towns all seem to contribute to a permissive environment where disparate motivations for violence have found fertile ground in which to germinate. The national Supreme Security Council - a post-revolutionary coalition of militia elements cobbled into a single force and designed to provide interim security in Benghazi - has had limited success as a stabilizing force.”<sup>101</sup>
- “The government seems largely unable to gather intelligence in advance of attacks and central security services appear

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<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

intimidated by the local militias, in some cases tacitly ceding their authority. Some actors see the weak response from the government and feel they can act with increasing impunity. The sense of lawlessness encourages spoilers, predators, and other disruptive players to escalate their actions.”<sup>102</sup>

- “Benghazi was once palpably safer than Tripoli [but] . . . lawlessness is increasing. . . . Despite the urgency, however, the government’s response is likely to continue to be hesitant and tentative[.]”<sup>103</sup>
- “Despite the worrisome aspects of this increase in violence, there is no coordinated organization behind the incidents. . . . Nonetheless, the likelihood of more widespread violence is strong if Libya’s political leaders are unable to demobilize [sic] militias and strengthen the government’s security institutions.”<sup>104</sup>

Despite the colorless bureaucratic language, the Beth Jones memo nevertheless painted a harrowing picture of conditions in the eastern part of Libya where Benghazi is located. Many of the words truly jump at the reader— “urgency,” “lawlessness,” “unpredictable,” “lack of effective security,” “limited success,” “widespread violence,” “act with increasing impunity.” The list of specific incidents attached to the memo brought that picture into even starker relief.

When Secretary Clinton was asked about the Beth Jones memo during her Committee interview she deflected, “Well, I think that, again, there was no recommendation based on any of the assessments, not from our State Department experts, not from the intelligence community, that we should abandon either Benghazi or Tripoli.”<sup>105</sup>

In the beginning and possibly into the summer of 2012, the situation in Benghazi may have represented one that called out for State Department

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<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> Transcript of Hearing 4 before the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi (hereafter referred to as “the Committee”), 114<sup>th</sup> Cong. (2015) (testimony of Hillary Rodham Clinton, Sec’y of State).

security experts or the Intelligence Community to speak up. But by August 17, 2012, it had become a situation that now demanded leadership by the Secretary of State herself—leadership that did not sit back and wait for a recommendation.

Just as she had shown—in the words of Jacob Sullivan—“leadership/ownership/ stewardship” on the decision to go into Libya, it was now time for her to show that same leadership and upgrade the facility or get our people out—even if it meant criticism from those who opposed the intervention in the first place. She had the last, clear chance to order an immediate closure of the Benghazi facility yet did nothing, and four Americans died.

During her testimony before the Committee, Secretary Clinton almost scolded the Republican members:

You know, I would imagine I've thought more about what happened than all of you put together. I've lost more sleep than all of you put together. I have been racking my brain about what more could have been done or should have been done.<sup>106</sup>

For one that had spent so much time thinking about what happened, it seems that the answer should have been obvious.

### **III.**

#### **MILITARY RESPONSE: COULD WE HAVE DONE MORE?**

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

Leon Panetta  
Secretary of Defense<sup>107</sup>

The U.S. military never reached Benghazi. Not only did it not get to Benghazi, it did not get to Libya during the 7-plus hours of the ongoing

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<sup>106</sup> Transcript of Hearing 4 before the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi (hereafter referred to as “the Committee”), 114<sup>th</sup> Cong. (2015) (testimony of Hillary Rodham Clinton, Sec’y of State).

<sup>107</sup> Transcript of Interview of Leon Panetta, Sec’y of Defense at 57 (Jan. 8, 2016).

attack. The only support unit that did arrive in Tripoli—the Marine “Fleet Anti-Terrorism Support Team” or “FAST” team—was anything but fast, and arrived in Libya nearly 24 hours after the attack had begun and 16-plus hours after the attack ended. In fact, it did not take off until almost 12 hours after the attack ended. Why? Although a Department of Defense drone circled overhead in Benghazi during much of the attack, the military never sent an armed drone that could possibly have changed the course of events during the hours-long siege, especially as terrorists pounded the Annex with mortar fire. An armed drone never came. Why?

Like many Americans, the picture we saw of what happened in Benghazi clashed with our experience and expectations. The brave men and women who serve this country are the greatest fighting force on earth with a capability second to none. We as Americans have grown to expect these men and women to do the near impossible. And time and again they not only meet our expectations, they surpass them. In fact, we saw examples of exactly that heroism on the ground in Benghazi that night.

Our brave soldiers were ready, willing, and able to fight for their fellow countrymen but leaders in Washington held them back. If they had been given the chance they would have, we have no doubt, as Secretary Panetta said, “taken that hill.”

