



STATUS UPDATE ON INVESTIGATION OF ATTACKS ON U.S. PERSONNEL AND FACILITIES IN BENGHAZI

**Democratic Staff
Committee on Oversight and Government Reform
Prepared for Ranking Member Elijah E. Cummings**

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Executive Summary

This report provides a status update on the Committee's investigation into the U.S. government's response to the attacks on American personnel and facilities in Benghazi in September 2012, as well as the findings and recommendations of the Accountability Review Board (ARB) led by Ambassador Thomas Pickering and Admiral Michael Mullen.

Based on a review of tens of thousands of pages of classified and unclassified documents, 16 transcribed interviews, and one deposition, this report provides new details about an intense and terrifying week last September when incidents at embassies and consulates throughout the world kept U.S. personnel on hair-trigger alert for days. These included incidents not only in Benghazi, but also in Khartoum, Sana'a, Tunis, Karachi, Lahore, and Islamabad, where crowds of thousands marched, set fires, and breached U.S. compounds repeatedly.

Prepared at the request of Ranking Member Elijah Cummings, this report attempts to honor the service and sacrifice of the four American heroes killed in Benghazi in service of their country. It provides detailed information in response to questions relating to the attacks, and it is intended to focus on reforms to improve security for our diplomatic corps serving overseas.

The Benghazi ARB was one of the most comprehensive ARB reviews ever undertaken.

During his deposition with the Committee, Ambassador Pickering explained that, because of his own personal and professional bond with Ambassador Christopher Stevens, he viewed his service on the ARB as "a debt of honor." He said that "Chris gave me two wonderful years of his life in supporting me in very difficult circumstances," and that "I owed him, his family, and the families of the other people who died the best possible report we could put together."

Comparing the work of previous ARBs, Ambassador Pickering reported that "no other ARB was so extensive and far-reaching in its findings of personal responsibility or personal accountability, or made such far-reaching recommendations at such high levels in the State Department."

Admiral Mullen told the Committee that, in his view, "the most important descriptive characteristic" of the ARB was that it was "independent." He also said he personally witnessed "that independence throughout, from beginning to end."

Other officials agreed. The Executive Director of the Bureau of Near Eastern Affairs called the ARB "penetrating," "specific," and "critical." The former Director of the State Department's Office Maghreb Affairs described it as "very tough" and "the opposite of a whitewash."

In terms of accountability for senior officials, Admiral Mullen explained that "everybody was on the table," and "in the end, there was no official, including the Secretary of State, whose involvement wasn't reviewed." He also explained that the ARB "never found any evidence whatsoever that she was involved in the day-to-day security decisions with respect to Benghazi."

Accusations that the United States military withheld assets are unfounded.

As the former Chairman of the Joint Chiefs of Staff, Admiral Mullen served as the ARB's military expert. He described in detail how he "looked at every single U.S. military asset that was there, and what it possibly could have done, whether it could have moved or not." He concluded, "after a detailed understanding of what had happened that night, that from outside Libya, that we'd done everything possible that we could."

Addressing the claim that the leader of a four-man team leaving Tripoli for Benghazi was ordered to "stand down," Admiral Mullen said there "was never direction given to him to stand down." Instead, the team was "remissioned" to provide security and medical attention to evacuees in Tripoli. He added: "an untold story here is the heroic efforts of the medic actually on that airport coming from Benghazi to Tripoli, which there are those that believe kept a couple of those wounded alive."

Admiral Mullen explained why F-16s or other "fast-mover" aircraft were not deployed to Benghazi. Without tankers "to provide the refueling they would have needed probably twice en route," he reported that "it was not realistic to think that we could task fast movers." He added: "There's no one I've ever met in the military that wouldn't want to get help there instantly," but that the "physics of it, the reality of it, it just wasn't going to happen for 12 to 20 hours."

With respect to general allegations that the military failed to help the attack victims, Admiral Mullen stated: "The line of questioning and approach here, for those of us in the military, that we would consider for a second not doing everything we possibly could, it just—it stirs us to our bones, because that's who we are. We don't leave anybody behind."

Benghazi lacked adequate security in part because it was a temporary post.

According to multiple witnesses, Ambassador Stevens was "one of, if not the premier expert" on Libya and strongly believed that having a U.S. post in Benghazi was "critically important" to "indicate that the United States was going to stay involved," "to have a window into the Islamist extremism that was developing primarily in the east," and "to have a window into the tribal dynamics, which are very important." As one official said, "nobody knew Libya better than Chris," and "Chris strongly recommended that we maintain a presence in Benghazi."

