

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ACCURACY IN MEDIA, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	Case No. 14-1589 (EGS)
DEPARTMENT OF DEFENSE, et al.,)	
)	
Defendants.)	
_____)	

DECLARATION OF JOHN H. CLARKE

John H. Clarke hereby deposes and says:

1. The attached exhibits one through 10, consisting of (1) a selection of pages from Congressional transcripts, (2) excerpts of a Congressional report, and (3) Executive Branch records, are authentic.

		Bates
Exhibit 1:	Sept 12, 2012 3:00 a.m. EXORD, European Command.	1-2
Exhibit 2:	DOD Timeline, November 2013.	3-4
Exhibit 3:	Leon Panetta January 8, 2016 closed-door testimony before <i>U.S. House of Representative Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi</i> , excerpts.	5-48
Exhibit 4:	<i>Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi</i> Report, excerpts.	49-60
Exhibit 5:	Deputy Chief of Mission Gregory Hicks testimony before <i>House Oversight and Government Reform Committee</i> , excerpt.	61-64
Exhibit 6:	Plaintiffs' Interrogatory to DOD.	65-66
Exhibit 7:	Testimony Secretary Clinton before Senate Committee on Foreign Relations, U.S. Senate, Jan. 2013, re "Benghazi: The Attacks and the Learned," excerpts, and testimony before <i>U.S. House of Representative Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi</i> , excerpts.	67-76
Exhibit 8:	CIA Inspector General Records.	77-103
Exhibit 9:	September 19, 2012, CIA Memorandum for the Record.	104-08
Exhibit 10:	Leon Panetta Feb 7, 2013 testimony before U.S. Senate Committee on Armed forces, "Hearing to Receive Testimony on Department of Defense's Response	109-11

Exhibit 11:	Time Conversion Chart.	112
Exhibit 12:	Map of assets.	113

2. This Declaration is submitted pursuant to Federal Rule of Civil Procedure 56(d), which provides:

- (d) When Facts Are Unavailable to the Nonmovant. If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:
 - (1) defer considering the motion or deny it;
 - (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order.

Although plaintiffs believe that the DOD's Motion for Summary Judgment should be denied outright for the reasons set forth in their Memorandum, they submit this Declaration, averring that a review of the records attached hereto reveals that plaintiffs cannot present all facts essential to support their opposition to the DOD's dispositive motion. Summary Judgment is not appropriate at this juncture because plaintiffs have not been allowed to discover the facts of when, and by what means, communications with assets were first made.

3. On November 20, 2017, the Washington Post published, "After 7-week trial, Benghazi jury weighs \$7 million informant, surveillance video and phone traces." It included:

Surveillance video played at trial showed some of those men armed, one carrying a fuel can that prosecutors contend was used to ignite diplomatic vehicles, and another a looted map that prosecutors said showed the secret CIA annex's location not far from the diplomatic compound.

4. In late 2017, NBC Nightly News broadcast an excerpt of that video footage.

5. Under House Resolution 567, the *Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi* was "directed to conduct a full and complete investigation and study and issue a final report of its findings to the House regarding all... activities that contributed to the attacks... including any other relevant issues relating to the attacks...." The Committee will issue a final report "addressing the matters," which "may contain a classified

annex." H. Res. 36—113th Congress (2013-2014) INVESTIGATION AND REPORT ON THE EVENTS SURROUNDING THE 2012 TERRORIST ATTACK IN BENGHAZI, states:

- (a) The Select Committee is authorized and directed to conduct a full and complete investigation and study and issue a final report of its findings to the House regarding—
 - (1) all policies, decisions, and activities that contributed to the attacks...
 - * * *
 - (3) internal and public executive branch communications about the attacks on United States facilities in Benghazi, Libya, on September 11, 2012;
 - * * *
 - (9) any other relevant issues relating to the attacks, the response to the attacks, or the investigation by the House of Representatives into the attacks.
- (b) In addition to any final report addressing the matters in subsection (a), the Select Committee may issue such interim reports as it deems necessary.
- (c) Any report issued by the Select Committee may contain a classified annex.

6. "I make the following statements based upon my personal knowledge, which in turn is based upon information furnished to me in the course of my official duties" (DOS Decl. ECF 68-6). Prior to the publication of the *Select Committee* Report, six Congressional reports were issued on the matter:

- December 30, 2012, FLASHING RED: A SPECIAL REPORT ON THE TERRORIST ATTACK AT BENGHAZI, issued by both parties U.S. Senate Committee on Homeland Security and Governmental Affairs

Fifty security incidents in Benghazi was a "flashing red" warning, according to the Republican report. Failing to suspend or abandon the Benghazi facilities was a "grievous mistake." Key findings include State Department initial knowledge that the attack was preplanned and the absence of any protest, at least by September 15th. Report faults IC and open source reports for the account of a protest in Benghazi.
- April 23, 2013, INTERIM PROGRESS REPORT FOR THE MEMBERS OF THE HOUSE REPUBLICAN CONFERENCE ON THE EVENTS SURROUNDING THE SEPTEMBER 11, 2012 TERRORIST ATTACKS IN BENGHAZI, LIBYA, issued by Republican Majority of five House committees

On "the same day and prior to" Ambassador Rice's talk show appearances, "a senior official on the ground in Libya informed senior leaders at the State Department that there was no demonstration prior to the attack." The Administration had altered its talking points to "remove references to the likely participation of Islamic extremists." The President and Secretary Clinton for appeared in a \$70,000 advertisement campaign in Pakistan disavowing the YouTube video. Also, "State Department personnel have testified that funding was not a reason for the drawdown of security levels in Benghazi."

- September 16, 2013, BENGHAZI ATTACKS: INVESTIGATIVE UPDATE INTERIM REPORT ON THE ACCOUNTABILITY REVIEW BOARD, issued by Republican Majority of Committee on Oversight and Government Reform.

Under Secretary of Management at the Department of State Ambassador Kennedy personally oversaw the number staff at any time at the Special Mission Compound, decided to discontinue the Security Support Team, and approved the extension of the facility "as is."

All four State Department officials who were placed on administrative leave failed to receive due process from the State Department, three of whom were not permitted to see the charges against them for six months because the information was classified. Hillary Clinton selected four of the five Accountability Review Board members, Undersecretary Kennedy oversaw the selection of ARB staff, and the ARB failed to interview Clinton. Admiral Mullen gave Cheryl Mills a friendly "heads up" that Charlene Lamb would not be a good witness.

- January 15, 2014, REVIEW OF THE TERRORIST ATTACKS ON U.S. FACILITIES IN BENGHAZI, LIBYA, SEPTEMBER 11-12, 2012, TOGETHER WITH ADDITIONAL VIEWS," issued by U.S. Senate Select Committee on Intelligence

The bipartisan report holds the State Department responsible for inadequate security at the Mission in the face of an increased violence, and the tragedy "preventable." There were three diplomatic Security agents assigned to the Mission, whereas nine security officers were assigned at the CIA Annex. Itemization of security improvements at the CIA Annex is redacted, while the Mission failed to keep all surveillance cameras running or install its new cameras. The attacks were in three distinct phases, with probing attacks at the CIA Annex between 11:56 p.m. and 1:00 a.m.

This Report details the August 15, 2012 Emergency Action Committee Report and its corresponding classified cable: "A CIA officer 'briefed the EAC on the location of approximately ten Islamist militias and AQ training camps within Benghazi.'" "Individuals affiliated with terrorist groups, including AQIM, Ansar al- Sharia, AQAP, and the Mohammad Jamal Network, participated in the September 11, 2012, attacks." The FBI and CIA reviewed the closed circuit

television video from the Mission on September 18, 2012, and FBI intelligence reports regarding the interviews of the survivors were disseminated on September 20, 2012.

- February 7, 2014, BENGHAZI: WHERE IS THE STATE DEPARTMENT ACCOUNTABILITY?
Issued by Republican Majority of the House Foreign Affairs Committee Secretary Clinton was aware of the security problems in Libya and should have acted accordingly, according to this Republican report. Of the four reinstated employees who had been placed on leave (Charlene Lamb, Scott Bultrowicz, Ray Maxwell, and Eric Boswell), two retired with full benefits, and the other two have been reassigned to positions with commensurate pay and benefits. Elizabeth Dibble, Jake Sullivan, and Victoria Nuland, were all promoted. Patrick Kennedy was unaccountable, even after (1) "approv[ing] a one-year extension of the Benghazi SMC in December 2011," (2) telling "the Defense Department in July 2012 that the State Department would no longer need the U.S. military's 16-member SST," and (3) "terminat[ing] Embassy Tripoli's use of a DC-3 aircraft that provided logistical support to the SST" on May 3.
- February 10, 2014, MAJORITY INTERIM REPORT: BENGHAZI INVESTIGATION UPDATE, issued by Republican Majority of House Armed Services Committee

While this Republican report declares that there was no "stand down" order given and that the military acted appropriately given the resources available, the Committee questions the posture of military forces. Why didn't the Administration prioritize a violent Libya among the ongoing threats"? Why was the Commander's in Extremis Force training on September 11th? Why didn't General Ham know that the CIA had a facility in Benghazi?

The State Department was ultimately responsible for embassy security. The attack was "carefully planned," with a "scouted...scene beforehand."

Date: June 25, 2018.

I declare under penalty of perjury that the foregoing is true and correct.

/s/
John H. Clarke

~~SECRET//NONE~~

Subject: USEUCOM EXORD FOR COMMANDERS IN-EXTREMIS FORCE (CIF) DEPLOYMENT

Originator: EUCOM J3 DIRECTORATE(MC)

DTG: 120700Z Sep 12 Precedence: ROUTINE

To: SOCEUR(mc), COMUSNAVEUR NAPLES IT(sc), SOCEUR(mc),
USAFECOMMANTCENTER(mc), USAREUR CG(mc), COMMARFOREUR(mc)

cc: SOCEUR J3 OPERATIONS DIRECTORATE(MC), EUCOM J1 DIRECTORATE(MC), EUCOM J37
Joint Readiness Training and Exercise Div(mc), EUCOM EPOC Antiterrorism
Division(mc), EUCOM J4-Eddoc Eucom Deployment-Distribution Ops Ctr(mc), EUCOM
J5-P Plans Div(mc), EUCOM J4-JLOC(mc), USCENCOM COMMAND CENTER(mc), USAREUR
G3(mc), EUCOM J2 DIRECTORATE(MC), EUCOM EPOC Operations Div(mc), EUCOM J4
DIRECTORATE(MC), EUCOM J5-J8 Directorate(mc), EUCOM J6 DIRECTORATE(MC), EUCOM
J7 DIRECTORATE(mc), EUCOM J9 DIRECTORATE(mc), EUCOM PA Public Affairs(mc),
EUCOM JA Judge Advocate Directorate(mc)

MSGID/ORDER/CDRUSEUCOM//
REF/A/PHONECON/CDRUSEUCOM/112228ZSEP12//

NARR/~~(S)~~ (b)(1) EO 13526 § 1.4(a)

ORDTYP/EXORD/CDRUSEUCOM//
TIMEZONE/Z//

NARR/~~(S)~~ (b)(1) EO 13526 § 1.4(a)

GENTEXT/SITUATION/
1. ~~(S)~~

(b)(1) EO 13526 § 1.4(a)

GENTEXT/MISSION/
2. ~~(S)~~

(b)(1) EO 13526 § 1.4(a)

GENTEXT/EXECUTION/
3. ~~(S)~~

(b)(1) EO 13526 § 1.4(a)

3.B. (U) TASKS.

3.B.1. (U) CDR, SOCEUR (CDRSOCEUR).

(b)(1) EO 13526 § 1.4(a)

~~SECRET//NONE~~

EXHIBIT 1

000001

~~SECRET//NONE~~

3.B.1.B. ~~(S)~~ (b)(1) EO 13526 § 1.4(a)

3.B.2. (U) COMMANDER, NAVAL FORCES EUROPE (CDRNAVEUR).

(b)(1) EO 13526 § 1.4(a)

3.B.4. (U) CDR, US ARMY EUROPE (CDRUSAREUR).

3.B.4.A. ~~(S)~~ (b)(1) EO 13526 § 1.4(a)

3.B.5. (U) CDR, US MARINE FORCES EUROPE (CDRUSMARFOREUR).

3.B.5.A. ~~(S)~~ (b)(1) EO 13526 § 1.4(a)

GENTEXT/ADMIN AND LOG/

(b)(1) EO 13526 § 1.4(a)

GENTEXT/COMMAND AND SIGNAL/

5. (U) COMMAND AND SIGNAL//

5.A. (U) COMMAND RELATIONSHIPS. CDRUSAFRICOM IS THE SUPPORTED COMBATANT COMMANDER FOR THIS MISSION. CDRUSEUCOM IS THE SUPPORTING COMBATANT COMMANDER. ALL OTHER COMPONENT COMMANDERS ARE SUPPORTING.

5.B. ~~(S)~~

(b)(1) EO 13526 § 1.4(a)

5.E (U) POINTS OF CONTACT.

(b)(3) 10USC 130b (b)(6)

Derived From: MULTIPLE SOURCES

Declassify On: 120700Z Sep 22

Date of Source: 010001Z Aug 08

~~SECRET//NONE~~

000002

Timeline of Department of Defense Actions on September 11-12, 2012

All times are Eastern Daylight Time (EDT, Washington, DC)
and Eastern European Time (EET, Benghazi)

Tuesday, September 11, 2012

EDT // EET

- ~3:42 pm // 9:42 pm The incident starts at the facility in Benghazi.
- 3:59 pm // 9:59 pm An unarmed, unmanned, surveillance aircraft is directed to reposition overhead the Benghazi facility.
- 4:32 pm // 10:32pm The National Military Command Center at the Pentagon, after receiving initial reports of the incident from the State Department, notifies the Office of the Secretary of Defense and the Joint Staff. The information is quickly passed to Secretary Panetta and General Dempsey.
- 5:00 pm // 11:00pm Secretary Panetta and General Dempsey attend a previously scheduled meeting with the President at the White House. The leaders discuss potential responses to the emerging situation.
- 5:10 pm // 11:10 pm The diverted surveillance aircraft arrives on station over the Benghazi facility.
- ~5:30 pm // 11:30 pm All surviving American personnel have departed the facility.
- 6:00-8:00 pm //
12:00-2:00 am Secretary Panetta convenes a series of meetings in the Pentagon with senior officials including General Dempsey and General Ham. They discuss additional response options for Benghazi and for the potential outbreak of further violence throughout the region, particularly in Tunis, Tripoli, Cairo, and Sana'a. During these meetings, Secretary Panetta directs (provides verbal authorization) the following actions:
- 1) A Fleet Antiterrorism Security Team (FAST) platoon, stationed in Rota, Spain, to prepare to deploy to Benghazi, and a second FAST platoon, also stationed in Rota, Spain, to prepare to deploy to the Embassy in Tripoli.
 - 2) A EUCOM special operations force, which is training in Central Europe, to prepare to deploy to an intermediate staging base in southern Europe.
 - 3) A special operations force based in the United States to prepare to deploy to an intermediate staging base in southern Europe.
- During this period, actions are verbally conveyed from the Pentagon to the affected Combatant Commands in order to expedite movement of forces upon receipt of formal authorization.
- ~6:30 pm // 12:30 am A six-man security team from U.S. Embassy Tripoli, including two DoD personnel, departs for Benghazi.

EXHIBIT 2

000003

~7:30 pm // 1:30 am The American security team from Tripoli lands in Benghazi.

~8:30pm // 2:30 am The National Military Command Center conducts a Benghazi Conference Call with representatives from AFRICOM, EUCOM, CENTCOM, TRANSCOM, SOCOM, and the four services.

8:39pm // 2:39 am As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization for the two FAST platoons, and associated equipment, to prepare to deploy and for the EUCOM special operations force, and associated equipment, to move to an intermediate staging base in southern Europe.

8:53pm // 2:53 am As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization to deploy a special operations force, and associated equipment, from the United States to an intermediate staging base in southern Europe.

~11:00 pm // 5:00 am A second, unmanned, unarmed surveillance aircraft is directed to relieve the initial asset still over Benghazi.

~11:15 pm // 5:15 am The second facility in Benghazi comes under mortar and rocket propelled grenade fire.

Wednesday, September 12, 2012

12:05 am // 6:05am AFRICOM orders a C-17 aircraft in Germany to prepare to deploy to Libya to evacuate Americans.

~1:40 am // 7:40 am The first wave of American personnel depart Benghazi for Tripoli via airplane.

~4:00 am // 10:00 am The second wave of Americans, including the fallen, depart Benghazi for Tripoli via airplane.

8:15 am // 2:15 pm The C-17 departs Germany en route Tripoli to evacuate Americans.

1:17 pm // 7:17 pm The C-17 departs Tripoli en route Ramstein, Germany with the American personnel and the remains of Ambassador Stevens, Sean Smith, Tyrone Woods, and Glen Doherty.

1:57 pm // 7:57 pm The EUCOM special operations force, and associated equipment, arrives at an intermediate staging base in southern Europe.

2:56 pm // 8:56 pm The FAST platoon, and associated equipment, arrives in Tripoli.

3:28 pm // 9:28 pm The special operations force deployed from the United States, and associated equipment, arrives at an intermediate staging base in southern Europe.

4:19 pm // 10:19 pm The C-17 arrives in Ramstein, Germany.

**INTERVIEW OF
SECRETARY OF DEFENSE
LEON PANETTA**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, JANUARY 8, 2016

EXHIBIT 3

000005

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*
CHRIS DONESA, *Deputy Staff Director*
DANA CHIPMAN, *Chief Investigative Counsel*
CRAIG MISSAKIAN, *Deputy Chief Counsel*
MAC TOLAR, *Senior Counsel*
CARLTON DAVIS, *Investigator*
SHERIA CLARKE, *Counsel*
KIM BETZ, *Member Outreach Liaison and Counsel*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
SHANNON GREEN, *Minority Counsel*
LINDA COHEN, *Minority Senior Professional Staff*
LAURA RAUCH, *Minority Senior Professional Staff*

FOR LEON PANETTA

HOWARD M. SHAPIRO
WilmerHale
Wilmer Cutler Pickering Hale and Dorr LLP

FOR THE U.S. DEPARTMENT OF DEFENSE

BILL HUDSON
EDWARD RICHARDS

295

4

Mr. Chipman. Let's go on the record.

(U) For the first time in the history of the Select Committee on Benghazi, we are starting precisely on time, on target, Mr. Secretary.

(U) This is a transcribed interview of Leon Panetta, who served as the Secretary of Defense from July 2011 to February 2013, conducted by the House Select Committee on Benghazi.

(U) This interview is being conducted voluntarily as part of the committee's investigations into attacks on U.S. diplomatic facilities in Benghazi, Libya, in September of 2012 and related matters pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

(U) Sir, could you please state your full name for the record?

Mr. Panetta. (U) Leon Edward Panetta.

Mr. Chipman. (U) On behalf of the committee and Chairman Gowdy, we appreciate your time and willingness to come in and talk to us today.

(U) My name is Dana Chipman, and I am a counsel on the committee's staff. I would like to go around the room to ask everyone else in the room to introduce themselves as well.

Chairman Gowdy. (U) Trey Gowdy, South Carolina.

Mr. Jordan. (U) Jim Jordan.

Mr. Roskam. (U) Peter Roskam, Illinois.

Mr. Pompeo. (U) Mike Pompeo, Kansas.

Mr. Westmoreland. (U) Lynn Westmoreland, Georgia.

Mr. Hudson. (U) Bill Hudson from the Department of Defense Office of the General Counsel.

000007

296

5

Mr. Richards. (U) Edward Richards, DOD Office of General Counsel.

Mr. Shapiro. (U) Howard Shapiro, Wilmer Cutler Pickering Hale and Dorr, for Mr. Panetta.

Mr. Davis. (U) Carlton Davis. I work for Chairman Gowdy.

Mr. Donesa. (U) I'm Chris Donesa with the committee staff.

Mr. Kiko. (U) Philip Kiko with the committee.

Ms. Betz. (U) Kim Betz with the committee.

Mr. Missakian. (U) Craig Missakian, majority staff.

Ms. Clarke. (U) Sheria Clarke, majority staff.