In his testimony before the Committee, Secretary of Defense Panetta said that at about 6:00 p.m. on September 11<sup>th</sup> after meeting with the President, he ordered three assets to deploy: one Marine Fleet Anti-Terrorism Support Team or “FAST” team, one Commanders In Extremis Force or “CIF,” and one hostage rescue team based in the United States. He was clear: “My orders were to deploy those forces, period.”<sup>108</sup>

After his meeting with the President, which lasted less than 30 minutes, Secretary Panetta had no further contact with the President that night.<sup>109</sup> None. It is hard to accept that the Commander in Chief and the Secretary of Defense had no further contact during the entire unfolding crisis. Possibly just as startling is that Secretary Panetta and Secretary Clinton did not speak at all<sup>110</sup> and Secretary Clinton did not speak to the

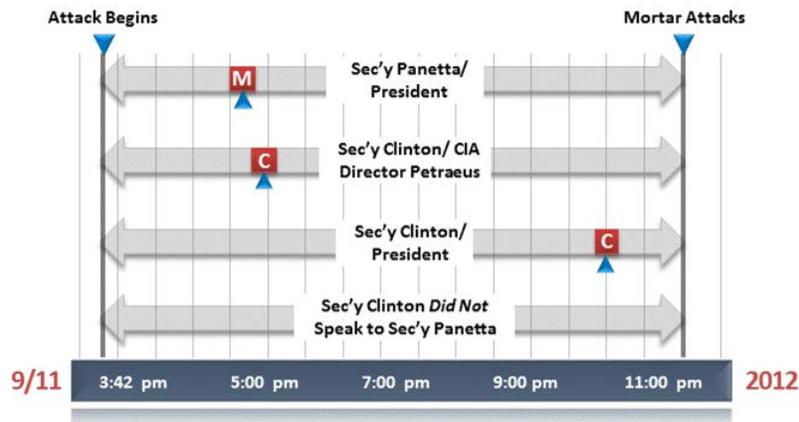
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<sup>108</sup> Transcript of Interview of Leon Panetta, Sec’y of Defense at 24 (Jan. 8, 2016).

<sup>109</sup> Transcript of Interview of Leon Panetta, Sec’y of Defense at 42 (Jan. 8, 2016).

<sup>110</sup> *Id.* at 48.

President until approximately 10:30 p.m., over six hours after the terrorist attack began and approximately five hours after a U.S. ambassador went missing.<sup>111</sup> Secretary Clinton spoke to CIA Director David Petraeus at approximately 5:38 p.m. but not again that night.<sup>112</sup> The meeting (denoted “M”) and calls (denoted “C”), or lack thereof, between the four principals—President Obama, Secretary Clinton, Secretary Panetta, and Director Petraeus—looked like this:<sup>113</sup>



We cannot help but contrast the picture painted by the above with the all hands on deck depicted in the now-famous photo of the President, Secretary Clinton, Defense Secretary Gates, Director of National Intelligence Clapper, and other officials huddled in the Situation Room during the Osama bin Laden raid. Benghazi should have merited the same level of attention and urgency.

Until now, the public has been told that the military could not have reached Benghazi in time to help—either with jet planes, armed drones, or personnel. Had we seen aircraft in the air flying toward Benghazi—flying toward the sound of gunfire as the military often says—only to be recalled mid-flight after hearing that the Americans had left Benghazi

<sup>111</sup> See Dep't of State, Watch Log, Operations Center (Sept. 11, 2012) (on file with the Committee, C05872462).