Mr. Kenny. (U) Peter Kenny, minority staff.

Ms. Sachsman Grooms. (U) Susanne Sachsman Grooms, minority staff.

Ms. Rauch. (U) I am Laura Rauch, minority staff.

Ms. Green. (U) Shannon Green with the minority staff.

Ms. Cohen. (U) Linda Cohen, minority staff.

Ms. Duckworth. (U) Tammy Duckworth.

Mr. Chipman. (U) I would like to go over some of the ground rules and explain how the interview will proceed.

(U) Generally, the way the questioning proceeds is that a member from the majority staff will ask questions first for up to an hour, and then the minority will have an opportunity to ask questions for an equal period of time if they so choose.

(U) And I note that we have been joined by Martha Roby.

(U) Questions may only be asked by a member of the committee or

000008

307

16

of your trip to Tripoli?

A (U) Boy. That's not one I nailed down. But it was before -- it was soon after, I think, the transition had taken place. And it was a stop that I wanted to make to be able to talk with them and talk with the Defense officials, that they had to determine what kind of assistance we could help provide them.

(U) And it was also -- I used that as an opportunity to visit a graveyard in Tripoli that includes the remains of the Marines going back to the Barbary Coast days when a Marine ship was taken down and our Marines were buried in Tripoli. And I wanted to make sure that I paid my respects to them.

Q (U) And, sir, as I recall, on this trip, you did not make a specific visit to Benghazi?

A (U) No.

Q (U) Were you aware of a U.S. Government presence in Benghazi even during your trip to Tripoli, that particular trip?

A (U) I was aware that, you know, we had some segments of the government located in Benghazi.

Q (U) Were you aware of a single facility or more than one facility in that timeframe?

A (U) I was not aware of the number of facilities. I knew we had a presence there.

Q (U) And were you aware of the agencies that may have constituted that presence, whether State Department, CIA, or any other U.S. Government agency?

000009

308

17

A (U) Because of my old job, I knew that there was a CIA presence there.

[Panetta exhibit No. 3

Was marked for identification.]

[Panetta exhibit No. 4

Was marked for identification.]

Mr. Chipman. (U) And if I could pass out exhibit 3.

(U) And, for the record, exhibit 3 is an unclassified DOD timeline that is also part of the same Senate report which the committee has used in a number of interviews before.

(U) And then if I could also pass out exhibit 4.

(U) And I would like the record to note we have been joined by Congresswoman Susan Brooks.

Mrs. Brooks. (U) Hello, sir. Thank you.

Mr. Panetta. (U) How are you?

BY MR. CHIPMAN:

Q (U) So with respect to exhibit 4, for the record, what I have done is to try to make it in a larger font because I had difficulty reading the font that was on the original exhibit. But I have also added some events, and so I would like to ask a few questions juxtaposed with some additional events and decisions that were made during that relevant timeframe.

(U) And so, Mr. Secretary, what we have is -- and I will use all times -- Washington, D.C.'s times, since that is the center of the universe. I will use all times in Washington and not Benghazi, Libya,

000010

309

18

nor Croatia, nor anywhere else that might have been involved -- Stuttgart, Germany.

(U) And so what we have is an attack that occurred or that started at 3:42 on the 11th of September.

(U) Sir, where are you located or what were you doing, if you can recall, when you first learned of the attack?

A (U) My best recollection is that I was in the Secretary's office at the Pentagon, probably preparing for the meeting that we have with the President. I had a regularly scheduled meeting with the President that General Dempsey and I usually attended to discuss defense and national security issues.

Q (U) So the unclassified timeline reflects that at 3:42 the attack at the Benghazi Temporary Mission Facility begins and at 4:32 the National Military Command Center at the Pentagon notifies the Office of the Secretary of Defense.

(???) Who would the NMCC have notified both at OSD and at the Joint Staff? Would that be your military assistant? Would that be --

A (U) Well, yeah, I was going to say I don't specifically recall who actually mentioned the events that were taking place in Benghazi, but chances are pretty good that General Kelly, who was my Marine military aide, that he and probably Jeremy Bash both might have mentioned it to me as I was leaving. But I think the stronger likelihood is it would have been General Kelly. But I can't tell you for sure.

Q (U) Marine General Kelly, John Kelly, was a three-star. He

000011

310

19

was your military aide.

A (U) That's right.

Q (U) And Mr. Jeremy Bash was your chief of staff --

A (U) That's correct.

Q (U) -- as the Secretary?

A (U) That's correct.

Q (???) It appears that notice was given to you, or to the Office of the Secretary of Defense more precisely, by 4:32 that afternoon, but then, as you indicated, you were preparing or getting ready to depart for a regularly scheduled meeting with the President along with General Dempsey?

A (U) That's correct.

Q (U) And so, at 5:00 p.m. -- is that your recollection of the start of the meeting you had with President Obama?

A (U) Approximately. I think, at the time -- and, again, I'm doing this by best recollection. General Dempsey and I arrived at the White House, and I think we both kind of pulled aside into the National Security Council quarters there to see if there was any additional information that we could get with regards to what we were picking up about events in Benghazi. And we did not have -- I don't think we received any additional intelligence. But I wanted to make sure that we knew everything possible before meeting with the President. And then we proceeded upstairs to the Oval Office. And so the meeting approximately began about 5 o'clock.

Q (U) And prior to the beginning of that meeting with the

000012

311

20

President, had you had an opportunity to speak with General Ham, the combatant commander of Africa Command, or had you not heard anything from him as of that point?

A (U) I don't recall speaking with General Ham before that, going into that.

Q (U) Did General Dempsey indicate whether he had heard from General Ham that he relayed to you prior to you both journeying over to the White House?

A (U) I don't recall that.

Q (U) And so, when you began that meeting with the President, did you inform him of the incident in Benghazi that was ongoing?

A (U) As soon as we went into the Oval Office, took our seats on the couches that are next to the President's chair. And at the very beginning of that meeting, I mentioned to the President that we were picking up information about a potential attack that was taking place on our facilities in Benghazi and that we did not have information about the state of the situation and also the situation regarding our ambassador, that this was all very preliminary. We had just gotten these reports, but they clearly raised a concern.

Q (U) Was that news to the President? Had he heard this already before your arrival at the White House?

A (U) I don't believe so, but, you know, the head of the National Security Council, the National Security Director, Tom Donilon, I believe, participated in that meeting. He might have been given a heads-up, but I don't recall that.

000013

312

21

Q (U) And during the course of that meeting with the President, the unclassified timeline indicates that the leaders discussed potential responses to the emerging situation. Can you recall what you were directed as a result of that meeting to do when you left that meeting and returned to the Pentagon?

A (U) The President made clear -- you know, again, these were all very preliminary reports about what was happening there. But the President made clear that we ought to use all of the resources at our disposal to try to make sure we did everything possible to try to save lives there.

Q (U) And did you or General Dempsey discuss with the President what resources might be available during the course of that meeting?

A (U) We did not go into particulars about what resources would or would not be deployed because, frankly, at that point, we had to get back to the Pentagon in order to determine what steps ought to be taken to try to respond to the situation.

Q (U) Yes, sir. So, to the best of your recollection, the specific direction that you took away from that meeting with the President was what?

A (U) To do everything possible to try to make sure that we tried to save the lives of those that were involved in the attack.

Q (U) Can you recall roughly what time you may have returned to the Pentagon after that meeting?

A (U) The meeting itself with the President perhaps lasted

000014

313

22

about 15, 20 minutes, maybe a little longer, maybe a little less. But I remember immediately leaving the Oval Office, jumping into the vehicle, and heading right back to the Pentagon.

(U) And at the time I arrived back at the Pentagon, probably somewhere close to 6 o'clock, you know, if not before that, at that point immediately calling a meeting with General Dempsey, who was with me. Called them in. We added -- at that point realized General Ham, the AFRICOM commander, was not in Africa or in Europe but was there at the Pentagon, which was something I was not aware of, and asked General Ham to come in, as well.

(U) General Kelly was there. Admiral Winnefeld, who was the deputy to the Chairman, he also would come in and out as he was trying to get additional information. You know, I believe Jeremy Bash was also there.

(U) But my general approach to these things is to immediately have a meeting with the key principals that I could talk with to ask them, you know, get the best information. What is the situation? How do we respond? What steps can we take to make sure we are doing everything possible to respond to the situation?

(U) And, I mean, as a result of that meeting, you know, I ordered that, based on their recommendations, that we have our FAST teams, Marine FAST teams, respond, be prepared to -- you know, not only prepare to deploy but deploy into -- and be available to be able to go in. These are an elite force, as you probably know, of Marines who can quickly respond to those situations.

000015

314

23

[REDACTED]

(U) So I directed that we get those FAST teams in place. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) We also had an in-extremis team. This is a team whose principal responsibility is to respond to crises. And that team was in Europe. I think they were in exercises in the Balkans. And we told them to, again, move to an intermediate base -- and Sigonella would have been the base that they would have gone to -- in order to deploy, as well.

(U) And then the third team, because we were concerned about the state of the Ambassador at that point -- I mean, initially, the concern was that the Ambassador might well have been taken hostage at that point. I can't tell you we had information to that effect, but we just didn't know what was happening with the Ambassador. And so, because of that, we thought it might be very important to have a hostage rescue operation. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) So those were the orders that I gave. And I had the authority to give those orders. And those orders were carried out.

Q (U) And, sir, you had mentioned with respect to the FAST team and the In-extremis Force, the CIF, in the Balkans that you had

[REDACTED]

000016

316

25

the national security -- usually, the Vice President would participate, but I don't remember him participating in this meeting.

Q (U) And do you recall if there were any other principals at that meeting, whether the Director of Central Intelligence, the Director of National Intelligence, the Secretary of State?

A (U) No.

Q (U) Okay.

(U) So a meeting that occurred back at the Pentagon that resulted in a series of directives from you to prepare to deploy and deploy these various forces, can you recall the timeframe that that meeting took, that you met with Admiral Winnefeld, General Dempsey, General Kelly, Jeremy Bash?

Mr. Shapiro. (U) And General Ham.

Mr. Chipman. (U) And General Ham. Thank you.

Mr. Panetta. (U) I mean, we were meeting kind of on an ongoing basis, as you can imagine. I mean, I issued the orders with regards to those teams that ought to respond, but we continued to be there. And I think, you know, it was probably at least a couple hours where the principals were still kind of talking and continuing to talk to make sure that the steps that I had ordered were taking place and also, frankly, trying to get intelligence about what the hell was happening in Benghazi. I mean, it was very fragmented information about what was taking place there.

BY MR. CHIPMAN:

Q (U) And as best you can recall, in that timeframe between

000017

318

27

[Panetta exhibit No. 5
Was marked for identification.]

BY MR. CHIPMAN:

Q (U) And if I could pass out exhibit 5, please.

And I'd note for the record exhibit 5 is a document,
STATE-SCB0060705, MOU. It's an email from Jeremy Bash to Jake Sullivan
and others dated Tuesday, December 11, at 7:19 p.m.

(U) Sir, during your time as Secretary of Defense, were you a user
of email?

A (U) No, and hell no.

(U) Actually, going back to when I was chief of staff to President
Clinton, I made the decision not to use email at that time. I told
people, if they wanted to talk to me, they came to my office and talked
to me. And so I began that kind of approach going back to the time
I was chief of staff, continued it when I was Director of the CIA and
also as Secretary of Defense.

Q (U) So for purposes of --

A (U) So the answer is I did not use email.

Q (U) So for purposes of anyone who would wish to engage in
email exchanges with the Secretary of Defense, would Jeremy Bash be
the conduit for such emails?

A (U) He was my chief of staff both at the CIA and obviously
at the Defense Department. And, you know, I always assumed that he
was dealing with other staff using email.

Q (U) So you've already testified, sir, that you had this

000018

320

29

[REDACTED]

SOF element that was in Croatia, which could fly to Souda Bay, Crete; and a Marine FAST team out of Rota, Spain.

[REDACTED]

[REDACTED]

[REDACTED]

A (U) That's correct.

Q (U) -- the U.S.?

A (U) That's correct.

Q (U) And then the email continues with the following sentence: "Assuming principals agree to deploy these elements" -- who are the principals that would've had to agree to deploy the elements that you had identified?

A (U) No one. I had the authority to deploy those forces. And I ordered those forces to be deployed. And I didn't have to ask anybody's permission to get those forces in place.

Q (U) Sir, that is my understanding, as well, that the national command authority consists of two people, the President and the Secretary of Defense.

A (U) That's right.

Q (U) And if you, as the Secretary of Defense, ordered the deployment of military assets, that is all it takes.

A (U) That's correct.

Q (U) And so, when Mr. Bash asks of State Department colleagues, "We will ask State to secure the approval from host nation," is that, again, from the nation to which we sought to deploy these

[REDACTED]

000019

321

30

forces, whether that be Crete or Greece or Sigonella, Italy? Or is this Libya? Or do you have any recollection of what that might have referred to?

A (U) I don't know what he was referring to, but when you deploy a Marine FAST team, particularly going into Tripoli or elsewhere, you can't just drop these guys into a country without getting the permission of that country.

Q (U) And so it is consistent with your expectation that State would have been asked to secure the approval from the host nation, whatever that host nation would have been.

A (U) I assume that would have been the case.

Q (U) And then when Mr. Bash asked that an official from State convey that approval back to Mr. Miller or Admiral Winnefeld -- Mr. Miller was the Under Secretary for Policy --

A (U) That's correct.

Q (U) -- under your tenure?

(U) Was that an action that was predicate to your decision to deploy those forces, or were the forces ordered to be deployed regardless of this action ongoing at State?

A (U) My directions were very clear; those forces were to be deployed, period. And, you know, just because of the timeline involved, you know, my whole approach was we need to move them and move them as fast as we can in order to try to respond. And as I am sure you're all aware, we're dealing with a lot of time and distance in order to make it happen. So I wanted no interference with those orders to

000020

324

33

sense that you want to alert all of the commands to what was taking place and to make sure that all of the commands were prepared to take action if we should run into any other incident that could take place.

Q (U) And then there were orders issued, the formal orders, issued by the National Military Command Center at 8:39 p.m. and 8:53 p.m., respectively, reflected in the DOD unclassified official --

A (U) As you know, those are the -- somebody then types those orders out, in terms of a formal authorization. But, as I said, it was the oral directions that commenced the action for the task forces and the other units to move.

Q (U) And, sir, as I look back at the time sequence that occurred, so if I go back to page 1 of exhibit 4 or the unclassified timeline -- for me, it is easier for me to read exhibit 4 -- I look at an event that was known at least as of roughly 4:30 p.m., 4:32 p.m. to be precise. And your recollection is that somewhere between 6 o'clock that evening and 8 p.m. that evening you had already given the order to get these forces moving.

A (U) That's correct.

Q (U) And as part of the sequence to get those forces moving, are you familiar with the use of the term "N-hour" or "notification hour"?

A (U) Yes.

Q (U) Who sets that notification hour, if you know?

A (U) I assume it's set through the military chain, but, you know -- I obviously knew there was a notice-plus time to prepare these

000021

325

34

units, but, as to the specifics as to what that timeframe was, you know, it was not something, at least at that point, you know, that I was aware of.

(U) My point was these are elite units, and the purpose of those units is to move when I give the order to move. And that's what I expected.

Q (U) And, sir, as I look through this time sequence again, I look at roughly 4:30, the National Military Command Center is aware of the attack; at roughly 5 p.m. or shortly thereafter, the President is aware of the attack; roughly 6 p.m., somewhere between 6 and 7p.m. or 6 to 8 p.m., as the timeline reflects, you have already given the order to prep, deploy, and to move. And so it's still roughly 3 1/2 hours from notice of the attack to your decision to get them moving.

A (U) Right.

Q (U) And, in your experience and judgment, was that a reasonable timeframe to get these forces moving?

Mr. Shapiro. (U) I'm sorry. The 3 1/2 hours is to the outer end of that, to 8 o'clock, right?

Mr. Chipman. (U) The outer end.

BY MR. CHIPMAN:

Q (U) So, for purposes of the question, if it took all the way till 8 o'clock to get them moving -- although we know from the Jeremy Bash email that, as of 7:19 -- so somewhere short of 3 hours. Is that a reasonable timeframe to understand and work through the options?

A (U) Yeah, look, I believe it is. I mean, you know, it's

000022

326

35

a -- I think it's important to understand that when you face a crisis like this, first of all, you're operating with preliminary information. You don't know all the facts of what's taking place. We didn't have a great deal of intelligence about just specifically, you know, what was happening at Benghazi. So you have to take that into consideration.

(U) You've got to take into consideration the units that can quickly deploy, where they're located and where they go. And you've got to take into consideration that these are the right units to try to deal with the contingencies that they may have to confront once they're put on the ground.

(U) I think all of those factors need to be considered. But I have to tell you that, in this instance, we moved pretty quickly to try to get the units that we wanted deployed to move. And I would have to tell you that, in dealing with other crises similar to what we were dealing with, this is roughly the same kind of timeframe.

Q

A (U) That makes sense.

Q (U) And my understanding, as well, from the same governing plan is that for that Commander's In-extremis Force, the one that was training in Croatia,

000023

328

37

you've talked about this morning.

(U) And so, if I go to page 44, in the middle of the page, page 44, there's a question from Senator Graham. "My question is, did anybody leave any base anywhere to go to the aid of the people under attack in Benghazi, Libya, before the attack ended?" And Secretary Panetta responded, "No, because the attack ended before they could get off the ground."

A (U) Just to clarify the record, I was speaking specifically about the task forces that I had ordered to deploy. As you're aware, there was a security team that moved out of Tripoli on their own to be able to respond to what took place. I was not aware that that was taking place. But, clearly, there were some DOD personnel that were part of that team.

Q (U) Yes, sir. So the security personnel you were talking about were the people that were in Tripoli --

A (U) That's right.

Q (U) -- at the Embassy in Tripoli, two special operators that got on that flight --

A (U) That's right.

Q (U) -- from Tripoli down to Benghazi and performed to assist the mission.

A (U) Right.

Q (U) And, as well, just so the record's clear, DOD also directed a Predator, an armed drone, that was orbiting over Derna, Libya, to be transmitted to cover Benghazi. And do you recall that

000024

329

38

direction, as well?

A (U) Yeah, we had -- as you know, during the Libyan war, one of the things that we had deployed were UAVs to try to focus on targets for the NATO forces that were engaged in that operation. So we had some of those resources there, and I'm assuming that General Ham made use of those UAVs in order to get at least one of them over the target.

Q (U) And, Mr. Secretary, I'd like to take this opportunity to determine -- I know the members have a vote series that will be occurring shortly.

(U) And if you would like to ask questions during the remainder of this hour or if you would prefer to wait until the second hour.

Mr. Jordan. (U) How much time have we got?

Mr. Chipman. (U) We've got 10 minutes, sir, in this particular hour.

Chairman Gowdy. (U) I'll wait.

Mr. Jordan. (U) I've got a couple rounds.

Chairman Gowdy. (U) Go for it.

Mr. Jordan. (U) Okay.

(U) Thank you, Mr. Secretary, for being with us.

(U) Let's go back to the email from Mr. Bash. The email says, "We have identified the forces that could move to Benghazi. They include" -- and he mentions two. What other forces, again, were available?

Mr. Panetta. (U) Well, there were three that -- actually, four units that I had ordered. There were two FAST teams, Marine teams,

000025

330

39

to get them to deploy, one to Tripoli and one to Benghazi. The other was the In-extremis Force that was located in Europe, get them to go, as well. [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

Mr. Jordan. (U) But when he says "they include" and what you just described, was there other things that could have been used but weren't, that you decided not to deploy? Fixed-wing, armed drone, other assets?

Mr. Panetta. (U) The ones I ordered were based on the recommendations of General Dempsey and the team I had in the office. And this is what they recommended, and that's what I ordered. We did not discuss other areas that we --

Mr. Jordan. (U) So FAST team, the Special Ops, and the CIF team.

Mr. Panetta. (U) That's correct.

Mr. Jordan. (U) And when did the first DOD asset -- or those three groups that you deployed, when did they first arrive in Libya? When did they first get there?

Mr. Panetta. (U) Well, we obviously, you know, ordered them to deploy. The FAST team was -- one was ordered, obviously, to respond to Benghazi, the other to go to Tripoli. Because the attack moved so fast and was concluded, we did get the FAST team into Tripoli, and that was the one unit that did hit the ground.

Mr. Jordan. (U) My question is, when you deployed -- you said three elements were deployed. I want to know when the first one -- when

[REDACTED]

000026

333

42

of made it lowercase doesn't fix it. And the fact that he assumed it, there was nothing to assume. You had already told him to do it.

Mr. Panetta. (U) I had told our military people to do it. That's what counts.

Mr. Jordan. (U) Do you know what time that was then?

Mr. Panetta. (U) It would have been, you know --

Mr. Jordan. (U) 7:19?

Mr. Panetta. (U) It would have been, you know, soon after we got back to the Pentagon, because I knew we were dealing with something that was urgent and I wanted to get our forces in place as soon as we could.

Mr. Jordan. (U) Did you communicate --

Mr. Panetta. (U) So I'd say certainly within the hour I gave the orders.

Mr. Jordan. (U) Did you communicate with the President any further that evening?

Mr. Panetta. (U) I did not.

Mr. Jordan. (U) Okay.

(U) I've got some stuff that will take longer, Mr. Chairman.

Mr. Westmoreland. (U) I've just got one quick followup to what --

Mr. Chipman. (U) Yes, sir.

Mr. Westmoreland. (U) Mr. Secretary, when Mr. Bash sent this, as Mr. Gowdy pointed out, you had already given him this order. Had you already talked to the State Department about getting permission from some of these host countries about getting these assets rolling

000027

337

46

the -- and now we're at 11 o'clock and so forth. After you gave the order to deploy, why did you not check to see what was happening and what was moving?

Mr. Panetta. (U) I did. And, I mean, I continued to talk with General Dempsey and with Admiral Winnefeld and, obviously, General Kelly, my military aide, and continued to ask, "Give me updates," to make sure these people are on the move and ready to deploy. And, you know, they indicated things were moving.

Mrs. Brooks. (U) And so is that as specific as they were? "Things are moving"?

Mr. Panetta. (U) Yeah, I mean, my whole point as Secretary was to make sure that the units that I had ordered were moving. And I didn't go into, you know, particulars about the number of people, you know, et cetera. But I said, I want to make sure that they are moving and that we are getting them deployed as soon as possible.

Mrs. Brooks. (U) Did they raise any obstacles with you as to any challenges they were having --

Mr. Panetta. (U) No.

Mrs. Brooks. (U) -- in moving?

Mr. Panetta. (U) No. No. You know, the problem is, as always, is that, you know, you've got these elite units; obviously, they're located in places -- I'm aware of the fact, having been both in the military and as Secretary, that, you know, it's not like they're wearing their backpack and ready to jump on a plane. They've got to prepare, they've got to get their backpacks ready, they've got to get all of

000028

339

48

(U) But when you're dealing with the kind of elite units we're talking about here, my expectation is that they move as fast as they can.

Mr. Jordan. (U) So you knew it took time. You didn't realize it was going to be 23 hours. Did you convey that to anyone else in our government -- White House, Department of State -- that it's going to take a while to get people there and we may never get them actually to Benghazi? Because the facts are we never did get people to Benghazi; we only got them to Tripoli. Did you convey that to anyone else in our government?

Mr. Panetta. (U) I assumed that, you know, obviously, there were continuing contacts between the staffs as to what was taking place, and I think everybody understood that there's a timeframe involved here in order to get these units in place. But the bottom line was that, you know, this attack moved pretty fast, and it was --

Mr. Jordan. (U) Let me ask one --

Mr. Panetta. (U) -- going to be tough to get them there under any circumstance.

Mr. Jordan. (U) Did you specifically talk with Secretary Clinton and say -- well, first of all, did you talk with Secretary Clinton that night?

Mr. Panetta. (U) I did not.

Mr. Jordan. (U) Did you talk with anyone at the State Department and say, it's going to take some time to get folks there?

Mr. Panetta. (U) I did not.

000029

340

49

Chairman Gowdy. (U) We're out of time. I just want to make sure this portion of the record is fair to you and that your testimony has the clarity that I think it has, but I'm going to give you an opportunity if I'm wrong.

(U) You did not issue an order to prepare to deploy. You issued an order to deploy.

Mr. Panetta. (U) That's correct.

Mr. Jordan. (U) So no one would have been waiting on you to issue a subsequent order.

Mr. Panetta. (U) That's correct.

Mr. Jordan. (U) You were clear the first time.

Mr. Panetta. (U) Absolutely.

Chairman Gowdy. (U) All right.

Mr. Chipman. (U) Off the record.

[Recess.]

000030

343

52

Mr. Panetta. (U) Not at all. I was -- first of all, I would never have allowed that to happen. But secondly, I was not aware of anyone contradicting the orders to get these units deployed as quickly as possible.

Mr. Schiff. (U) So when my colleagues were asking you about the Jeremy Bash email, I think the implication is that some other principal ordered a standdown, notwithstanding your order to deploy. Are you aware of anyone doing that?

Mr. Panetta. (U) I am not.

Mr. Schiff. (U) Did anyone in the Defense Department, Mr. Bash, or anyone else, ever come to you and say, Mr. Secretary, they are ignoring your order to deploy?

Mr. Panetta. (U) No. Not at all. On the contrary. They were assuring me that the forces were moving into place.

Mr. Schiff. (U) There has been a similar urban myth surrounding the efforts by those at the Annex to rescue those at the diplomatic facility. That is, that the people at the Annex were ordered to stand down and not come to the assistance of those at the diplomatic facility. The Republican lead and bipartisan House Intelligence Committee debunked that myth, General Petraeus came in again yesterday and debunked that myth.

(U) Are you aware of any evidence from your involvement in this that there was any standdown order of those at the temporary -- at the Annex CIA facility to come to the rescue of those at the diplomatic facility?

000031

344

53

Mr. Panetta. (U) No, not at all.

Mr. Schiff. (U) Mr. Secretary, I apologize I have to break up my questions. I have got to go.

Mr. Panetta. (U) I understand having been there.

Mr. Schiff. (U) We got a speech from the Speaker yesterday saying that he intends to enforce the time limits.

Mr. Panetta. (U) Oh, no kidding.

Mr. Schiff. (U) He will not be the first Speaker to try. He will be the first to succeed if he does.

Mr. Panetta. (U) Yeah, but I'm sure he will look at the bottom line before he makes that decision.

Mr. Schiff. (U) I will see you later. Thank you.

EXAMINATION

BY MS. SACHSMAN GROOMS:

Q (U) I want to talk a little bit about the different forces that we were talking about in the last round. You said you weren't aware that the team from Tripoli, which was a DOD-led team, had moved to Benghazi in order to provide support and help save lives until the day after, and that they had left on their own. [REDACTED]

[REDACTED]

A (U) I don't know the particulars in the chain of command, you know, how it works there. But that team was not under my direction, or my authority at that point.

[REDACTED]

000032

354

63

or maybe we shouldn't do this, I think shows a lack of understanding of the fundamental principles that these people operate by. They operate by the principle that you do your job, and you do it as quickly as you can in order to do what's necessary to protect this country and protect American lives. And I don't think -- I don't think it's a good thing to send a message to the world that we are any different in terms of our approach.

Q (U) And is it your understanding that your staff and the National Military Command Center was in continual communications with the national security staff and the White House on the night of the attack?

A (U) I'm sorry, say that again.

Q (U) I'm sorry. Is it your understanding that your staff at DOD, the National Military Command Center, that they were all in continual communications with the staff at the White House, the national security staff, and others?

A (U) That was my understanding. I mean, I knew that the White House was being kept informed of what steps we were taking.

Q (U) And was it your sense that your staff and your military generals were doing everything in their power to respond to the situation in Libya?

A (U) Absolutely, absolutely.

Q (U) Was it also your sense that the personnel from across the interagency were doing everything they could to assist in the crisis?

000033

375

84

Mr. Jordan. (U) So let me first start with, Secretary, your -- when did you first talk with General Ham on the night of the attack?

Mr. Panetta. (U) He was at the Pentagon.

Mr. Jordan. (U) Right.

Mr. Panetta. (U) And General Dempsey made me aware that he was present there, and that's -- I asked him to come up to my office as soon as I got back from the White House.

Mr. Jordan. (U) So around, I think the time --

Mr. Panetta. (U) Sometimes around 6.

Mr. Jordan. (U) Sometime around 6 o'clock. So you met with General Ham around 6 o'clock. And did you talk with him several times during the evening, or you sort of --

Mr. Panetta. (U) Yeah.

Mr. Jordan. (U) And General Ham, just to be clear, he did not go with you to meet with the President --

Mr. Panetta. (U) No.

Mr. Jordan. (U) -- even though he was in Washington? And you had not talk to him prior to your meeting with the President?

Mr. Panetta. (U) That's correct.

Mr. Jordan. (U) When you got information of the attack, just so I'm clear, did that come from up through the chain of command to you at the Pentagon? How did you, at the Pentagon, get that information? Did it come through General Ham, and then someone at the Pentagon, General Kelly or Mr. Bash tell you, or how did that work?

000034

392

101

[REDACTED]

Dempsey had informed you of all of the assets that were there, but yet you did not know that you had two DOD people in Tripoli. Is that correct?

Mr. Panetta. (U) We have DOD people assigned to embassies around the world, and so I mean, obviously, I think I could have assumed that there were DOD personnel there. But as to what they did and how they responded, they were obviously, at that point, under the chain of command of the Embassy.

Mrs. Brooks. (U) Were you told how many people, how many DOD people were there?

Mr. Panetta. (U) No.

Mrs. Brooks. (U) Is there a standard number that would be in a place like Tripoli?

Mr. Panetta. (U) Normally one or two, but it just depends on the embassy.

Mrs. Brooks. (U) Thank you. I have nothing further.

Mr. Chipman. (U) Mr. Westmoreland.

Mr. Westmoreland. (U) Secretary, this video that you saw, was this from the Predator feed?

Mr. Panetta. (U) You know, I know I saw it, and I think it was presented to the intelligence committees, and I know others have looked at it. I'll ask you guys.

Mr. Shapiro. (U) Your question was what he saw that night?

Mr. Panetta. (U) No, no. It's not from that night. This was several weeks afterwards.

[REDACTED]

000035

401

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Panetta. (U) No. At the time in talking with General Dempsey, my question was what resources can we deploy as quickly as possible in order to save lives. In that discussion, they talked about, obviously, our fast units. They talked about our in extremis units, [REDACTED] and those were the primary things that were discussed.

Mr. Westmoreland. (U) Let's just play what-if. Would we have had to get permission to be able to arm those aircrafts there?

Mr. Panetta. (U) I think the problem is that although we used UAVs in the area, that you have to get permission from those countries to be able to arm.

Mr. Westmoreland. (U) You said, in your previous testimony, that if there was American lives in danger, you would getting permission.

Mr. Panetta. (U) Yeah, I know.

Mr. Westmoreland. (U) Would we have used them or not?

Mr. Panetta. (U) I guess we're all speculating here, my sense, it was never brought to my attention; and I assume the reason it wasn't is because General Ham didn't think it was a practical way.

Mr. Westmoreland. (U) Thank you.

[REDACTED]

000036

402

111

Mr. Chipman. (U) Mr. Pompeo.

Mr. Pompeo. (U) Secretary Panetta, you said lessons learned, that we wanted to have good intelligence going on. That doesn't seem like a new lesson to me.

Mr. Panetta. (U) It's a lesson we keep repeating.

Mr. Pompeo. (U) I don't think that was a lesson learned. Was there an intelligence failure here? That's what you described.

Mr. Panetta. (U) Yes.

Mr. Pompeo. (U) You said we didn't have intelligence adequate intelligence?

Mr. Panetta. (U) Yeah, sure.

Mr. Pompeo. (U) Your judgment was there was an intelligence failure?

Mr. Panetta. (U) That's right.

Mr. Pompeo. (U) You talked about the video you saw afterwards. Did you have real-time video that evening that you were seeing?

Mr. Panetta. (U) No, no.

Mr. Pompeo. [REDACTED]

[REDACTED] Right?

Mr. Panetta. (U) I didn't see it, no.

Mr. Pompeo. [REDACTED]
[REDACTED]
[REDACTED]

Mr. Panetta. (U) That's interesting.

Mr. Pompeo. (U) Okay. You said you didn't talk to the President

000037

403

112

that night. When did you next talk to the President after the meeting that you had in the White House? Do you recall?

Mr. Panetta. (U) I don't recall.

Mr. Pompeo. (U) You said shortly after the attack, you said quote -- these are your words, and we can go find them: "You don't deploy forces into harm's way without knowledge of what's going on," end of quote. And because we didn't have real-time information, quote, "we couldn't put forces at risk." Do you stand by that statement?

Mr. Panetta. (U) Yes.

Mr. Pompeo. (U) But that's not true. We put folks in harm's way all the time without perfect real-time information. You did it, in fact, as the Secretary of Defense multiple times. So help me --

Mr. Panetta. (U) We had pretty good information. You don't drop people into a situation unless you have some idea what you're getting into.

Mr. Pompeo. (U) When there's a life at risk, sir, I just fundamentally disagree with you about that. I think we do it all the time to rescue folks, and we would and we should, in fact, do that. That night, you said you were there at the Pentagon. Did you stay there the whole evening?

Mr. Panetta. (U) Again, I can't recall specifically, but normally, I didn't get out of the Pentagon until 11 or 12 o'clock at night.

Mr. Pompeo. (U) Were you there until such time as all the personnel were removed from Benghazi to Tripoli, or did you depart the

000038

406

115

there are patrols that go out and people die.

Mr. Pompeo. (U) Yes, sir.

Mr. Panetta. (U) That's a tragedy. But in Afghanistan, for all the equipment, for all the planes, for all the F-16s, for all the stuff we had in Afghanistan, people still died because we weren't able to get there in time.

Mr. Pompeo. (U) All right. I don't disagree. But I still can't figure out why the decisionmakers that night chose not to co-locate to make real good real-time decisions to try and save Ambassador Stevens. There's your explanation, I guess, so if you'd like to add anything else, that's great. But I still am --

Mr. Panetta. (U) When American lives are lost, it is tragic, and this was a tragedy.

Mr. Pompeo. (U) Yes, sir, it was.

Mr. Panetta. (U) And I guess my hope is that we learn from that tragedy and try to make sure that it never happens again.

Mr. Pompeo. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Mr. Panetta. (U) My understanding, and, again, almost every week I used to sit down with a whole set of deployment orders on all kinds of units, and I'd go through and sign orders on all kinds of deployments. In this instance, it was based on the State Department request, if there's a State Department request to basically reduce the size of that

[REDACTED]

000039

409

118

would you find to be tolerable as the answer to what X is -- reasonable, excuse me, not tolerable, reasonable?

Mr. Panetta. (U) Let me tell you, it would be nice to do it in 30 minutes, but that's not practical.

Mr. Pompeo. (U) No, sir, I am deeply sympathetic to resource constraints and decisions in risk analysis. In that risk analysis, you have to eventually apply hard math to reach a decision.

Mr. Panetta. (U) Sure.

Mr. Pompeo. (U) Tell me what would be reasonable. I want to look at this going forward, because we have got to protect these State Department workers.

Mr. Panetta. (U) I understand what you're saying, but assuming that you're operating from the bases where we can operate from, which is either Rota in Spain, or Sigonella in Italy, which are the main bases we have because we don't have that capability in Africa to be able to deploy, you're still talking about 9 to 12 hours in transit time. You can, in the very least, ought to be able to cut that down to at least an hour or two preparation and then get on the plain and move.

Mr. Pompeo. (U) That's just an important question for we, the resource granters, to think about what's feasible, what's reasonable, what we ought to shoot for, and you've had a lot of experience in this, so thank you.

Mr. Chipman. (U) We're 5 minutes over our time. Mr. Jordan has --

Mr. Jordan. (U) Just a few quick ones if I could, with the

000040

434

143

Benghazi talking points?

A (U) No. And he's not the kind of person that would do that.

Q (U) Do you have any evidence that the CIA Deputy Director, Mike Morell, altered the talking points provided to Congress for political reasons?

A (U) No.

Q (U) It has been alleged that Ambassador Susan Rice made a, quote, "intentional misrepresentation," end quote, when she spoke on the Sunday talk shows about the Benghazi attacks.

(U) Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A (U) No.

Q It has been alleged that the President of the United States was, quote, "virtually AWOL as Commander in Chief," end quote, on the night of the attacks and that he was missing in action.

(U) Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A (U) No, I do not.

Q (U) It has been alleged that a team of four military personnel of Embassy Tripoli on the night of the attacks who were considering flying on a plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered

000041

435

144

to remain in place in Tripoli to provide security and medical assistance in their current location.

(U) A Republican staff report issued by the House Armed Services Committee found that, quote, "there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

(U) Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A (U) No, I do not.

Q (U) It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives.

(U) However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

(U) Do you have any evidence to contradict Congressman McKeon's conclusion?

A (U) No, I don't.

Q (U) Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not

000042

436

145

to deploy those assets?

A (U) Absolutely not.

Ms. Sachsman Grooms. (U) That's what I have for now. Let's go off the record.

[Recess.]

Mr. Chipman. (U) Okay. Back on the record.

BY MR. DAVIS:

Q (U) Sir, just one quick question. During the last hour and earlier in the day, you had talked about a meeting with all the national security principals where you questioned Director Petraeus' analysts. That occurred the day after the attack. Is that right?

A (U) Yes.

Q (U) And when you say "the day after the attack," was that Wednesday, September 12, or was it Thursday, September 13?

A (U) You know, I'm working by my recollection, but I think it -- at least my memory is that it was soon after -- it could've gone into the next day, but I -- you know, whenever it was, it was the first meeting at the National Security Council to discuss what had happened there.

Q (U) And you're not sure whether that was the 12th or the 13th?

A (U) I'm not, no.

Mr. Davis. (U) Okay. That's it.

Mr. Chipman. (U) And no exhibit used?

BY MR. CHIPMAN:

000043

439

148

A (U) That is correct.

Q (U) -- 225,000 civilians and 2.5 million servicemembers.

A (U) You got it.

Q (U) Yes, sir.

Q (U) So, when that occurred, then we have the sequence directed. And so, in response to an earlier question, it was exhibit 7, and it said -- this is a question on page 59 that I believe the minority posed, and it is General Dempsey. "Once we started moving forces, nothing stopped us, nothing slowed us." And if you could refer back to that.

A (U) Right.

Q (U) And I think that, from my perspective, Mr. Secretary, I would agree with you that that is an accurate assessment. But it's that idea of "started moving forces" that I think is worthy of some discussion.

(U) And so, if you don't start moving forces until the 11 o'clock order is issued, then you're going to build in some more time. So there is time from the incident to notification to liftoff. There is time from liftoff to arrival. And what I think I would take issue with, at least in part, from this particular statement, is that we seem to have a significant time from the incident to notification to deploy.

(U) And so, if I go back to exhibit 3, again, knowing that --
Mr. Shapiro. (U) Timeline?

Mr. Chipman. (U) The timeline.

000044

440

149

BY MR. CHIPMAN:

Q (U) -- knowing that the incident was notified to the Office of SecDef at 4:30, it's that time, between 4:30 and 11, that would cause me to wonder, were we moving out as smartly as you, Mr. Secretary, directed personally.

(U) Is that a fair question? Is that a fair observation?

A (U) You know, I think it's a -- obviously, it's a fair question, but it's not one that I can answer, because, frankly, my view was, "Go," and I assumed that they were moving as expeditiously as they could.

Q (U) Yes, sir. And so one of the things that we as a Nation do is we resource these capabilities you've talked about, these elite forces, these elite units, and we expect a certain level of readiness --

A (U) Right.

Q (U) -- and ability to deploy on the timeline directed.

And so, from the perspective of those who have stopped me to ask about Benghazi, the folks with whom I served in these commands, they say, "Look, we know the timeline. The timeline was not met. Why is that?"

(U) Would you understand that to be a fair question?