<sup>112</sup> *Id.*

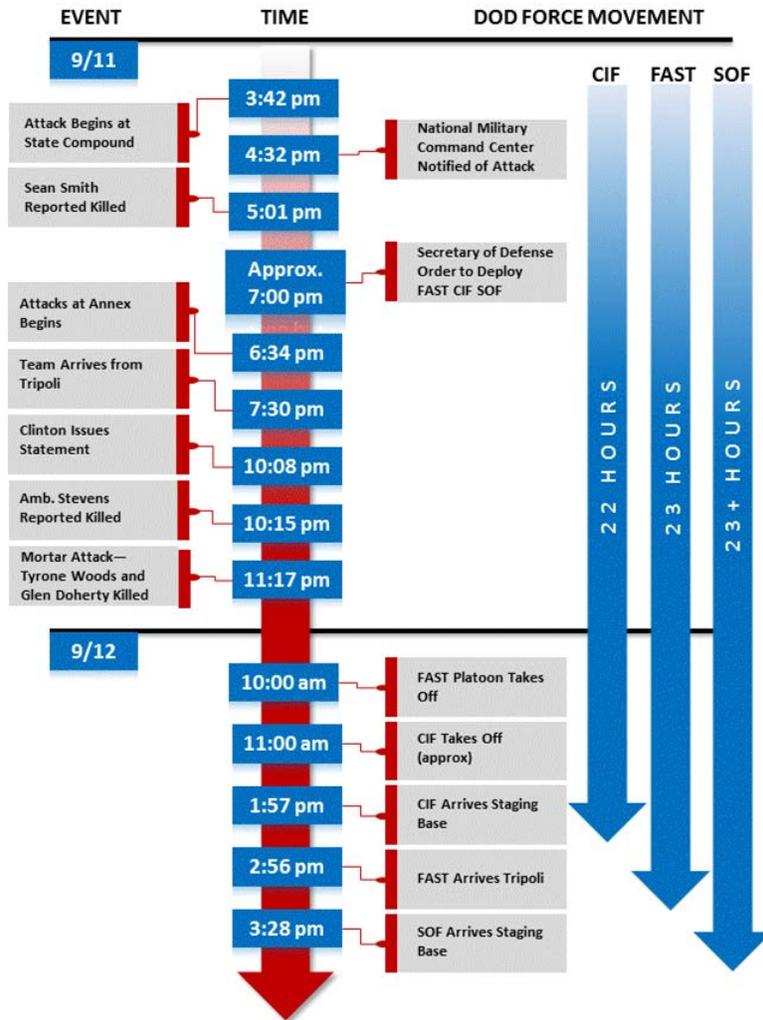
<sup>113</sup> All times Eastern.

safely, we may have been willing to accept that explanation. But the fighter planes and armed drones never left the ground. And, as the chart below shows, the transport planes carrying the FAST, CIF, and hostage rescue team did not leave until hours after the attack was over.

The attack began at 9:42 p.m. in Benghazi, 3:42 p.m. in Washington. It does not appear that Secretary Panetta heard about the attack until sometime after 4:32 p.m. when the National Military Command Center was notified and he did not discuss the matter with the President until approximately 5:00 p.m. From 3:42 p.m. until approximately 10:00 a.m. the next day—nearly 18 hours—no manned U.S. military plane flew on a mission toward Libya. When the first plane did take off with a Marine FAST platoon it did not take off until hours after the attack ended and flew to an intermediate country. The timeline of significant events compared to when the military assets took off and arrived included the following:<sup>114</sup>

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<sup>114</sup> All times shown are Eastern time, which is 6 hours behind local time in Benghazi.



We are now convinced, contrary to the administration’s public claim that the military did not have time to get to Benghazi, that the administration never launched men or machines to help directly in the fight. That is very different from what we have been told to date. And the evidence is compelling.

For example, FAST platoons, as of September 2012, were typically used to reinforce embassy security and operated from a fixed location within an embassy. FAST platoons did not deploy with their own vehicles, so they were dependent on other means for ground mobility. In other words,

the FAST team was not sent to help in the fight at the CIA Annex. The question then became what was sent. And the answer appears to be nothing. None of the three assets that Secretary Panetta ordered to deploy were intended to join the fight against terrorists at the Annex.

An asset that could have made a difference would have been armed drones. And as the Committee learned, it would have been relatively fast and easy to arm a drone. To date, however, the Committee has not received a detailed inventory of all armed drone assets available that night from the Department of Defense. While we understand that because of time and distance armed drones may not have arrived in time that does not alter the fact that we did not try.

The military has failed to provide a clear, specific inventory of every armed aircraft—whether manned or unmanned—that could have flown to Benghazi during the 7-plus hours from the beginning of the attack to the mortar rounds hitting the CIA Annex. Instead, the military has insisted that the Committee simply accept the word of senior military officers, some without firsthand knowledge of the events, as an adequate substitute for actual eye witnesses.

One of the clearest examples of the Department of Defense's attempt to impede the investigation involved one of its legislative affairs officers, Stephen C. Hedger. Mr. Hedger, appearing to work hand-in-hand with the minority members, wrote a stinging letter to the Committee attacking it on multiple fronts—attacks that quickly found their way into a Democrat press release. The letter even went so far as to imply that the Committee's investigative requests had somehow impaired our national defense.

The most troubling aspect of the letter was the criticism that the Committee had asked for witnesses that “seem unnecessary even for a comprehensive investigation[.]” While it is rare for the subject of an investigation to decide which witnesses are relevant, the Department of Defense felt otherwise. One of the supposedly “unnecessary” witnesses was known to the Committee only as “John from Iowa”—the pseudonym he used when he called into a talk show to discuss the attack. He had operated the video and other sensors on a Predator drone that circled over Benghazi the night of the attack. Given his bird's eye view, the Committee believed he could provide valuable insight into what the Department of Defense knew and therefore could have, and possibly should have, done to help that night.