A (U) Yeah, I think that's a fair question, you know, as to how these units move and get in place and move out. And, you know, again, from my perspective as Secretary of Defense, I had every confidence that they were moving out as quickly as they could.

Q (U) Yes, sir. And you made it clear that you directed that

000045

441

150

in your meetings with General Dempsey and with General Ham.

A Right.

Q (U) -- and it would also include the CINCs or the Commander's In-extremis Force, the folks that were then training in Croatia. Does that comport with your recollection?

A (U) That's correct.

Q

A (U) It makes sense to me. But, you know, again, as to the specific timeline, I was not -- you know, the Secretary is not really aware of the specific timeline. My view was: Get them going as quickly as you can.

Q (U) Sir, and, you know, the forces that maintain that alert posture, they do have a required alert capability. Does that seem reasonable?

A (U) Right.

Q

000046

442

151

[REDACTED]

A (U) That's correct.

Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A (U) You know, the specifics of what they do or do not have, you know, it's not something I'm that familiar with. But, clearly, my viewpoint was: These are elite forces. When you order them to go, they go.

Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A (U) Correct.

Q (U) Exhibit 4 is, in essence, a series of times and dates and activities, added to by majority counsel, in trying to get a compilation of what appears to be supported by other evidence and by other witnesses we have talked to and by message traffic. So there are no citations on this document, and we can certainly supplement the record, should we need to, with what we are basing these times on.

(U) But it appears that General Ham's guidance was issued certainly by 8:02 p.m., and the EUCOM SOF in Croatia learned then that they might have the potential to deploy into Benghazi.

(U) Sir, we have interviewed that CIF commander, and that is where

[REDACTED]

000047

450

159

Q (U) And so you knew of there -- you'd already identified the risks in Sana'a and Yemen and Khartoum and Tripoli and Cairo. And so I think the concern that I have had in reviewing these documents is, why wouldn't we go ahead and move those forces as quickly as we can to get them postured? Would you agree with that?

A (U) That's correct.

Q [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

A (U) That's correct.

Q (U) And so we interviewed that young CIF commander, who said, at about 02, I was notified to get ready for a deployment. By 5 o'clock that morning, my team and I were assembled and ready to roll, 3 hours later.

(U) Does that seem like a reasonable timeframe to get ready for a deployment?

A (U) Yes, it does.

Q Well, that same unit then had to wait for aircraft till about, if you look at the timeline here, 10:21 a.m.

(U) So that N-hour that was set at 11 o'clock east coast time on the night of the 11th, it was not until 11 hours later that EUCOM CIF was actually transported down to Sigonella from Croatia.

(U) Does that timeframe seem reasonable to you, given what you thought might be occurring in the region?

[REDACTED]

000048

House Calendar No. 163

114TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
114-848

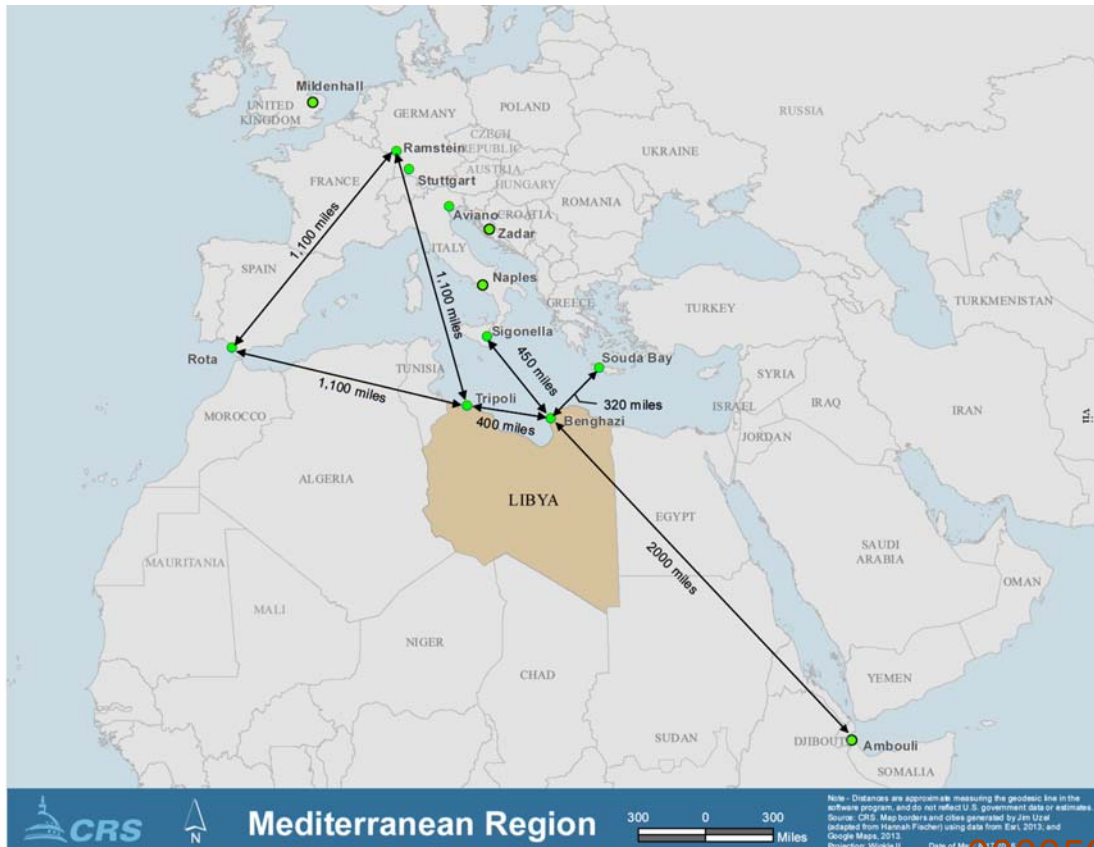
FINAL REPORT
OF THE
SELECT COMMITTEE ON
THE EVENTS SURROUNDING
THE 2012 TERRORIST
ATTACK IN BENGHAZI
HOUSE OF REPRESENTATIVES
together with
ADDITIONAL AND MINORITY VIEWS



DECEMBER 7, 2016.—Referred to the House Calendar and ordered to be printed

EXHIBIT 4

000049



veillance of the Mission.⁵⁰ The Diplomatic Security Agent in charge reported the incident to the head security officer in country at the Embassy in Tripoli and to staff at both the Benghazi Mission compound and the Annex, including Stevens.⁵¹ The Diplomatic Security Agent described the incident:

We received word from our local guards that this morning they observed a member of the police force assigned to the Mission at a construction site across the street from our main gate taking pictures of our compound. I briefed the Ambo and provided him drafts of letters notifying the [Libyan Ministry of Foreign Affairs] and police. Will let you know any further details.⁵²

In Benghazi, the Supreme Security Council was the “most prominent” official police force, “assembled from former members of the various militias as an interim security measure.”⁵³ It was “designed to be an interim security measure” following the revolution but had not coalesced into an established force and had little impact on the security incidents in Benghazi.⁵⁴

Stevens’ last meeting of the day was with the Turkish Consul General. He escorted the Turkish diplomat to the front gate of the compound that evening at 7:39 p.m. [1:39 p.m. in Washington D.C.].⁵⁵

Stevens’ last entry in his personal journal, dated September 11, 2012, read: “Never ending security threats . . . ”⁵⁶

A Protest Begins at the U.S. Embassy in Cairo, Egypt on September 11

In the hours preceding the attacks in Benghazi, a protest of approximately 2,000 demonstrators assembled outside the U.S. Embassy in Cairo, Egypt.⁵⁷ Cairo is some 600 miles east of Benghazi. Plans for a demonstration in Cairo first began to coalesce in late August 2012 with the designated terrorist organization, Jamaa Islamiya, calling upon its supporters to protest the continued incarceration of its leader, Sheikh Omaar abdel Rahman, also known as the “Blind Sheik.”⁵⁸ Rahman is serving a life prison sentence for his role in the 1993 World Trade Center bombing.⁵⁹ Additionally, in the days preceding the September 11 demonstration in Cairo, an

⁵⁰ Email from Diplomatic Sec. Agent 2 (Sept. 11, 2012, 5:00 PM) (on file with the Committee, C05271656).

⁵¹ *Id.*; see also Diplomatic Sec. Agent 5 Testimony at 104–105; Diplomatic Sec. Agent 2 Testimony at 80.

⁵² Email from a Diplomatic Sec. Agent (Sept. 11, 2012, 5:00 PM) (on file with the Committee, C05271656).

⁵³ U.S. Dep’t of State, Cable, The Guns of August: security in eastern Libya (Aug. 8, 2012) (on file with the Committee, C055782149).

⁵⁴ *Id.*

⁵⁵ Comprehensive Timeline of Events—Benghazi (on file with the Committee, SCB0047843).

⁵⁶ J. Christopher Stevens, U.S. Ambassador to Libya, Personal Diary, Unofficial Transcript prepared by Patrick F. Kennedy, *et al.* (Sept. 10, 2012) (on file with the Committee, SCB0048881).

⁵⁷ Email to Susan E. Rice, U.S. Permanent Representative to the U.N. (Sept. 11, 2012, 7:55 PM) (on file with the Committee, C05390691) (re: FOR SER INFO: More on Cairo Embassy Attack).

⁵⁸ See Larry Bell, *Muslim Brotherhood Fox Was Hired To Protect Our Benghazi Consulate Henhouse*, FORBES (Dec. 2, 2012), <http://www.forbes.com/sites/larrybell/2012/12/02/muslim-brotherhood-fox-was-hired-to-protect-our-benghazi-consulate-henhouse-interview>.

⁵⁹ *Id.*

via radio with the other Americans at the second compound. And I keep Tripoli on speakerphone almost the whole time as we are working through and relaying what is going on.¹²⁶

Meanwhile, Stevens, Smith, and one Diplomatic Security Agent retreated to the safe haven of Villa C, a dedicated area within the Villa that was reinforced with a metal barred-door.¹²⁷ The Diplomatic Security Agent who was with Stevens and Smith described what happened:

I remember hearing the chants. I mean, they were fairly close already. I mean, yelling distance, which is pretty close especially in a city setting. So my impression is that I don't have much time. So I ran right to my room, you know, put my helmet on, put my vest on, grabbed my weapons, my additional weapons, and I turned to lock the gate, and basically, it was a jail cell door with three locks on it. I locked all three locks. And at about that time Ambassador Stevens and Sean Smith were coming out to their rooms. Sean Smith was already, you know, donning his helmet and vest. I guided them both into the safe haven, and set myself up in the safe haven with—I was holding my M4.”¹²⁸

Two other Diplomatic Security Agents attempted to “go back to Villa C to also provide protection for Stevens, but not to shoot at this large group.”¹²⁹

The agents in Villa B attempted to go to Villa C, but they were met with a very large hostile force of 7 to 10 attackers with “AKs and RPGs.”¹³⁰ The two agents made the tactical decision not to shoot at this large group because, “if we would have taken one of them out at the time, it could have gone substantially worse.”¹³¹ The Agents believed the attackers would have been “out for blood” and it would have inflamed an already bad situation.¹³²

Because of this concern, the agents chose to return to Villa B, which also served as the cantina or cafeteria for the Mission compound.¹³³ After seeking refuge, one of the agents in Villa B then contacted the TOC in Tripoli and the other agent contacted the State Department's Diplomatic Security Command Center [DSCC] in Washington D.C. at 9:49 p.m. Benghazi time [3:49 p.m. in Washington, DC].¹³⁴

Unknown to the Diplomatic Security Agents on the Mission compound, the attackers were a mix of local extremist groups, including the Benghazi-based Ansar al-Sharia, al-Qaeda in the Lands of

¹²⁶Diplomatic Sec. Agent 3 Testimony at 141; Diplomatic Sec. Agent 4 Testimony at 128–29.

¹²⁷Diplomatic Sec. Agent 3 Testimony at 141; *see also* Diplomatic Sec. Agent 5 Testimony at 114.

¹²⁸Diplomatic Sec. Agent 5 Testimony at 114.

¹²⁹Diplomatic Sec. Agent 3 Testimony at 142.

¹³⁰Diplomatic Sec. Agent 1 Testimony at 58.

¹³¹*Id.*

¹³²Diplomatic Sec. Agent 3 Testimony at 142.

¹³³*Id.* at 141–142.

¹³⁴Diplomatic Sec. Agent 2 Testimony at 86; *see also*, Email from the Diplomatic Sec. Command Ctr. to the Special Assistants for the Secretary, *et al.* (page 1) (Subject: Benghazi—Attack on Compound—09112012) (Sept. 11, 2012, 6:34 PM) (on file with the Committee, C05578314).

A: That's when they left to go on the rescue.¹⁶²

The Chief of Base was adamant that he never told the Annex team members to "stand down."

You said that you let them go. Did you give them an affirmative order for them to go?

A: I think I was working with [the Team Lead] the whole time——

Q: Okay.

A: —in an effort to get them to get them gone, to have them go. So whether or not I gave an affirmative order, but I wanted them to go. They were cleared to go. And they went.

Q: When you say they were cleared to go, is that you giving the clearance?

A: Yes.

Q: Did you have any discussions—do you recall having any discussions with the deputy chief of base about allowing the guys to go?

A: I don't recall any. It was never—I never had any doubt about the GRS people going to the State Department compound. I had great concerns and great worry about it but I did not, I did not tell anybody to stand down.¹⁶³

The Chief of Base acknowledged he may have told the team to wait while he was attempting to secure additional resources for them.

I may have said wait because we were trying to get this technical truck that the team lead wanted. But it wasn't 10 minutes, or 5 minutes. It was a short period of time. And the only time I remember ever talking to [Annex team member] was when he came up, and I said I'm trying to get a technical truck for [the Team Lead]. There was nobody, myself or anybody else in Benghazi, that did anything to hold up the GRS deploying. The team lead was always cleared to go.¹⁶⁴

He further added:

People were coming and going the entire time. But I did not issue a stand-down order. And if there was a delay, there was a very short delay, basically the team lead we have to try to get this gun truck.

* * *

I was doing everything, and to my knowledge, everybody on that base was doing everything. I think I carried an ammo can at one time to get those guys out the door.

¹⁶² *Id.* at 29.

¹⁶³ *Id.* at 31–32.

¹⁶⁴ *Id.* at 58–59.

into North Africa. It's a big place. We've constantly reminded State while I was the Vice Chairman and also, you know, National Security Council staff, gently, politely, that if you're counting on reactive forces from DOD to pull your fat out of the fire, basically, when there's an event going on, you're kidding yourselves. It's just too hard to get there. Usually, an event is over fairly quickly, and even in the best alert posture we can be in, it's going to be a couple of hours, two or three hours, before we can be someplace.

So what you should really be counting on is using these forces to either preemptively reinforce an area, like an embassy, or preemptively evacuate an area, like an embassy. Don't count on us to drop in in the middle of the night and stop a situation that's going on.

Now that won't prevent us from trying, certainly. If there's an event in a place that—you know, like a Benghazi and if we're postured in order to get there, we'll certainly try, we'll always try, but I've made it very clear to them—and they understand this—that they need to be very careful in their risk assessments. And it's a lot easier to reinforce and get out early than it is to save something that's under fire. And that has a lot to do not only with the tyranny of distance and how long it takes to get there, but you know, it's not easy to take a force and just drop it into the middle of an unknown area at night, and it's even harder when you're under fire. You know, V-22s don't like to fly when they're under fire, that sort of thing. So we've tried to make it very, very clear to [State], try, please, please, to do good risk assessment and evacuate or reinforce so that we don't have to rescue you in the middle of a firefight.²⁷⁴

The President's Directive and The Secretary's Order

Just minutes after word of the attack reached the Secretary, he and General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff, departed the Pentagon to attend a previously scheduled 5:00 p.m. meeting at the White House with President Obama and National Security Advisor Thomas E. Donilon.²⁷⁵ The Secretary recalled two details about the attack on the U.S. facility in Benghazi: a building was on fire and Stevens was missing.²⁷⁶ As the Secretary and Dempsey briefed the President on the evolving situation in Benghazi, Libya, the Secretary recalled the following guidance:

The President made clear that we ought to use all of the resources at our disposal to try to make sure we did everything possible to try to save lives there.²⁷⁷

Immediately following the meeting with the President, at roughly 6:00 p.m., the Secretary and Dempsey returned to the Pentagon

²⁷⁴ Winnefeld Testimony at 74–75.

²⁷⁵ Panetta Testimony at 22.

²⁷⁶ *Id.* at 22–23.

²⁷⁷ *Id.* at 24.

and convened a meeting that included Ham, who was in Washington D.C. at the time, and relevant members of the Secretary's staff and the Joint Staff.²⁷⁸

During the meeting, three distinct capabilities were identified to deploy in response to the attacks in Benghazi: two FAST platoons, the CIF, and the U.S. SOF, capable of response to crises worldwide.²⁷⁹ Again, the Secretary was not aware, and was not told, of any assets in Tripoli.

The Defense Department provided copies of maps identifying assets present in European Command, AFRICOM, and Central Command's areas of responsibility on September 11, September 12, and September 13 to the Committee. The assets identified on the maps were purportedly considered during this meeting, although the Joint Staff at the time did not keep a daily updated list of assets and their locations.²⁸⁰ During its investigation, the Committee determined the maps failed to include assets that actually were deployed in response to Benghazi. For example, a C-17 medical airplane was deployed to Tripoli on September 12 to evacuate the wounded, deceased, and other American citizens. That asset was not identified on the maps provided by the Defense Department to the Committee. Given this discrepancy, the Committee requested it confirm whether there were any additional assets not identified on the maps or any assets withheld due to special access programs restrictions. It did not respond to the Committee's request. This failure to respond unnecessarily and unadvisedly leaves questions the Defense Department can easily answer, and it is in the public interest that it do so.

According to the Secretary, within an hour of his return to the Pentagon, he issued an order to deploy the identified assets.²⁸¹ The testimony of record is that the President's direction that night was clear: use all of the resources available to try to make sure we did everything possible to try to save lives there.²⁸² When asked whether he expected or needed the President to later extrapolate, clarify, or reissue that order, the Secretary said "no."²⁸³ The Secretary insisted he understood the President's directive and no further communication with the President was necessary. Nor did any further communication with the President take place.

Similarly, the Secretary insists his own intentions and actions that night, in the aftermath of the President's orders, were also clear: deploy the identified assets immediately. The Secretary said his orders were active tense. "My orders were to deploy those forces, period. . . . [I]t was very clear: They are to deploy."²⁸⁴ He did not order the preparation to deploy or the planning to deploy or the contemplation of deployment. His unequivocal testimony was that he ordered the identified assets to "deploy."²⁸⁵

By 7:00 p.m. in Washington [1:00 a.m. in Benghazi], nearly three hours after the attacks began, the Secretary issued what he be-

²⁷⁸ *Id.* at 22.

²⁷⁹ *Id.* at 24–25.

²⁸⁰ See Winnefeld Testimony at 45.

²⁸¹ Panetta Testimony at 25–26.

²⁸² *Id.* at 23.

²⁸³ *Id.* at 49.

²⁸⁴ *Id.* at 26.

²⁸⁵ *Id.*

lieved, then and now, to be the only order needed to move the FAST platoons, the CIF, and the U.S. SOF.²⁸⁶ Yet nearly two more hours elapsed before the Secretary's orders were relayed to those forces. Several more hours elapsed before any of those forces moved. During those crucial hours between the Secretary's order and the actual movement of forces, no one stood watch to steer the Defense Department's bureaucratic behemoth forward to ensure the Secretary's orders were carried out with the urgency demanded by the lives at stake in Benghazi. For much of the evening of September 11, principals in Washington D.C. considered Stevens to be missing and reliable information about his whereabouts was difficult to come by. For those on the ground and in the fight in Libya, the reality of a second American death was sinking in.

THE SECOND ATTACK ON THE COMPOUND

Evacuation to Annex

In Benghazi, the Diplomatic Security Agents determined Stevens would not have survived the fire in Villa C, and they were now engaged in a recovery mission.²⁸⁷ According to Diplomatic Security Agent 4, "[W]e were unable to find Stevens. I was very—at that point, I think it was decided that this was probably a recovery mission. We were looking to recover his body."²⁸⁸

At 11:10 p.m. [5:10 p.m. in Washington], an explosive device detonated several meters inside the back gate, starting the second wave of attacks at the Benghazi Mission compound.²⁸⁹ Around the same time, the drone arrived on station over the compound.²⁹⁰ GRS officers returned fire after being fired on by the attackers, while the Diplomatic Security Agents loaded their vehicle and departed the compound under fire at 11:16 p.m. [5:16 p.m.].²⁹¹ Prior to leaving the compound, the Diplomatic Security Agents did not fire their weapons during the attacks. As one Diplomatic Security Agent explained:

I feel now, and I felt then at the time, that I had the support. At that time there was no opportunity to shoot. There was a situation, it was a moment where it was myself and [another Diplomatic Security Agent], and we were very close quarters with an overwhelming force of armed combatants, and at that situation it would not have been the smart thing, it would not have been the tactical thing to fire your weapon at that time.²⁹²

The Diplomatic Security Agents loaded Sean Smith's body in their vehicle and departed the compound through the main gate. One Diplomatic Security Agent described what they saw as they exited the compound:

²⁸⁶ *Id.* at 49.

²⁸⁷ Diplomatic Sec. Agent 4 Testimony at 137–138.

²⁸⁸ *Id.*

²⁸⁹ Video: DVR Footage of the Mission (Sept. 11, 2012, 2310).

²⁹⁰ See U.S. Dep't of Defense Timeline ("[At 11:10 PM EET t]he diverted surveillance aircraft arrives on station over the Benghazi facility.")

²⁹¹ Committee analysis of DVR Footage of the Mission (Sept. 11, 2012, 2210 to 2216).

²⁹² Diplomatic Sec. Agent 2 Testimony at 156.

ploy and said “go,” one U.S. facility in Libya had already been attacked, Sean Smith had been killed, Chris Stevens was missing, and the U.S. Embassy in Tripoli was facing threats of another attack. The fact that nearly 24 hours elapsed until those forces actually arrived in Tripoli to reinforce the security there belies the expectations of the American people that the U.S. Military can and will move expeditiously. The Secretary said this on the time it took for forces to arrive in Libya:

Q: Mr. Secretary, did you know it was going to take 23 hours to get the first assets in country?

A: No.

Q: So what did you expect it was going to take?

A: I knew it was going to take some time, just because of the preparedness for the units and then the time and distance involved. You know, you’ve heard the term “tyranny of time and distance,” and it’s tough in this area.

* * *

But I didn’t—and I assumed these units moved as quickly as possible and that, you know, we can get them in place as quickly as possible, recognizing that there is a time element that’s involved. And, you know, I understand the time element involved here just because of the nature of moving the military.

I mean, as Secretary, I used to sit down with deployment orders all the time of units. And you go through a whole series of discussions about, you know, units that have to be deployed. And, normally, the timeframe to get these units deployed—it takes time. It takes time to put them on a plane. It takes time for them to locate, I understand that. But when you’re dealing with the kind of elite units we’re talking about here, my expectation is that they move as fast as they can.⁴⁵⁸

The Commander of the FAST Platoon testified he first became aware of the attack on the Mission compound in Benghazi through reports on Fox News.⁴⁵⁹ At the time, the FAST Platoon was stationed in Rota, Spain.

So, that evening, I recall I was actually talking to my dad on Skype, watching the Armed Forces Network news channel, which rotates through news affiliates, and I think it was Fox News that night. And all of a sudden we see a consulate building on fire.

As soon as I hung up with him, I got on the phone with my commanding officer, and we had a short talk. . . . And he said something more or less in the lines of, “Make sure you do your laundry and you got enough soap.”

⁴⁵⁸ Panetta Testimony at 47–48.

⁴⁵⁹ FAST Commander Testimony at 26.

WITNESSES

Table of Witnesses by Last Name

	Volume
Huma Abedin	7
Jeremy Bash	8
Sidney Blumenthal	4
Eric Boswell	1
General Philip Breedlove	10
Scott Bultrowicz	1
C-17 Pilot	9
Chief of Base	7
Chief of Operations for the Near East Division	7
Chief of Station	4
Ethan Chorin	9
CIA Official	4
CIF Commander	5
Communications Officer	4
Contracting Officer	5
Ambassador Gene Cretz	5
Defense Attaché	11
Deputy Chief of Base	4
Deputy Director, Office of Maghreb Affairs	7
Elizabeth Dibble	1
Ambassador RoseMary A. DiCarlo	5
Diplomatic Security Agent #01	3
Diplomatic Security Agent #02	3
Diplomatic Security Agent #03	4
Diplomatic Security Agent #04	4
Diplomatic Security Agent #05	3
Diplomatic Security Agent #06	5
Diplomatic Security Agent #07	1
Diplomatic Security Agent #08	3
Diplomatic Security Agent #09	4
Diplomatic Security Agent #10	3
Diplomatic Security Agent #12	2
Diplomatic Security Agent #13	2
Diplomatic Security Agent #15	2
Diplomatic Security Agent #16	4
Diplomatic Security Agent #17	2
Diplomatic Security Agent #19	10
Diplomatic Security Agent #21	2
Diplomatic Security Agent #22	5
Diplomatic Security Agent #23	3
Diplomatic Security Agent #25	3
Diplomatic Security Agent #27	2

(1615)

000058

1616

Diplomatic Security Agent #28	2
Diplomatic Security Agent #29	4
Diplomatic Security Agent #30	4
Director, Information Resource Management, Executive Secretariat	4
Director, Office of Terrorism Analysis	7
DOD Special Operator	6
F-16 Crew Chief	11
FAST Platoon Commander	6
Jeffrey David Feltman	7
Benjamin Fishman	8
Lieutenant General Michael Flynn	6
GRS Agent #1	4
GRS Agent #2	4
GRS Agent #3	4
GRS Agent #4	9
GRS Agent #5	10
GRS—Team Lead	10
GRS—Tripoli	4
General Carter Ham	10
Stephen C. Hedger	11
Gregory Hicks (OGR)	1
Gregory Nathan Hicks (SCB)	10
Elizabeth Jones	1
General John Kelly	9
Under Secretary Patrick Kennedy	11
Charlene Lamb (OGR)	1
Charlene Lamb (SCB)	8
Admiral Richard Landolt	10
Admiral Charles Joseph Leidig, Jr.	10
Libyan National	9
Lee Lohman	1
Rear Admiral Brian Losey	11
Managing Director, Office of Management Policy, Rightsizing and Innovation	9
Raymond Maxwell (OGR)	1
Raymond Maxwell (SCB)	9
Bernadette Meehan	7
Dr. James Northey Miller, Jr.	10
Cheryl Mills	6
Brigadier General Patrick Mordente	10
NEA/EX Post Management Officer for Libya	5
Thomas Nides	7
Victoria Nuland	2
ODNI Analyst	7
ODNI Analyst	10
Officer A	9
Matt Olsen	9
Brian Pagliano	6
Secretary Leon Panetta	8
Erin Pelton	9
David Petraeus	7
Physical Security Specialist	9
Joan Polaschik	5
Principal Officer #1	2
Principal Officer #2	3
Principal Officer #3	3

000059

1617

Principal Officer #4	4
Regional Director, Near East Bureau, Diplomatic Security	2
Remotely Piloted Aircraft Pilot #1	10
Remotely Piloted Aircraft Pilot #2	10
General Michael S. Repass	10
Ben Rhodes	8
Ambassador Susan E. Rice	8
William Roebuck	1
Rexon Ryu	5
Senior Advisor for Strategic Communications, Near Eastern Affairs Bureau ...	5
Senior Libyan Desk Officer, Office of Maghreb Affairs	7
Sensor Operator #1	11
Sensor Operator #2	11
Gentry Smith	9
Special Assistant to Under Secretary Patrick Kennedy	1
Speechwriter #1	7
Speechwriter #2	7
Spokesperson, Near Eastern Affairs Bureau	6
State Department Chief Records Officer	4
Jacob Sullivan (OGR)	2
Jacob Sullivan (SCB)	6
Team Chief, Office of Terrorism Analysis	9
Admiral Kurt Tidd	9
Admiral James Winnefeld	9

000060

BENGHAZI: EXPOSING FAILURE AND RECOGNIZING COURAGE

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

MAY 8, 2013

Serial No. 113-30

Printed for the use of the Committee on Oversight and Government Reform



Available via the World Wide Web: <http://www.fdsys.gov>
<http://www.house.gov/reform>

U.S. GOVERNMENT PRINTING OFFICE

81-563 PDF

WASHINGTON : 2013

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

EXHIBIT 5

000061

military and/or security assets to the airport to assist our response team. At this point this response team looks like it may be a hostage rescue team, that they are going to—we are going to need to send them to try to save the Ambassador, who was in a hospital that is, as far as we know, under enemy control. Our contacts with the government in Tripoli are telling us that the Ambassador is in a safe place, but they imply that he is with us in the annex in Benghazi, and we keep telling them, No, he is not with us, we do not have his—we do not have him.

At about 12:30, at the same time that we see the Twitter feeds that are asserting that Ansar al-Sharia is responsible for the attack, we also see a call for an attack on the embassy in Tripoli, and so we begin to—we had always thought that we were under threat, but we now have to take care of ourselves, and we begin planning to evacuate our facility. When I say our facility, I mean the State Department residential compound in Tripoli and to consolidate all of our personnel in—at the annex in Tripoli. We have about 55 diplomatic personnel in the two annexes.

On that night, if I may go back, I would just like to point out that with Ambassador Stevens and Sean Smith in Benghazi there are five diplomatic security agents, assistant regional security officers. With us in, at our residential compound in Tripoli we have the RSO John Martinec, three assistant regional security officers protecting 28 diplomatic personnel. In addition, we also have four Special Forces personnel who are part of the training mission.

During the night I'm in touch with Washington, keeping them posted of what's happening in Tripoli and to the best of my knowledge what I'm being told in Benghazi. I think at about 2 p.m.—2 a.m., sorry, the Secretary, Secretary of State Clinton called me, along with her senior staff, we're all on the phone, and she asked me what was going on, and I briefed her on developments. Most of the conversation was about the search for Ambassador Stevens. It was also about what we were going to do with our personnel in Benghazi, and I told her that we would need to evacuate, and that was—she said that was the right thing to do.

At about 3 a.m. I received a call from the Prime Minister of Libya. I think it's the saddest phone call I've ever had in my life. He told me that Ambassador Stevens had passed away.

Mr. HICKS. I immediately telephoned Washington that news afterwards and began accelerating our efforts to withdraw from the villas compound and move to the annex.

Excuse me. I will take a glass of water.

Our team responded with amazing discipline and courage in Tripoli in organizing our withdrawal. I have vivid memories of that. I think the most telling, though, was of our communications staff dismantling our communications equipment to take with us to the annex and destroying the classified communications capability.

Our office manager, Amber Pickens, was everywhere that night, just throwing herself into some task that had to be done. First, she was taking a log of what we were doing. Then she was loading magazines, carrying ammunition to the—carrying our ammunition supply to our vehicles. Then she was smashing hard drives with an axe.

Mr. HICKS. They remained in Tripoli with us. The medic went with the nurse to the hospital to lend his skills to the treatment and care of our wounded.

Mr. CHAFFETZ. How did the personnel react to being told to stand down?

Mr. HICKS. They were furious. I can only say—well, I will quote Lieutenant Colonel Gibson. He said, “This is the first time in my career that a diplomat has more balls than somebody in the military.”

Mr. CHAFFETZ. So the military is told to stand down, not engage in the fight. These are the kind of people willing to engage. Where did that message come down, where did the stand-down order come from?

Mr. HICKS. I believe it came from either AFRICOM or SOCAFRICA.

Mr. CHAFFETZ. Now, my understanding is that General Ham was actually not in Stuttgart, where AFRICOM is headquartered, but he was in Washington, D.C. Is that correct?

Mr. HICKS. I don’t know the whereabouts of General Ham on that night.

Mr. CHAFFETZ. Mr. Chairman, this is something that we are going to have to continue to explore.

I need to move quickly now to Mr. Thompson, if I could.

You were the leader there at the what is called the F.E.S.T. within the State Department. According to the State Department Web site, the F.E.S.T. is the Foreign Emergency Support Team, the U.S. Government’s only interagency, on-call, short-notice team poised to respond to terrorist attacks worldwide.

I want to read to you an excerpt of an email sent by you to Kathleen Austin-Ferguson on Tuesday, September 11th, 2012, at 9:58 p.m. Could you help me understand, who is Kathleen Austin-Ferguson?

Mr. THOMPSON. She is Under Secretary Kennedy’s deputy.

Mr. CHAFFETZ. You wrote, “I am told that Pat Kennedy participated in a very senior conference call with the White House and discouraged the F.E.S.T. option. To remind, F.E.S.T. has dedicated aircraft able to respond in 4 hours, is Department of State-led, and provides the below skills. When FBI was contacted, they responded that this situation would be better addressed via a F.E.S.T. response. Thus, there are others who are thinking the same way. Ready to discuss further as needed. Mark.”

Two questions—

Chairman ISSA. Can the gentleman suspend for a moment?

Earlier, there was one document that had not been placed in the record because it hadn’t been provided through official channels. And I would ask that we get that. I think it came from Mr. Gowdy.

And then, Mr. Chaffetz, if you could make your document available so we could make copies.

And then for any other Members on either side of the dais, if you plan to use a document that is not currently committee record—and I realize, since we have gotten very little, there is very little committee records—please do us the favor of having copies so they can be distributed at or prior to the beginning of the questioning.

I am sorry to interrupt.

ing what we know today. So I want to thank all three of you gentlemen for your service to the American people and to our government. And I want to say to you that the tough treatment you have gotten as a result not only on that day in September but since then is a horrible tragedy.

I want to go back to Mr. Gowdy's line of questions here. Mr. Hicks was there a protocol within the consulate in the event of a protest?

Mr. HICKS. Yes, there was.

Mr. MCHENRY. Was there any evidence when you were there in Libya on that day that this was a protest?

Mr. HICKS. No, there was none. And I am confident that Ambassador Stevens would have reported a protest immediately if one appeared on his door. The protocol of course was for us to evacuate immediately from the consulate and move to the annex.

Mr. MCHENRY. Okay. Was there anything in connection to a YouTube video, was there any awareness that the events occurred because of a YouTube video?

Mr. HICKS. The YouTube video was a non-event in Libya.

Mr. MCHENRY. Okay. And did you know about that within a couple of days or the day of?

Mr. HICKS. Yes.

Mr. MCHENRY. Okay. And so did you report to anyone in Washington within the first couple of days that there was anything in connection—a protest in connection to a YouTube video?

Mr. HICKS. No. The only report that our mission made through every channel was that there had been an attack on a consulate.

Mr. MCHENRY. Not a protest?

Mr. HICKS. No protest.

Mr. MCHENRY. You can leave your microphone off. I'm going to come back to you a few times.

Mr. Gowdy mentioned this earlier, but on September 16th Ambassador Susan Rice went on the Sunday shows, recited a whole group of talking points. Were you a part of those talking points?

Mr. HICKS. No, I had no role in that preparation.

Mr. MCHENRY. Okay. So one month later we had an Under Secretary Kennedy. Let's play his statement:

"Always made clear from the very beginning that we are giving out the best information we have at the time we are giving it out. That information has evolved over time. For example, if any administration official, including any career official, had been on television on Sunday, September 16, they would have said the same thing that Ambassador Rice said. She had information at that point from the intelligence community, and that is the same information I had and I would have made exactly the same point. Clearly we know more today, but we knew what we knew when we knew it."

By September 16th, did you know what you know what you know, which is apparently what Susan Rice said? Let me rephrase that actually. Let me actually make that a question, if you will.

Ambassador Rice recited a set of facts. A month later they defended—the State Department defends that. You are a career State Department official. Would you have said the things that Ambassador Rice said?

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ACCURACY IN MEDIA, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	Case No. 14-1589 (EGS)
DEPARTMENT OF DEFENSE, et al.,)	
)	
Defendants.)	
_____)	

PLAINTIFFS' INTERROGATORY TO
DEFENDANT DEPARTMENT OF DEFENSE

Plaintiffs propound the following interrogatory to Defendant Department of Defense, under Rule 33 of the Federal Rules of Civil Procedure.

INSTRUCTIONS AND DEFINITIONS

- A. The Interrogatory is to be answered fully.
- B. Provide not only such information that is in your possession, but also information that is reasonably available. In the event that you are able to provide only part of the information called for by any particular Interrogatory, please provide all the information you are able to provide and state the reason for your inability to provide the remainder.
- C. If you object to or otherwise decline to answer any portion of the Interrogatory, please provide all information called for by that portion of the Interrogatory to which you do not object or to which you do not decline to answer. For those portions of an Interrogatory to which you object or to which you do not decline to answer, state the reason for such objection or declination.

EXHIBIT 6

D. The Interrogatory is regarding your communications on September 11 and 12, 2012, regarding the attack on U.S. facilities in Benghazi Libya. The times are Eastern Daylight Time.

Interrogatory No. 1: State the times of all electronic, verbal, and written, communications, from 3:32 p.m., through 3:00 a.m., by and among all DOD components, the total number of individuals on the communication, their titles and locations, and the substance of that communication. Include in your answer a description of all records, in any form, containing, reflecting, or otherwise corroborating, that communication.

Date: June 25, 2018.

Respectfully submitted,

/s/
John H. Clarke Bar No. 388599
Attorney for plaintiffs
1629 K Street, NW
Suite 300
Washington, DC 20006
(202) 344-0776
johnhclarke@earthlink.net

S. HRG. 113-184

BENGHAZI: THE ATTACKS AND THE LESSONS LEARNED

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

JANUARY 23, 2013

Printed for the use of the Committee on Foreign Relations



Available via the World Wide Web: <http://www.gpo.gov/fdsys/>

U.S. GOVERNMENT PRINTING OFFICE

86-780 PDF

WASHINGTON : 2014

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

EXHIBIT 7

000067

COMMITTEE ON FOREIGN RELATIONS

JOHN F. KERRY, Massachusetts, *Chairman*

BARBARA BOXER, California	BOB CORKER, Tennessee
ROBERT MENENDEZ, New Jersey	JAMES E. RISCH, Idaho
BENJAMIN L. CARDIN, Maryland	MARCO RUBIO, Florida
ROBERT P. CASEY, Jr., Pennsylvania	RON JOHNSON, Wisconsin
JEANNE SHAHEEN, New Hampshire	JEFF FLAKE, Arizona
CHRISTOPHER A. COONS, Delaware	JOHN McCAIN, Arizona
RICHARD J. DURBIN, Illinois	JOHN BARRASSO, Wyoming
TOM UDALL, New Mexico	RAND PAUL, Kentucky
CHRISTOPHER MURPHY, Connecticut	
TIM KAINE, Virginia	

WILLIAM C. DANVERS, *Staff Director*

LESTER E. MUNSON III, *Republican Staff Director*

(II)

000068

CONTENTS

	Page
Clinton, Hon. Hillary Rodham, Secretary of State, U.S. Department of State, Washington, DC	6
Prepared statement	10
Responses to questions submitted for the record by the following Sen- ators:	
Robert Menendez	48
Tom Udall	52
James E. Risch	53
Marco Rubio	56
Jeff Flake	61
John Barrasso	63
Corker, Bob, U.S. Senator from Tennessee, opening statement	4
Menendez, Hon. Robert, U.S. Senator from New Jersey, opening statement	1

(III)

000069

My understanding is that the discussion of the location of Mission Benghazi was an ongoing one and that the ultimate conclusion of Ambassador Stevens was that we needed to be in Benghazi, the cradle of the Libyan revolution. That, while he was continuously reviewing other location options, it was his conclusion—as well as that of security personnel in the State Department—that the current mission site was the best choice despite a higher price tag because it was more secure than returning to the hotel where there had been a bomb and bomb threats or moving closer to the annex because it was closer to the road.

Can you give us your insights on the decisionmaking process regarding the location of the Benghazi Mission? And as part of your answer can you touch upon what actions were you and your staff taking the night of September 11 and into September the 12th?

Secretary CLINTON. Well, first, you are right, Mr. Chairman, that there was an ongoing discussion. When Chris first landed in Benghazi, he stayed in a hotel, along with other representatives of different nations. There were attacks in the vicinity, including the parking lot of the hotel.