Mr. Hedger responded to the request with what bordered on sarcasm—describing the Committee's request as one “to interview an individual

identified as ‘John from Iowa’ who described himself as a Remotely Piloted Aircraft (RPA) camera operator on a talk radio show, where he described what he allegedly saw in the video feed from the night of the attack.” In short, Mr. Hedger made the request sound like the Committee was chasing crackpots. To drive the point home he then added, “The Department has expended significant resources to locate anyone who might match the description of this person, *to no avail.*”<sup>115</sup>

As it turns out, Mr. Hedger’s claim was completely false according to information eventually provided by the witness himself, who the Department of Defense eventually produced. Mr. Hedger’s false and misleading claim, was one of the more troubling examples of the Department of Defense’s failure to cooperate fully, although not the only one.

What has also emerged is a picture of the State Department eating up valuable time by insisting that certain elements of the U.S. military respond to Libya in civilian clothes and that it not use vehicles with United States markings. Both restrictions appear to have been concessions to the Libyan government that did not want an identifiable U.S. military presence on the streets of Libya. We will never know exactly how long these conditions delayed the military response but that they were even a part of the discussion is troubling.

And at the same time the State Department appeared to waste time on what our soldiers would wear, it also appeared to waste time and focus on the YouTube video that the administration would later blame, falsely, for the attack. It has emerged that during an emergency call at 7:30 p.m. on the night of the attack involving Secretary Clinton and other high-level officials from the Department of Defense, State Department, and CIA that a full five of the eleven action items from the meeting related to the video.<sup>116</sup>

One such item had Secretary Panetta calling Pastor Terry Jones to ask him to take down the video. At this critical moment, with lives at risk in Benghazi and military assets sitting idle, it is difficult to imagine a worse

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<sup>115</sup> Letter from Stephen C. Hedger, Dep’t of Defense, Office of Legislative Affairs to the Hon. Trey Gowdy, Chairman, H. Sel. Comm. on the Events Surrounding the 2012 Terrorist Attack in Benghazi (Apr. 28, 2016) (emphasis added) (on file with the Committee).

<sup>116</sup> See E-mail from State Dep’t Operations to various (Sept. 11, 2012) (on file with the Committee, C05562037).

use of the Defense Secretary's time than to call Pastor Jones about a video having nothing to do with the attack. Rather than diverting the Secretary of Defense's attention, every effort should have been made to marshal assets that could have gone to Benghazi.

We cannot say whether the military could have saved lives in Benghazi. We can say with certainty that our nation's leaders did not move heaven and earth to send military help with the urgency that those Americans deserved. We will never know if a more vigorous, comprehensive, and urgent response could have saved lives.

#### IV.

#### JUSTICE DENIED

*We will not waver in our commitment to see that justice is done for this terrible act. And make no mistake, justice will be done.*

Barack Obama  
President of the United States<sup>117</sup>

The President made this promise the day after the attack. Secretary Clinton did much the same. In January 2015, White House Counsel W. Neil Eggleston said something very similar in a letter to the Committee where he claimed “[t]he Administration’s focus since the attacks has been . . . an unwavering commitment to bring to justice those responsible for harming Americans[.]”<sup>118</sup> The words of the President and his lawyer were resolute and they were strong. But in the end they were just that, words.

Almost four years have passed since four Americans were killed by radical Islamic terrorists in Benghazi. As of the writing of this report, only one man—Ahmed Abu Khatallah—has been indicted and brought to the United States to face charges.<sup>119</sup> To the Committee’s knowledge,

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<sup>117</sup> President Barack Obama, Remarks by the President on the Deaths of U.S. Embassy Staff in Libya (Sept. 12, 2012), <https://www.whitehouse.gov/the-press-office/2012/09/12/remarks-president-deaths-us-embassy-staff-libya>.

<sup>118</sup> Letter from W. Neil Eggleston to Hon. Trey Gowdy, Chairman, H. Sel. Comm. on the Events Surrounding the 2012 Terrorist Attack in Benghazi (Jan. 23, 2015) (on file with the Committee).

<sup>119</sup> It is worth noting that Abu Khatallah’s capture demonstrated the capacity of the United States to execute a complex mission in a hostile place to bring a terrorist to justice. It is equally certain that the Obama administration’s decision

no others have been taken into U.S. custody, let alone arrested and prosecuted. Secretary Clinton said, almost two years after the murders, “there’s a lot we don’t know about what happened in Benghazi.” That may be true, but the United States does know the identity of many of the attackers. Yet, the resources devoted to bring them to justice have proven inadequate.