The decision was made to move. The compound was selected as being a much better location in terms of security than the alternatives. But there was an ongoing discussion between Chris and others in the Embassy in Tripoli, those going in and out of Benghazi, about how best to situate our post there.

I did see some overnight reporting about a document. I am not sure what it is, but I would observe that there were a lot of ongoing efforts because it was important that we were constantly asking what was the best place. As you said, in general, Chris was committed to not only being in Benghazi, but to the location. The professionals in Washington paid close attention to Chris's judgment, based on his experience and his firsthand knowledge.

And so, we stayed. We continued to try to upgrade the facility that was attacked. Obviously, as the ARB has pointed out, there were inadequacies in the response, and those are the specific kinds of recommendations that we are currently implementing.

Regarding what I was doing on September 11, I was at the State Department all day and late into the night. During most of the day prior to getting notice of the attack on our compound at Benghazi, we were very focused on our Embassy in Cairo. That was under assault by a group of protesters.

We were assessing the security of our Embassy, which is, as those of you who have been there, certainly well defended. But there were crowds that were intent upon trying to scale the wall, and we were in close communication with our team in Cairo.

I was notified of the attack shortly after 4 p.m. Over the following hours, we were in continuous meetings and conversations, both within the Department, with our team in Tripoli, with the inter-agency, and internationally. I instructed our senior Department officials and our diplomatic security personnel to consider every option, to just break down the doors of the Libyan officials to get as much security support as we possibly could, to coordinate with them.

I spoke to the National Security Adviser, Tom Donilon, several times. I briefed him on developments. I sought all possible support from the White House, which they quickly provided. Tom was my first call.

I spoke with our chargé in Tripoli to get situation updates. I spoke with former CIA Director Petraeus to confer and coordinate, given the presence of his facility, which, of course, was not well known but was something that we knew and wanted to make sure we were closely lashed up together. I talked with the then-Libyan National Congress President to press him on greater support not only in Benghazi, but also in Tripoli.

I participated in a secure video conference of senior officials from the intelligence community, the White House, and DOD. We were going over every possible option, reviewing all that was available to us, any actions we could take. We were reaching out to everyone we could find to try to get an update about Ambassador Chris Stevens, also our information specialist, Sean Smith. So it was a constant, ongoing discussion and sets of meetings.

I spoke with President Obama later in the evening to bring him up to date, to hear his perspective. Obviously, we kept talking with everyone during the night. Early in the morning on the 12th, I spoke with General Dempsey, again with Tom Donilon.

The two hardest calls that I made were obviously to the families of Ambassador Stevens and Sean Smith. And they, I have to say, were extraordinary in their responses, in their understanding of the pride we had in both men and gratitude we had for their service.

I would also just quickly add, Mr. Chairman, that while this was going on and we were trying to understand it, get on top of it, we were continuing to face protests, demonstrations, violence across the region and as far as India and Indonesia. There were so many protests happening, and thousands of people were putting our facilities at risk.

So we were certainly very determined to do whatever we could about Benghazi. We were relieved when we finally got the last of the Americans out of Benghazi, but then we were turning around, dealing with the very serious threats facing so many of our other facilities.

Senator MENENDEZ. Thank you very much. My time has expired. Senator Corker.

Senator CORKER. Thank you, Mr. Chairman.

Madam Secretary, I agree with you when people go into the field to do the things they do, they do it knowing of the risk, and I agree with you one of the untold stories here is that of the heroic nature of many in Libya and what they did to save lives. I met several of the JSOC folks and others that risked their lives saving others.

But I also have to say, in reading all the cables and that many of us have done, there were systemic deficiencies. And I know you know that. And I would like for you to just speak to that for a moment.

To my knowledge, no one has been held accountable. Our staff had a meeting with one of the State Department officials, and I hate to use this word again, but it was nothing short of bizarre as they talked about the communications. These officials were scream-

HEARING 4

HEARING 4

BEFORE THE
SELECT COMMITTEE ON
THE EVENTS SURROUNDING
THE 2012 TERRORIST
ATTACK IN BENGHAZI
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTEENTH CONGRESS
FIRST SESSION

HELD IN WASHINGTON, DC, OCTOBER 22, 2015

Printed for the use of the Select Committee on the Events Surrounding the
2012 Terrorist Attack in Benghazi



Available on the Internet:
www.fdsys.gov

U.S. GOVERNMENT PUBLISHING OFFICE

98-884

WASHINGTON : 2016

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

000072

HOUSE SELECT COMMITTEE ON BENGHAZI

TREY GOWDY, South Carolina, *Chairman*

LYNN WESTMORELAND, Georgia

JIM JORDAN, Ohio

PETER ROSKAM, Illinois

MIKE POMPEO, Kansas

MARTHA A. ROBY, Alabama

SUSAN BROOKS, Indiana

ELIJAH CUMMINGS, Maryland

Ranking Minority Member

ADAM SMITH, Washington

ADAM SCHIFF, California

LINDA SANCHEZ, California

TAMMY DUCKWORTH, Illinois

PROFESSIONAL STAFF

PHIL KIKO, *Staff Director*

SUSANNE SACHSMAN GROOMS, *Minority Staff Director*

HEARING 4

THURSDAY, OCTOBER 22, 2015

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON BENGHAZI,
Washington, DC.

The committee met, pursuant to call, at 10:01 a.m., in Room 1100, Longworth House Office Building, Hon. Trey Gowdy [chairman of the committee] presiding.

Present: Representatives Gowdy, Brooks, Jordan, Pompeo, Roby, Roskam, Westmoreland, Cummings, Smith, Schiff, Sanchez, and Duckworth.

Staff Present: Philip G. Kiko, Staff Director and General Counsel; Chris Dones, Deputy Staff Director; Dana Chipman, Chief Investigative Counsel; Sharon Jackson, Deputy Chief Counsel; Craig Missakian, Deputy Chief Counsel; Mark Grider, Deputy General Counsel; Mac Tolar, Senior Counsel; Carlton Davis, Investigator; Sara Barrineau, Investigator; Sheria Clarke, Counsel; Paige Oneto, Clerk; Kim Betz, Member Outreach Liaison; Paul Bell, Minority Press Secretary; Krista Boyd, Minority Senior Counsel; Linda Cohen, Minority Senior Professional Staff; Ronak Desai, Minority Counsel; Shannon Green, Minority Counsel; Susanne Sachsman Grooms, Minority Staff Director and General Counsel; Jennifer Werner, Minority Communications Director; Peter Kenny, Minority Senior Counsel; Erin O'Brien, Minority Detailee; Laura Rauch, Minority Senior Professional Staff; Dave Rapallo, Minority Senior Advisor to the Ranking Member; Daniel Rebnord, Minority Professional Staff; Mone Ross, Minority Staff Assistant; Heather Sawyer, Minority Chief Counsel; and Brent Woolfork, Minority Senior Professional Staff.

Chairman GOWDY. Good morning. The committee will come to order, and the chair notes the presence of a quorum.

Good morning. Welcome, Madam Secretary.

Welcome to each of you.

This is a public hearing of the Benghazi Select Committee.

Just a couple of quick administrative matters before we start, Madam Secretary.

There are predetermined breaks, but I want to make it absolutely clear, we can take a break for any reason or for no reason. If you or anyone would just simply alert me, then we will take a break, and it can be for any reason or for no reason.

To our guests, we are happy to have you here. The witness deserves to hear the questions, and the members deserve to hear the answers. So proper decorum must be observed at all times. No reaction to questions or answers, no disruptions. Some committees

Lindsey Graham tweeted, “Where the hell were you on the night of the Benghazi attack?”

Those appear to be based on the testimony of witnesses and the documentation that we have obtained in this committee and other previous committees. They seem to run counter to the truth, because the testimony we have received states pretty much that you were deeply engaged the night of the attacks.

So can you describe for us what the initial hours of that night were like for you and how you learned about the attacks and what your initial thoughts and actions were?

Mrs. CLINTON. Well, Congresswoman, I learned about attacks from a State Department official rushing into my office shortly after or around 4 o’clock to tell me that our compound in Benghazi had been attacked. We immediately summoned all of the top officials in the State Department for them to begin reaching out. The most important quick call was to try to reach Chris himself. That was not possible. Then to have the Diplomatic Security people try to reach their agents. That was not possible. They were, obviously, defending themselves along with the Ambassador and Sean Smith.

We reached the second in command in Tripoli. He had heard shortly before we reached him from Chris Stevens telling him that they were under attack. We began to reach out to everyone we could possibly think who could help with this terrible incident. During the course of the, you know, following hours, obviously, I spoke to the White House. I spoke to CIA Director Petraeus. I spoke to the Libyan officials, because I hoped that there were some way that they could gather up and deploy those who had been part of the insurgency to defend our compound. I had conference calls with our team in Tripoli. I was on a, what’s called a SVTC, a, you know, video conference with officials who had operational responsibilities in the Defense Department, in the CIA, at the National Security Council.

It was just a swirl and whirl of constant effort to try to figure out what we could do, and it was deeply—it was deeply distressing when we heard that the efforts by our CIA colleagues were not successful, that they had had to evacuate the security officers, our Diplomatic Security officers, that they had recovered Sean Smith’s body. And they could not find the Ambassador. We didn’t know whether he had escaped and was still alive or not.

Ms. SANCHEZ. If I may, because my time is running short, I just want to point out that you spoke with folks on the ground, you spoke with folks in the White House, the CIA, the Libyan President of the General National Congress.

Now, interestingly enough, former Director of the CIA David Petraeus has not been before this committee and has not spoken with this committee, but he did testify before the House Intelligence Committee in 2012, and he said that you personally called him and asked him for help that night.

And I just want to end on this quote. “When Secretary Clinton called me later that afternoon to indicate that Ambassador Stevens was missing and asked for help, I directed our folks to ensure that we were doing everything possible. And that is, of course, what they were doing that night.” Is that correct?

Mrs. CLINTON. I talked to the survivors when they came back to the United States, and one, who was for many months in Walter Reed, on the telephone.

Mrs. ROBY. Okay. And——

Mrs. CLINTON. You know——

Mrs. ROBY [continuing]. Going back to Panetta and Dempsey, you had stated that they were the decisionmakers——

Mrs. CLINTON. Uh-huh.

Mrs. ROBY [continuing]. But you never spoke with them while your people were on the ground?

Mrs. CLINTON. I'm sorry.

Mrs. ROBY. I want to make sure this is clear. Panetta and Dempsey were the decisionmakers when it came to response. We've already talked about the FEST, so I'm not going to get back into that, but what I'm trying to clarify is that they were the decisionmakers, your people were on the ground in harm's way, and you never had a conversation with them.

Mrs. CLINTON. I did not need to. During the turmoil of that afternoon and into the evening, we knew the President had personally told them both in the Oval Office that he expected them to do everything they possibly could do. And I knew that they would then turn to those officers responsible for carrying out that order. They were represented on that SVTC. That's why I sat in it.

And remember, too, Congresswoman, we had a lot of other threats coming in. We were still worried about Cairo. We had——

Mrs. ROBY. Well, I understand, but you had your people on the ground that were being attacked.

I want to get back to the survivors in the little time I have left. Did you talk to the survivors directly at all——

Mrs. CLINTON. Yes, I did.

Mrs. ROBY [continuing]. At any point? Can you tell us when?

Mrs. CLINTON. It was kind of a rolling series of conversations. When they came back to the State Department, I met with and talked with them. As you know, their names have never been made public. I don't intend to today.

Mrs. ROBY. Can you give me a month?

Mrs. CLINTON. I'm sorry. What?

Mrs. ROBY. A month?

Mrs. CLINTON. It was—for some of them, it was less time than that, and for one of them, I did not—I talked with him on the phone. I did not get to physically see him until he'd been released from the hospital, and that was early in 2013.

Mrs. ROBY. I think, Mr. Chairman, there's two messages here. I think the first message is that—is the message that you sent to your personnel the night of the attack, that you went home. They all stayed there, and you didn't go back till the next morning. I think the second message that is sent is that you used the FBI's inquiry as an excuse not to check in with your agents who were on the ground who survived that horrible night just to ask them how they were.

And I yield back.

Mrs. CLINTON. Well, if I could respond, Congresswoman. I think that, again, is part of a theory that you and your colleagues are attempting to weave.

Central Intelligence Agency



Washington, D.C. 20505

30 September 2015

John H. Clarke
1629 K Street, NW
Suite 300
Washington, DC 20006

Re: F-2015-00060; 14-cv-1589

Dear Mr. Clarke:

This letter is in response to your 1 October 2014 Freedom of Information Act (FOIA) request for:

- “1. Any and all reports, memoranda, correspondence, maps, diagrams, charts, printouts, whether or not recorded electronically, regarding allegations that Executive Branch personnel deleted, destroyed, erased, obliterated, or obscured, records of CIA activities in Libya in the aftermath of the September 11 and 12, 2012 attacks in Benghazi, Libya, including but not limited to records in the possession of the CIA Office of Inspector General.
2. Records of all communications generated in March of 2011 regarding Colonel Muammar Gaddafi’s expressed interest in a truce and possible abdication and exile out of Libya, by or to:
 - (a) Head of Qaddafi’s personal security General Abdulqader Yusef Dibri;
 - (b) Rear Admiral (ret.) Chuck Kubic;
 - (c) AFRICOM personnel, including but not limited to:
 - (i) General Carter Ham; and
 - (ii) Lieutenant Commander Brian Linvill; and
 - (d) The CIA.”

We processed your request in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the National Security Act, 50 U.S.C. § 3141, as amended.

With regard to Item 1, we completed a thorough search for records responsive to your request and located twenty (20) documents. Eight (8) documents can be released in segregable form with redactions made on the basis of FOIA exemptions (b)(1), (b)(3), (b)(5), (b)(6), (b)(7)(c), (b)(7)(d), and (b)(7)(e). In addition, it has been determined that twelve (12) documents must be denied in their entirety on the basis of FOIA exemptions (b)(1), (b)(3), (b)(5), (b)(6), (b)(7)(c), and (b)(7)(d). Exemption (b)(3) pertains to Section 6 of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 3507, noted as exemption “(b)(3)CIAAct” on the enclosed documents, and/or Section 102A(i)(1) of the National Security Act of 1947, 50 U.S.C § 3024(i)(1), noted as exemption “(b)(3)NatSecAct” on the enclosed documents.

EXHIBIT 8

00077

With regard to Items 2 (a) and (d), in accordance with section 3.6(a) of Executive Order 13526, the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request. The fact of the existence or nonexistence of such records is itself currently and properly classified and relates to CIA intelligence sources and methods information that is protected from disclosure by Section 6 of the CIA Act of 1949, 50 U.S.C. § 3507, and Section 102A(i)(1) of the National Security Act of 1947, 50 U.S.C § 3024(i)(1). Therefore, this portion of your request is denied pursuant to FOIA exemptions (b)(1) and (b)(3).

With regard to Items 2 (b) and (c) of your request, as noted in the acceptance letter, the information you seek would fall under the auspices of the Department of Defense.

This concludes our response to the above referenced request.

Sincerely,

A handwritten signature in black ink that reads "Michael Lavergne". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Lavergne
Information and Privacy Coordinator

Enclosures

000078

Approved for Release: 2015/09/30 C06354620

(b)(3) NatSecAct

~~SECRET~~ ~~NOFORN~~

Central Intelligence Agency



Washington, D.C. 20505

Inspector General

(b)(3) CIAAct

3 December 2013

The Honorable Dianne Feinstein
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

The Honorable Saxby Chambliss
Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Madam Chairman and Mr. Vice Chairman:

1. (U//~~FOUO~~) Thank you for your letter of 26 November 2013 regarding information a Central Intelligence Agency officer had asked the Office of Inspector General (OIG) to provide to the Director, CIA (DCIA) in November 2012, pertaining to the 11 September 2012 attacks in Benghazi, Libya.

2. (U//~~FOUO~~) In response to your request, "Please provide any information related to the complaint, in its entirety, and any information related to your office's response or investigation of the complaint?" we provide the following documents:

A) (U//~~FOUO~~) A copy of the 1 November 2012 internal email sent by the CIA officer to my office.

I have redacted any identifying information regarding the officer in accordance with 50 USC 3517, and because of the officer's specific request for confidentiality.

B) (U//~~FOUO~~) A copy of my 2 November 2012 internal email to then Director Petraeus forwarding, at the officer's request, concerns raised by the CIA

Upon Removal of Enclosures,
This Document is ~~SECRET~~

(b)(3) NatSecAct

~~SECRET~~ ~~NOFORN~~

(b)(3) NatSecAct

(b)(3) NatSecAct
~~SECRET~~ / ~~NOFORN~~

The Honorable Dianne Feinstein
The Honorable Saxby Chambliss

officer. Please note that all of the text below my signature was taken directly from the 1 November 2012 internal email sent by the CIA officer to the OIG. In the 1 November 2012 email, the officer's main concern was for the information to be provided to the DCIA for his situational awareness. The officer wanted to remain unidentified and apparently determined that the best way to get the information to the DCIA anonymously was through my office. As you will note, we accomplished that by means of my 2 November 2012 internal email to the DCIA. I informed the DCIA in the email that I was not planning any further inquiry by my office but was prepared to conduct any inquiry into the concerns raised by the CIA officer if the Director so requested. Director Petraeus did not make any such request.

C) (U//FOUO) The Interview Report dated 8 November 2012 documenting the interview of the CIA officer conducted on 5 November 2012 by OIG investigators [redacted] and [redacted] (b)(3) CIAAct [redacted]. I have again redacted any identifying information regarding the officer.

3. (S) In response to your question, "Why did you decide not to make this complaint into a more formal "full case"?" There were several reasons. First, I was aware that the FBI was conducting a criminal investigation into the attacks. Second, I was aware that the officer's concerns were largely matters that would fall within the purview of issues that would be addressed by the Accountability Review Board, as required under 22 U.S.C. §§4031 et seq. That statutory provision requires the Secretary of State to convene an accountability review board in any case of serious injury, loss of life, or significant destruction of property at a U.S. Government mission abroad. I did not see sufficient value-added for an investigation by my office that would offset the potential disruption an additional parallel investigation might cause to the ongoing FBI and State Department investigations.

4. (S) In response to your question, "Separate from this complaint, did you consider opening an investigation into the attacks in Benghazi? Why or why not?" I did, but elected not

~~SECRET~~ / ~~NOFORN~~
(b)(3) NatSecAct

(b)(3) NatSecAct
SECRET/ [] NOFORN

The Honorable Dianne Feinstein
The Honorable Saxby Chambliss

to, chiefly for the same reasons cited above. []

(b)(1)
(b)(3) NatSecAct

We included this topic in our Fiscal Year 2014 Work Plan in response to the tragic events in Benghazi as well as the recent shooting at the Washington Navy Yard.

5. (U//~~FOUO~~) Lastly, in response to your question, "In our staff's discussions with your office, your staff made several references to a "Director's investigation" or "Director's internal investigation" into Benghazi. What is your understanding of this investigation and who was in charge of it?" The OIG officers that met with your staff members on 20 November 2013 have informed me that they were referring to an interview team then Director Petraeus was putting together to interview Agency personnel [] I do not have any additional information. I recommend you contact the CIA Office of Congressional Affairs for information regarding any review or investigation that was conducted at the direction of then Director Petraeus or then Acting Director Morell.

(b)(1)
(b)(3)
NatSecAct

6. (U) If you have any additional questions, please contact me or the OIG counsel, []

(b)(3) CIAAct

Sincerely,

(b)(6)

David B. Buckley

Enclosures: As Stated

3
SECRET/ [] NOFORN
(b)(3) NatSecAct

(b)(3) NatSecAct

SECRET / [REDACTED] **NOFORN**

(b)(3) NatSecAct



From

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(7)(c)

Date: 11/01/2011 (b)(7)(d)

Subject: Comments on the Benghazi Attacks

To: DIR-OIG-Investigations

This message is digitally signed.

History: This message has been replied to and forwarded.

Classification: **SECRET** (b)(3) NatSecAct **NOFORN**

(b)(3) NatSecAct

It has come to my attention on 01 November 2012 that the CIA has not been provided fullsome details regarding the events that took place during the 11/12 September attacks on the U.S. Mission (Consulate) in Benghazi and Benghazi Base. For the record, all my accounts herein are second/third-hand [REDACTED]

[REDACTED] however, I have talked with multiple officers on site that evening [REDACTED] (b)(1) making me privy to numerous meetings/discussions regarding the events. [REDACTED] (b)(3) NatSecAct that the correct information be made available to Agency [REDACTED] numerous officers [REDACTED] were surprised that the CIA did not appear to know the chain of events which is crucial as this information helps him and other leaders make operational decisions, and respond to policy related questions.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(7)(c)
(b)(7)(d)

SECRET / [REDACTED] **NOFORN**

(b)(3) NatSecAct

(b)(3) NatSecAct
~~SECRET~~ ~~NOFORN~~

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(7)(c)
(b)(7)(d)

~~SECRET~~ ~~NOFORN~~
(b)(3) NatSecAct

(b)(3) NatSecAct

~~SECRET~~~~NOFORN~~

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(7)(c)

(b)(7)(d)

COPY

~~SECRET~~~~NOFORN~~

(b)(3) NatSecAct

(b)(3) NatSecAct
~~SECRET~~/ [redacted] ~~NOFORN~~

[redacted]
(b)(3) NatSecAct



From: David B. Buckley
Inspector General
Central Intelligence Agency
Date: 11/02/2012 03:52 PM
Subject: Allegation pertaining to Benghazi (U)
To: David H. Petraeus
Cc: Michael J. Morell, V. Sue Bromley, [redacted]
Bcc: [redacted] (b)(3) CIAAct
David B.
Buckley/STF/AGENCY@WMA

(b)(3) NatSecAct
Classification: ~~SECRET~~/ [redacted] ~~NOFORN~~

[redacted]
(b)(3) NatSecAct

Director,

- (b)(6)
(b)(7)(c)
(b)(7)(d)
- IG received an allegation from an officer [redacted] based on your comments made [redacted] officers, you may have not been (b)(1) provided with all the details regarding the attack in Benghazi and subsequent response. (b)(3) NatSecAct
 - The officer asked that the information below be provided to you. I have redacted the officer's identity in compliance with 50 USC 403q.
 - The officer acknowledges that the information provided is second and third hand. However, given the sensitivities concerning this issue, I am providing this information directly to you for your action as you deem appropriate. I informed DDCIA.
 - The officer calls into question some actions and decisions made by the Chief of Base, Benghazi.

While we plan to conduct a preliminary interview of the officer, we are not planning further work on this issue by my office. However, we stand ready to conduct any inquiry you may request, if indicated.

Safe travels,

David Buckley

I request the following information be provided to the DCIA for his situational awareness:

~~SECRET~~/ [redacted] ~~NOFORN~~
(b)(3) NatSecAct

~~SECRET~~ (b)(3) NatSecAct
[] ~~NOFORN~~

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(7)(c)
(b)(7)(d)

~~SECRET~~ (b)(3) NatSecAct
[] ~~NOFORN~~

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(7)(c)
(b)(7)(d)

Confidentiality Notice: The information in this email and any attachments may be confidential or privileged under applicable law, including protection from public disclosure under the Freedom of Information Act (FOIA), 5 USC §552, or otherwise protected from disclosure to anyone other than the intended recipient(s). Any use, distribution, or copying of this email, including any of its contents or attachments by any person other than the intended recipient, or for any purpose other than its intended use, is strictly prohibited. If you believe that you received this email in error, please permanently delete it and any attachments, and do not save, copy, disclose, or rely on any part of the information. Contact the O(b)(3) CIAAct if you have any questions or to let us know that you received this email in error.

=====
Classification: ~~SE~~(b)(3) NatSecAct ~~NOFORN~~

~~SECRET~~ / ~~NOFORN~~

(b)(3) NatSecAct

(b)(3) NatSecAct

~~SECRET~~ ~~NOFORN~~

8 November 2012

INTERVIEW REPORT

INTERVIEWEE: [REDACTED]

(b)(3) CIAAct

(b)(6)

(b)(7)(c)

PREPARED BY: [REDACTED]

(b)(3) CIAAct

CASE:

(b)(3) CIAAct

Benghazi Attacks, 11-12 September 2012

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

1. (S/ [REDACTED] NOFORN) On 5 November 2012, Office of Inspector General (OIG), Investigations Staff (INV), Special Agents (S/ [REDACTED] (b)(3) NatSecAct (b)(3) NatSecAct telephonically interviewed [REDACTED]

(b)(3) CIAAct

(b)(6)

(b)(7)(c)

contacted SAs [REDACTED]. The interview took place from 1800 to 1940 hours. The interview was conducted at [REDACTED] request because of [REDACTED] concern that the Director of CIA, David H. Petraeus, had been misinformed concerning the events surrounding the attacks on the US Consulate and the CIA Base in Benghazi, Libya, on 11 and 12 September 2012.

(b)(7)(c)

(b)(3) NatSecAct

2. (S/ [REDACTED] NOFORN) At the beginning of the interview, [REDACTED] was informed of the following:

(b)(3) CIAAct

(b)(6)

(b)(7)(c)

- On 2 November 2012, OIG provided to Director Petraeus the information [REDACTED] had provided to OIG via Lotus Notes e-mail on 2 November 2012.
- Director Petraeus wanted [REDACTED] to know he appreciates having the information [REDACTED] provided.
- Director Petraeus is not aware of [REDACTED] identity.

(b)(1)

(b)(3) NatSecAct

(b)(3) NatSecAct

~~SECRET~~ ~~NOFORN~~

(b)(3) NatSecAct

(b)(3) NatSecAct

~~SECRET~~ [] ~~NOFORN~~

INTERVIEWEE: []

(b)(3) CIAAct
(b)(6)
(b)(7)(c)
(b)(7)(d)(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)

(b)(3) NatSecAct. (S/ [] ~~NOFORN~~) [] said that the information from [] 2 November 2012 Lotus Notes e-mail, and the information [] would provide to OIG about the attacks during this telephone interview, is second-hand information [] learned while

(b)(3) CIAAct
(b)(6)
(b)(7)(c)
(b)(7)(d)~~SECRET~~ ² [] ~~NOFORN~~

(b)(3) NatSecAct

C06354620

Approved for Release: 2015/09/30 C06354620

(b)(3) NatSecAct
~~SECRET~~ ³ ~~NOFORN~~

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(7)(c)
(b)(7)(d)

³
~~SECRET~~ ³ ~~NOFORN~~
(b)(3) NatSecAct

Approved for Release: 2015/09/30 C06354620

000090

C06354620

Approved for Release: 2015/09/30 C06354620

(b)(3) NatSecAct

~~SECRET~~ ~~NOFORN~~

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(7)(c)
(b)(7)(d)

~~SECRET~~ ~~NOFORN~~

(b)(3) NatSecAct

Approved for Release: 2015/09/30 C06354620

000091

C06354620

Approved for Release: 2015/09/30 C06354620

(b)(3) NatSecAct

SECRET/

NOFORN

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(7)(c)
(b)(7)(d)

5

SECRET/

NOFORN

(b)(3) NatSecAct

Approved for Release: 2015/09/30 C06354620

000092

C06354620

Approved for Release: 2015/09/30 C06354620

(b)(3) NatSecAct

~~SECRET~~ ☐ ~~NOFORN~~

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(7)(c)
(b)(7)(d)

~~SECRET~~ ⁶ ☐ ~~NOFORN~~
(b)(3) NatSecAct

Approved for Release: 2015/09/30 C06354620

000093

(b)(3) NatSecAct

~~SECRET~~ ☐ ~~NOFORN~~

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(7)(c)
(b)(7)(d)

Special Agent

Attachment: Lotus Note e-mail from ☐ to
OIG(b)(3) CIAAct dated 2 November 2012

(b)(3) CIAAct
(b)(6)
(b)(7)(c)
(b)(7)(d)

COPY

7
~~SECRET~~ ☐ ~~NOFORN~~
(b)(3) NatSecAct

Approved for Release: 2015/09/30 C06354615

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~

(b)(3) NatSecAct



From: (b)(3) CIAAct
Assistant Inspector General for
Investigations

(b)(3) CIAAct

Date: 11/15/2013 01:13 PM

Subject: Benghazi Timeline re Contact with OIG

To:

(b)(3) CIAAct

Cc:

[**** Document has been archived. Click "Retrieve" button to retrieve document contents and attachments. ****]

(b)(3) NatSecAct

- 1 November 2012 - An Agency employee contacted the OIG via LN, to express a concern that the D/CIA had not been provided with "fulsome details" regarding the events of 11-12 September 2012, and the attack on the US compounds in Benghazi, Libya.

The officer stated that his/her information was entirely second hand, based upon his/her subsequent discussions

The officer expressed concern that the information provided to the D/CIA by official channels was not complete, and requested that the OIG ensure that his/her information was provided to D/CIA.

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

- 2 November 2012 - The 1 November letter minus the identity of the complainant, was forwarded to the D/CIA, DD/CIA, ADD/CIA, and by the IG, via LN. The identity of the complainant was not provided, IAW 50 USC 403q. (b)(3) CIAAct

- 5 November 2012 - The officer was interviewed telephonically by SA (b)(3) CIAAct and SA (b)(3) CIAAct

The officer provided further details to the LN provided to the OIG on 1 November.

The officer also requested confidentiality regarding his/her identity.

(b)(3) NatSecAct

We have no record that anyone affiliated ever contacted the Hotline or Investigations concerning the events in Benghazi in September 2012.

Classification:

~~SECRET~~ / ~~NOFORN~~

(b)(3) NatSecAct

SECRET (b)(3) NatSecAct NOFORN

Approved for Release: 2015/09/30 C06354616

(b)(3) NatSecAct

~~SECRET~~/ [redacted] ~~NOFORN~~

(b)(3) NatSecAct



From: (b)(3) CIAAct Subject: Re: Benghazi Timeline re Contact with OIG
 Date: 11/15/2013 01:41 PM To: (b)(3) CIAAct
 Cc: [redacted]

This message is digitally signed.

[***** Document has been archived. Click "Retrieve" button to retrieve document contents and attachments. *****]

(b)(3) NatSecAct

Classification: ~~SECRET~~ [redacted] ~~NOFORN~~

(b)(3) NatSecAct

(b)(3) CIAAct

Thanks for your quick response.
 The Hill hasn't contacted our offices as yet.
 Let's make sure that our staff knows to route any such calls to the FO—goes without saying.

(b)(3) CIAAct

Confidentiality Notice: The information in this email and any attachments may be confidential or privileged under applicable law, including protection from public disclosure under the Freedom of Information Act (FOIA), 5 USC §552, or otherwise protected from disclosure to anyone other than the intended recipient(s).

Any use, distribution, or copying of this email, including any of its contents or attachments by any person other than the intended recipient, or for any purpose other than its intended use, is strictly prohibited. If you believe that you received this email in error, please permanently delete it and any attachments, and do not save, copy, disclose, or rely on any part of the information.

Contact the OIG at (b)(3) CIAAct if you have any questions or to let us know that you received this email in error.

The officer stated that his/her information was entirely second hand, based upon his/her subsequent discussions [redacted]

The officer expressed concern that the information provided to the D/CIA by official channels was not complete, and requested that the OIG ensure that his/her information was provided to D/CIA.

The officer provided further details to the LN provided to the OIG on 1 November.
 The officer also requested confidential [redacted] identity.

We have no record that anyone affiliated [redacted] ever contacted the Hotline or Investigations concerning the events in Benghazi in September 2012.

~~SECRET~~/ [redacted] ~~NOFORN~~

(b)(3) NatSecAct

Approved for Release: 2015/09/30 C06354616

000096

(b)(3) CIAAct

From: David Buckley
Sent: Thursday, January 16, 2014 1:22 PM
To: [REDACTED]
Cc:
Subject: Immediate Action: Alleged Complaints related Benghazi
Importance: High

(b)(3) CIAAct

***** This message has been archived. Double-Click the message to view the contents. *****

Classification: UNCLASSIFIED
=====

All,

The Vice Chairman of the Senate Select Committee on Intelligence, along with several other Senators, included in their "Additional Views" of the SSCI Report on the Review of the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012, dated January 15, 2014:

"At the same time, the Committee has learned that the CIA Inspector General did not investigate complaints relating to the Benghazi attacks from CIA whistleblowers. Whether these complaints are ultimately substantiated or dismissed is irrelevant. On a matter of this magnitude involving the deaths of four Americans, the Inspector General has a singular obligation to take seriously and fully investigate any allegation of wrongdoing. His failure to do so raises significant questions that we believe the Committee must explore more fully."

Since the attack, I have repeatedly inquired of Investigations and the Hotline of the receipt of any such complaints. And, in preparation for a response to a SSCI inquiry in November 2013, we again searched the INV and Hotline files regarding the receipt of any Benghazi related complaint or issues that have been made to the OIG. There was one identified matter. I replied to the SSCI on December 3, 2013 regarding that one issue. Notwithstanding that response, however, the Report's Additional Views contained the statement above.

Accordingly, in further due diligence, I am requiring you all to check your files for any such complaints.

COPY

C06354614

Approved for Release: 2015/09/30 C06354614

Double check your records and identify to me any and all complaints relating to the Benghazi attacks. Please conduct the records check immediately and report the results to me in writing as soon as possible but no later than tomorrow, COB.

Thank you,

David

David B. Buckley

Inspector General

Confidentiality Notice: The information in this email and any attachments may be confidential or privileged under applicable law, including protection from public disclosure under the Freedom of Information Act (FOIA), 5 USC Â§552, or otherwise protected from disclosure to anyone other than the intended recipient(s). Any use, distribution, or copying of this email, including any of its contents or attachments by any person other than the intended recipient, or for any purpose other than its intended use, is strictly prohibited. If you believe that you received this email in error, please permanently delete it and any attachments, and do not save, copy, disclose, or rely on any part of the information. Contact the OIG at if you have any questions or to let us know that you received this email in error

(b)(3) CIAAct

=====
Classification: UNCLASSIFIED

COPY

I searched my Lotus Notes and have 9 emails dated between 2 Nov 2012 and 14 Nov 2012 related to an allegation INV received concerning the Benghazi attack on 11-12 Sep 2012. They are related to INV case [REDACTED], and INV should have the complete case file. Please let me know if you would like me to forward my LNs.

(b)(3)
CIAAct

From: [REDACTED]
To: [REDACTED] (b)(3) CIAAct
Cc: [REDACTED]
Date: 01/22/2014 12:32 PM
Subject: RE: Benghazi documents

Classification: ~~SECRET~~

[REDACTED] (b)(3) NatSecAct

=====

What the IG is looking for specifically is complaints made by officers about the Benghazi events. I hope this will narrow down the search.

From: [REDACTED] (b)(3) CIAAct
Sent: Wednesday, January 22, 2014 10:13 AM
To: [REDACTED] (b)(3) CIAAct
Cc: [REDACTED]
Subject: Fw: Benghazi documents

Classification: ~~SECRET~~

[REDACTED] (b)(3) NatSecAct

=====

In response to your request for Benghazi materials, I had sent the the note below to [REDACTED] in regard to information [REDACTED]. I will check my records for any other materials and get back to you by the 2pm. due date.

(b)(3) CIAAct

----- Forwarded by [REDACTED] (b)(3) CIAAct on 01/22/2014 10:09 AM

(b)(1)
(b)(3) NatSecAct
(b)(7)(e)

~~SECRET~~

From: [REDACTED] (b)(3) CIAAct
Date: 01/16/2014 04:38 PM
Subject:
Fw: Benghazi documents
To:

COPY

(b)(3) CIAAct

Classification: ~~SECRET~~

(b)(3) NatSecAct

(b)(3) CIAAct

[redacted] -- The list below is a partial listing of the Benghazi documents that
have been collected [redacted]

[redacted] Please advise if it is necessary to search with
that granularity. Additionally, I will review my LNs on Friday to see if
I have potentially relevant material from my former days.

(b)(1)
(b)(3) NatSecAct
(b)(7)(e)

----- Forwarded by [redacted] (b)(3) CIAAct on 01/16/2014 04:27 PM

From: [redacted]
To: [redacted] (b)(3) CIAAct
Cc: [redacted]
Date: 01/16/2014 03:09 PM
Subject: Benghazi documents

Classification: ~~SECRET~~

(b)(3) NatSecAct

=====

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(7)(e)

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(7)(e)

=====
Classification: ~~SECRET~~

=====
Classification: ~~SECRET~~

COPY₄₅

=====
Classification: ~~SECRET~~
=====
Classification: ~~SECRET~~

=====
Classification: ~~SECRET~~
=====
Classification: ~~SECRET~~

=====
Classification: ~~SECRET~~

COPY₄₆

UNCLASSIFIED//~~ATUO~~

From: [redacted] (b)(3) CIAAct
Chief of Staff (b)(3) CIAAct
Office of Inspector General
Date: 11/27/2013 08:51 AM

Subject: URGENT ACTION: SSCI QFRs re Benghazi - draft
response due 12N TODAY

To:
Cc:

(b)(3)
CIAAct

This message is digitally signed.

[***** Document has been archived. Click "Retrieve" button to retrieve document contents and attachments. *****]

Classification: UNCLASSIFIED//~~ATUO~~

===== Good Morning ==

This LN is just to document the urgent action cited above.

To recap, the IG received a memo dated 26Nov13 signed by SSCI Chair/Vice Chair with the following questions re a complaint received by OIG on or around 1 November from a CIA employee related to the 11 September 2012 terrorist attacks in Benghazi, Libya:

Please provide any information related to the complaint in question including the substance of the complaint, in its entirety, and any information related to your office's response or investigation of the complaint?

Why did you decide not to make this complaint into a more formal "full case"?

Separate from this complaint, did you consider opening an investigation into the attacks on Benghazi?

Why or why not?

In our staff's discussion with your office, your staff made several references to a "Director's investigation" or "Director's internal investigation" into Benghazi.

What is your understanding of this investigation and who was in charge of it?

While written response is requested no later than Wednesday, 4 December -- Dave would like to see a draft response by 12 noon today.

Thank you!

(b)(3) CIAAct [redacted] Chief of Staff Office of Inspector General [redacted] (b)(3) CIAAct

=====
Classification:
UNCLASSIFIED//~~ATUO~~

UNCLASSIFIED//~~ATUO~~

Approved for Release: 2017/02/28 C06631277

~~SECRET~~ [REDACTED] ~~NOFORN~~

REQUEST 1-004056

Memorandum for the Record

Events of 11-12 SEP 2012 at Benghazi Base, Libya

DCOB [REDACTED] (b)(3) CIAAct
[REDACTED] (b)(6)

19 SEP 2012

Note all times local, approximate unless specifically noted.

(b)(3) CIAAct (b)(3) CIAAct
(b)(6) (b)(6)

At circa 2140 hrs local 11 SEP, I was sitting in the Base SCIF working on a cable when GRS T/L [REDACTED] entered the SCIF and asked me to come into the (b)(3) NatSecAct room. [REDACTED] advised he had just received a call from the State compound indicating they had been penetrated and were taking fire. He strongly recommended taking the available GRS personnel then on base, himself and five other personnel [REDACTED] I found the COB and we apprised him of the situation. He authorized the move, and began to call local security and militia contacts to render assistance to the DoS compound. At the same time, we had [REDACTED] be (b)(3) NatSecAct to advise COS Tripoli and HQS of the evolving situation. The six GRS officers and the Base linguist departed Base at circa 2150. Base continued to maintain contact with ARSO personnel (b)(6) who reported he was with the Ambassador, an (b)(6) who was in the TOC. Calls from (b)(6) in the compound became increasingly urgent as the GRS team was enroute, noting the main building had been set on fire (b)(3) NatSecAct smoke/heat conditions were becoming increasingly difficult.