President Obama also claimed that Khattallah “will now face the full weight of the American justice system.” To us, that means facing the full measure of punishment for killing four Americans. Yet, the administration has chosen—for reasons it refused to provide Congress—not to seek the death penalty in this case.

And so as we near the fourth anniversary of the attack, the American people, at a minimum, are owed an explanation for the administration’s failure to bring more of those responsible to justice.

## V.

### NOTES ON THE INVESTIGATION

For the past two years the Committee pressed for full and complete answers to the important questions left in Benghazi’s wake. The American people—and especially the families of the victims and those injured—deserved nothing less.

We approached the investigation believing facts were nonpartisan. We knew some hoped the investigation would expose Secretary Clinton and President Obama for serious wrongdoing. Still others hoped, and in fact decided, that the investigation would find nothing—and they did their best to tarnish the Committee’s reputation in case something damaging did emerge. But we suspected the vast majority of Americans simply wanted the truth, whatever it may look like, to come out in full.

We had hoped that Democrats on the Committee would join this effort as full partners and that the administration would cooperate with our work.

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to treat Abu Khatallah and other terrorists as ordinary criminals—affording them the full panoply of legal protections available under U.S. law—has made it harder to capture Abu Khatallah’s co-conspirators. That is because the decision denies our Intelligence Community the time and tools necessary to develop facts that might help to apprehend the others responsible. That may, in turn, explain, why dozens and dozens of Abu Khatallah’s co-conspirators remain at large.

That Republicans and Democrats would feel the weight of history, and the loss of four fellow Americans, and set aside partisan differences in favor of a joint search for the truth. If that had happened, it would not have been without precedent as we saw during the 9/11 Commission investigation. Yet, Minority Leader Pelosi set the tone early, even before the first witness was sworn in, and made clear that a truly bipartisan effort would never happen:

Our nation deserves better than yet another deeply partisan and political review. It is disappointing that Republicans blocked a proposal offered by Democrats on the House floor today to ensure that this committee is truly bipartisan and fair – a proposal that would have allowed Democrats a real and equal voice on the committee, including on the issuance of subpoenas, the manner in which witnesses would be questioned and deposed, and the specific protocols governing how documents and other information would be obtained, used, and potentially released by the committee.

It is clear that House Republicans will do anything to divert attention away from their failed leadership and do-nothing record. As they work to feed the most conspiracy-obsessed elements of their base, millions of Americans are languishing thanks to Republicans' refusal to act on the urgent business before our nation: renewing emergency unemployment insurance, raising the minimum wage, and creating jobs.<sup>120</sup>

It bears mentioning that the Democrats on the Committee could have asked for witnesses or documents but in the end asked for one witness and a handful of documents. In other words, we offered them the “real and equal voice on the committee” that Minority Leader Pelosi demanded, but they fell silent when it came time to do the work.

The Democrats on the Committee did not, however, fall completely silent. When they were not attacking the Republicans, they paid lip service to the notion of a bipartisan investigation. Ranking Member Cummings called for just that type of investigation during the first

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<sup>120</sup> Nancy Pelosi, House Democratic Leader, Pelosi Statement on House Vote on Select Committee on Benghazi (May 8, 2014), <http://www.democraticleader.gov/newsroom/pelosi-statement-house-vote-select-committee-benghazi/>.

hearing, invoking the same slogan that Minority Leader Pelosi used and, of course, that President Obama had used before her: “Too often over the past two years, the congressional investigation into what happened in Benghazi has devolved into unseemly partisanship. We are better than that.” In fact, we are better. But in the end they were just words.

The Democrats on the committee, showed little interest in seeking the truth and routinely turned the investigation into political theater. We had hoped for more from members that included two former criminal prosecutors. Instead, the Democrats and their staff spent the bulk of their time trying to discredit the Republican-led committee and leveling baseless personal attacks. The attacks were often ugly, always without merit, and unfailingly partisan and did nothing to advance the cause of finding the full and complete truth about Benghazi.

## VI.

### CONCLUSION

In the end, the administration’s efforts to impede the investigation succeeded, but only in part. The minority members’ and their staff’s efforts to impede the investigation succeeded also, but again only in part. And although we answered many questions, we could not do so completely. What we did find was a tragic failure of leadership—in the run up to the attack and the night of—and an administration that, so blinded by politics and its desire to win an election, disregarded a basic duty of government: *Tell the people the truth*. And for those reasons Benghazi is, and always will be, an American tragedy.