(b)(1) (b)(1) (b)(3) CIAAct
(b)(3) CIAAct (b)(3) NatSecAct (b)(6) and COB were
(b)(3) NatSecAct attempting to contact [REDACTED]

[REDACTED] to assist. Circa 15-20 minutes after the GRS departed base, one of the ARSOs (b)(6) advised via radio he had been separated from the Ambassador. The GRS T/L copied this transmission, and shortly thereafter we heard via radio he had initiated a search with GRS personnel of building C in the mission. Various other reports via radio indicated the GRS team was taking fire, and moving to locate RSO personnel. The GRS T/L radioed base approximately one hour after their departure from Base to advise they had located all ARSOs, one other State employee who was KIA, but could not locate the Ambassador despite multiple searches. They advised they were returning to

1

EXHIBIT 9

Approved for Release: 2017/02/28 C06631277

~~SECRET~~ ~~NOFORN~~

REQUEST1-004057

Base. ARSOs, in a separate vehicle, called base shortly thereafter to advise they were inbound to Base, and had taken heavy fire nearby the Mission. Personnel on the base prepared for their arrival, and received them shortly before 2200. The ARSO vehicle had obviously taken heavy gunfire. (b)(1)

(b)(3) CIAAct
(b)(6)

ARSC (b)(6) suffered serious smoke inhalation, and another (b)(6) had a severe gash in his left arm. GRS officer (b)(6) who had arrived back at base at circa 2230 and other Base personnel initiated treatment of (b)(6) wound, cleaning and bandaging it. Base did not have O2 available to provide (b)(6) to assist with his smoke inhalation. The GRS team arrived shortly thereafter.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct

Shortly before 0000 12 SEP, Base began taking fire which was returned by GRS. After this initial attack, which lasted for 15-20 minutes, petering out into sporadic gunfire, the GRS T/L recommended to COB that Base personnel prepare for evacuation of the compound. By this point, Base had been advised by Tripoli that they had chartered an aircraft and were deploying four GRS and two TF operators to Benghazi.

(b)(1)
(b)(3) NatSecAct

(b)(3) CIAAct
(b)(6)

(b)(1)
(b)(3) NatSecAct

(b)(3) CIAAct
(b)(6)

At several other points during the night Base took fire from surrounding areas. Efforts continued by COB, (b)(6) and (b)(6) to determine who was behind the attacks against the Mission, to determine the location of the Ambassador, and to secure security assistance for the Base. By this point we were coordinating ISR coverage of the area around the base attempting to identify the source of the attacks. This proved to be of limited utility in identifying specific threats. (b)(1)

(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct

Approved for Release: 2017/02/28 C06631277

SECRET **NOFORN**

REQUEST1-004058

(b)(1)
(b)(3) NatSecAct

At circa 0200 Base was advised the GRS / TF group from Tripoli had arrived at Benghazi airport, but were unable to secure transportation. GRS at Base were resupplied, and positions were rotated. ARSC (b)(6) pinned GRS on the roof of one of the Base buildings, while ARSO (b)(6) maintained contact with DoS Washington, and (b)(6) attempted to recover from smoke inhalation (b)(6) was close to losing consciousness at several points in the evening, and Base officers stayed close by him to ensure he was getting fluids and staying awake. After about 3.5 hours he appeared to recover to the point he was sitting upright and was more alert. ARSC (b)(6) and (b)(6) TDY with the Ambassador from Tripoli, also assisted with Base defensive positions.

(b)(1)
(b)(3) NatSecAct(b)(1)
(b)(3) NatSecAct

Sometime after 0330 hrs Base GRS T/L was advised, and conveyed to COB and I, that the Tripoli GRS/TF officers had secured transportation and were enroute to Base. At this point, Base had not received fire for circa 90 minutes.

(b)(1)
(b)(3) NatSecAct

The Tripoli GRS/TF team arrived at circa 0430, and immediately took up defensive positions.

(b)(1)
(b)(3) NatSecAct

In the midst of these discussions, 15-20 minutes after the Tripoli GRS/TF team arrived, Base came under attack again from what I later learned was mortar fire. I heard several explosions which became increasingly louder culminating in two very loud explosions which were direct hits on Building 3

(b)(1)
(b)(3) NatSecAct

Approved for Release: 2017/02/28 C06631277

SECRET [REDACTED] **NOFORN**

REQUEST1-004059

Within two-three minutes of this attack, (b)(6) was carried into the main interior room of Building 3 with a chest wound, and severe wounds to his arms. He was suffering additional wounds to his legs from shrapnel fragments. I and other Base personnel initiated first aid, which was assisted and directed by Tripoli GRS officer [REDACTED]. After treating (b)(6) immediate wounds and providing morphine, he was moved to a couch and ARSO (b)(6) who had been on the roof of Building 3 with (b)(6) was brought into the same room suffering from a severe wound.

(b)(3) CIAAct
(b)(6)

(b)(6)

Working under [REDACTED] direction, [REDACTED]

(b)(3) CIAAct
(b)(3) CIAAct
(b)(3) CIAAct
(b)(6)

(b)(3) CIAAct [REDACTED] myself and two of the RSOs attempted to address (b)(6) injuries. [REDACTED] started a plasma IV, and we provide (b)(6) with two morphine shots about 10 minutes apart. (b)(6) (b)(6) It was clear (b)(6) was bordering on shock, and had lost a significant amount of blood. We continued to treat both injured officers for approximately one hour while security for the move was coordinated.

Shortly after the mortar attack it was decided all personnel would evacuate the Base as soon as possible.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)

We then departed the compound.

(b)(1)

It took about 25 minutes to reach the airport. (b)(3) NatSecAct

(b)(3) CIAAct [REDACTED] After arrival at the airport, we loaded the two wounded, GRS Officer [REDACTED] and ARSO (b)(6) onto the aircraft.

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

The plane departed at circa 0815 hrs.

(b)(1)

(b)(3) NatSecAct

(b)(6)

COMMENT: Without the efforts of the Benghazi GRS contingent to enter the DoS compound and recover the personnel there, I have no doubt the surviving ARSOs would have

Approved for Release: 2017/02/28 C06631277
(U)(S) NatSecAct**SECRET** **NOFORN**

REQUEST1-004060

been killed or taken captive. The actions of the six Base GRS personnel, who entered this situation without hesitation and with the full knowledge they were outnumbered and out-gunned, was a heroic action. This team's professionalism in recovering successfully the ARSO personnel, conducting repeated searches for the Ambassador in extremely hazardous conditions, entering a building fully involved in smoke and fire while taking fire, was an incredible act of bravery. This same group then established effective, sustained defense against superior forces attempting to attack our Base, and deterred these attacks successfully. GRS T/L

(b)(3) CIAAct conduct throughout the 11-12 SEP recovery operation and subsequent attacks
(b)(6) was exemplary.

The actions of the GRS/TF team from Tripoli were also exemplary, and enabled us to successfully and in a controlled manner evacuate from our compound

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)

Finally, all members of the Base staff performed to the highest possible level, continuing to collect intelligence, provide reporting, attend to the wounded, account for sensitive equipment and funds, support base defense, and successfully execute destruction procedures. There were no/no examples of officers panicking or losing composure, even following the mortar attack. It was a privilege to serve with this team of officers.

HEARING TO RECEIVE TESTIMONY ON DEPARTMENT OF DEFENSE'S RESPONSE TO THE ATTACK ON U.S. FACILITIES IN BENGHAZI, LIBYA, AND THE FINDINGS OF ITS INTERNAL REVIEW FOLLOWING THE ATTACK

THURSDAY, FEBRUARY 7, 2013

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 10:05 a.m. in room SDG-50, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Reed, Nelson, McCaskill, Udall, Hagan, Manchin, Shaheen, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, King, Inhofe, McCain, Chambliss, Wicker, Ayotte, Graham, Vitter, Blunt, Lee, and Cruz.

Committee staff members present: Richard D. DeBobes, staff director; Leah C. Brewer, nominations and hearings clerk; and Barry C. Walker, security officer.

Majority staff members present: Joseph M. Bryan, professional staff member; Jonathan D. Clark, counsel; Richard W. Fieldhouse, professional staff member; Michael J. Kuiken, professional staff member; Peter K. Levine, general counsel; Jason W. Maroney, counsel; Thomas K. McConnell, professional staff member; William G.P. Monahan, counsel; Michael J. Noblet, professional staff member; John H. Quirk V, professional staff member; and Russell L. Shaffer, counsel.

Minority staff members present: Adam J. Barker, professional staff member; Christian D. Brose, professional staff member; Thomas W. Goffus, professional staff member; Anthony J. Lazarski, professional staff member; Daniel A. Lerner, professional staff member; and Lucian L. Niemeyer, professional staff member.

Staff assistants present: Jennifer R. Knowles, Kathleen A. Kulenkampff, Brian F. Sebold, and Lauren M. Gillis.

Committee members' assistants present: Carolyn Chuhta, assistant to Senator Reed; Jeffrey Fatora, assistant to Senator Bill Nelson; Jason Rauch, assistant to Senator McCaskill; Brian Nagle, assistant to Senator Hagan; Mara Boggs, assistant to Senator Manchin; Chad Kreikemeier, assistant to Senator Shaheen; Elana Broitman, assistant to Senator Gillibrand; Ethan Saxon, assistant to Senator Blumenthal; Marta McLellan Ross, assistant to Senator

had that knowledge—and I recognize that is a hypothetical, but if we had that knowledge—what military options would there have been to prevent that loss of life and to stop that attack at the annex?

Secretary PANETTA. Senator, as you said, it's tough to respond to a hypothetical. As long as we're talking about hypotheticals, the best that would have happened here is that we would have had a heads-up and we would have had troops on the ground to protect that facility. That's the best scenario and that's what works the best.

Once an attack takes place, the biggest problem you have is getting accurate information about exactly what is taking place in order to then develop what response you need to do it. You can't just willy-nilly send F-16s there and blow the hell out of a place without knowing what's taking place. You can't send AC-130s there and blow the hell out of a target without knowing what's taking place. You've got to be able to have good information about what is taking place in order to be able to effectively respond.

Senator CRUZ. So in your judgment, if I understand you correctly, the most effective means would have been to have boots on the ground?

Secretary PANETTA. That's correct.

Senator CRUZ. If—and again this is a hypothetical—at 9:42 p.m. you had received a direct order to have boots on the ground to defend our men and women there, what is the absolute fastest that could have been carried out?

General DEMPSEY. Well, based on the posture, our posture at the time, it would have been N plus 6 plus transit time with the closest ground force available. So you're looking at something best case between 13 and 15 hours.

Senator CRUZ. So if I understand your testimony correctly, in your military judgment there was no way conceivably to get troops on the ground sooner than 13 to 15 hours?

General DEMPSEY. That's correct.

Senator CRUZ. How about assets like an AC-130. If you had received an order at the outset to deploy an aircraft like an AC-130, what would have been the absolute fastest it could have arrived at Benghazi?

General DEMPSEY. I don't even know exactly where they were, but I know there were no AC-130s anywhere near North Africa that night.

Senator CRUZ. I'd like to also spend a few moments on the decisionmaking as this crisis unfolded. I take it neither of you received the hypothetical order at any point to get boots on the ground immediately?

Secretary PANETTA. No, that's right.

Senator CRUZ. Now, both of you mentioned that at 5 p.m. D.C. time you met with President Obama for a regularly scheduled meeting, during which you discussed the attack at Benghazi that had happened about an hour and 20 minutes earlier. You said the total meeting lasted roughly 30 minutes. How much of the meeting would you estimate covered Benghazi?

Secretary PANETTA. We teed up that issue when we walked into the Oval Office, so I would say that the first 15 or 20 minutes was

spent on the concern about that, as well as Cairo and what might happen there.

Senator CRUZ. After that 15 or 20 minutes discussion of Benghazi, do I understand your testimony correct that neither of you had any subsequent conversations with the President the rest of that day and that evening?

Secretary PANETTA. We continued to talk. I think we teed up some other issues that we were dealing with at the time to inform the President, and then once that concluded we both went back to the Pentagon and immediately I ordered the deployment of these forces into place.

Senator CRUZ. In between 9:42 p.m. Benghazi time when the first attack started and 5:15 a.m. when Mr. Doherty and Mr. Woods lost their lives, what conversations did either of you have with Secretary Clinton?

Secretary PANETTA. We did not have any conversations with Secretary Clinton.

Senator CRUZ. General Dempsey, the same is true for you?

General DEMPSEY. Yes.

Senator CRUZ. One final question because my time has expired. Senator Lee asked you about securing the compound and noted that it took some 23 days to do so, and I think to the astonishment of many viewers, we had CNN News crews discovering what appeared to be sensitive documents, rather than U.S. forces or law enforcement.

I just want to make sure I understood your answer correctly, in that you said that you were not requested to secure the compound and had you been requested to secure the compound in your judgment the U.S. military could have done so and it could have done so effectively?

Secretary PANETTA. Yes.

Senator CRUZ. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Cruz.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

Secretary Panetta, as I'm sure everybody said, this is your last time before this committee. We certainly want to take an opportunity to thank you for your extraordinary service as Secretary and all the other accolades and services that you have provided to the people of the United States. So I too want to echo my sincere thanks.

General Dempsey, thank you too for your continued service as we go forward.

The September 11 attack drew attention to the use of local militia by the Department of State for protection in Benghazi. On the night of the attack, security consisted of three armed militia members as well as four locally hired unarmed guards and five armed Diplomatic Security agents. I understand that the three militia personnel were members of the February 17th Martyrs Brigade, which is a local militia that participated in the anti-Qaddafi uprising.

Documents recovered from the post indicated that, while the local militias trained with U.S. officials for this role, militia mem-

TIME CONVERSION CHART

EASTERN STANDARD TIME				EASTERN DAYLIGHT TIME			
LOCAL <u>12 HR</u>	LOCAL <u>24 HR</u>	"ZULU" <u>UTC</u>		LOCAL <u>12 HR</u>	LOCAL <u>24 HR</u>	"ZULU" <u>UTC</u>	
12:00 AM	0000	0500		12:00 AM	0000	0400	
1:00 AM	0100	0600		1:00 AM	0100	0500	
2:00 AM	0200	0700		2:00 AM	0200	0600	
3:00 AM	0300	0800		3:00 AM	0300	0700	
4:00 AM	0400	0900		4:00 AM	0400	0800	
5:00 AM	0500	1000		5:00 AM	0500	0900	
6:00 AM	0600	1100		6:00 AM	0600	1000	
7:00 AM	0700	1200		7:00 AM	0700	1100	
8:00 AM	0800	1300		8:00 AM	0800	1200	
9:00 AM	0900	1400		9:00 AM	0900	1300	
10:00 AM	1000	1500		10:00 AM	1000	1400	
11:00 AM	1100	1600		11:00 AM	1100	1500	
12:00 PM	1200	1700		12:00 PM	1200	1600	
1:00 PM	1300	1800		1:00 PM	1300	1700	
2:00 PM	1400	1900		2:00 PM	1400	1800	
3:00 PM	1500	2000		3:00 PM	1500	1900	
4:00 PM	1600	2100		4:00 PM	1600	2000	
5:00 PM	1700	2200		5:00 PM	1700	2100	
6:00 PM	1800	2300		6:00 PM	1800	2200	
7:00 PM	1900	2400	<i>next day</i>	7:00 PM	1900	2300	
8:00 PM	2000	0100	<i>next day</i>	8:00 PM	2000	2400	<i>next day</i>
9:00 PM	2100	0200	<i>next day</i>	9:00 PM	2100	0100	<i>next day</i>
10:00 PM	2200	0300	<i>next day</i>	10:00 PM	2200	0200	<i>next day</i>
11:00 PM	2300	0400	<i>next day</i>	11:00 PM	2300	0300	<i>next day</i>
12:00 AM	2400	0500	<i>next day</i>	12:00 AM	2400	0400	<i>next day</i>

HF Bands:

<u>Start</u>	<u>CW Phone</u>	<u>End</u>
3.500	3.600	4.000
7.000	7.125	7.300
10.100	10.150	-
14.000	14.150	14.350
18.065	18.110	18.168
21.000	21.200	21.450
24.890	24.930	24.990
28.000	28.300	29.300

60 Meter:

"channels":

1	5.330.5
2	5.346.5
3	5.366.5
4	5.371.5
5	5.403.5

CB frequencies:

26.965 = Ch. 1
27.065 = Ch. 9
27.185 = Ch. 19
27.225 = Ch. 23
27.265 = Ch. 26
27.305 = Ch. 30
27.375 = Ch. 37
27.405 = Ch. 40

... (29.3 - 29.5.10 Satellite) ... 29.5 -29.7 FM (-split)

Assets, Flight Times

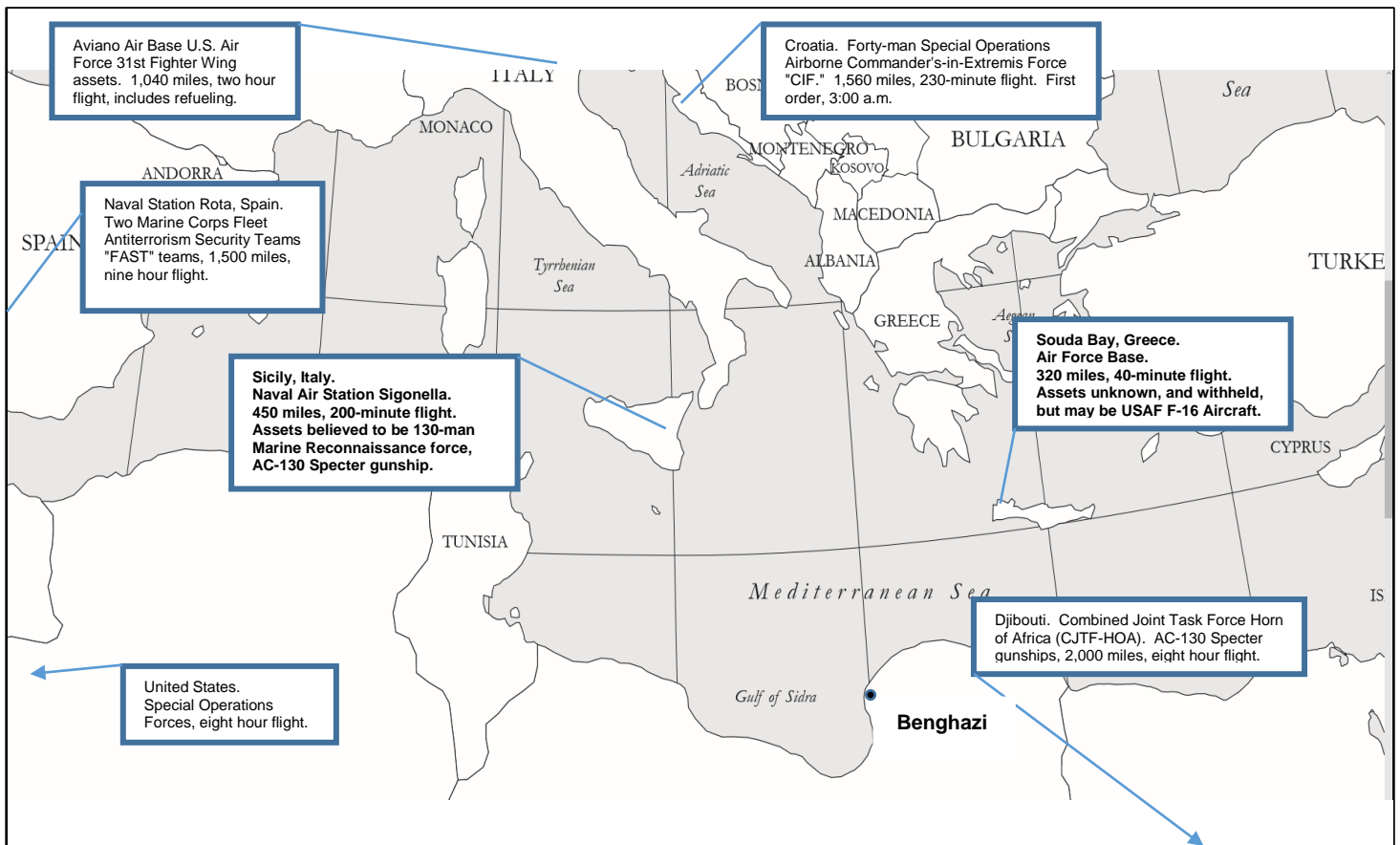


EXHIBIT 12

000113