Witnesses explained that the decision to extend the temporary mission in Benghazi was reviewed by numerous offices within the Department, including Resource Management, the Administration Bureau, the Near Eastern Affairs Bureau, and the two Bureaus primarily responsible for security, Diplomatic Security and Overseas Buildings Operations. Based on their unanimous agreement, the decision was issued by the Under Secretary for Management.

Witnesses confirmed that Benghazi, as a temporary post, was "excepted from office facility standards" and "was not eligible" for security upgrades from the Bureau of Overseas Buildings Operations, a key finding of the ARB report. Witnesses also confirmed the ARB's description of personnel "churn" and the "short-term, transitory nature of Benghazi's staffing."

As the Diplomatic Security Desk Officer for Libya told the Committee, the Department could send “only high-threat-qualified agents,” but since Benghazi was a temporary mission, they “had to draw from a pool of resources” that “was also being utilized in other areas of the world, including Iraq, Afghanistan, Pakistan, Yemen.”

Several witnesses reported that Charlene Lamb, the Deputy Assistant Secretary for International Programs within the Bureau of Diplomatic Security, among other actions, rejected repeated requests for additional Diplomatic Security Agents in Benghazi. According to the Diplomatic Security Desk Officer, Ms. Lamb reportedly felt that agents were being used inappropriately as drivers.

During his interview with the Committee, Admiral Mullen explained that “there was a tremendous dependence on Ms. Lamb and DS to take care of this.” Referring to both Ms. Lamb and Eric Boswell, the Assistant Secretary of Diplomatic Security, Admiral Mullen stated:

That then all goes back, from my perspective, on to Mr. Boswell and Ms. Lamb’s lap in terms of making sure security is all right, and yet it was, in fact, over the next many months that she fought it, didn’t resource it, bureaucratically didn’t answer, made it incredibly difficult on those who were trying to improve the security to achieve any kind of outcome they deemed favorable, and she just beat them down over time.

The Department must ensure that the ARB’s recommendations are fully implemented.

The ARB made 29 recommendations to improve the security of U.S. diplomatic personnel serving overseas, 24 of which were unclassified. On the same day the ARB report was issued, Secretary Clinton embraced all of its recommendations, urged Department employees “to cooperate fully,” and launched a task force “to ensure that the Board’s recommendations are implemented quickly and completely.”

Witnesses reported to the Committee that significant progress is being made. For example, the official who served as Chargé d’ Affaires to Libya after the attacks from January to June 2013 stated: “When I was charge in Tripoli for 6 months, for example, there were a huge number of security upgrades that are underway, many of them, you know, attributable either directly or indirectly to ARB.”

Despite this progress, Ambassador Pickering warned the Committee that he is “deeply concerned” that although previous ARBs “had been excellent in their recommendations,” the “follow-through had dwindled away.” He concluded with this statement:

I believe that this hearing, this discussion, this whatever it is that we are engaged in now is an opportunity, in fact, to find a way to assure that the recommendations, insofar as they needed to be supported here in the Congress, do get supported.

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I. ACCOUNTABILITY REVIEW BOARD

A. Background on ARB Process

The State Department's Accountability Review Board (ARB) process, which was established pursuant to Section 301 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, is used to conduct thorough and independent reviews of security-related incidents at U.S. diplomatic facilities.¹ The ARB's objective is to determine accountability and improve the security practices of U.S. missions and personnel abroad.²

On September 19, 2012, then-Secretary of State Hillary Clinton convened an ARB to investigate the September 11, 2012, attacks on U.S. facilities and personnel in Benghazi, Libya, that resulted in the deaths of four Americans, including the U.S. Ambassador to Libya Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty.

Secretary Clinton selected four ARB members, and Director of National Intelligence James Clapper selected one member from the Intelligence Community. Former Ambassador Thomas Pickering served as Chairman, and Admiral Michael Mullen served as Vice Chairman. Catherine Bertini, Richard Shinnick, and Hugh Turner also served as ARB Members.

On December 18, 2012, the Benghazi ARB issued an unclassified report on its findings. A separate classified version of the report, presented to the Secretary of State, included specific personnel accountability findings and recommendations. By statute, the report includes findings on whether the attacks were security-related, whether security systems and procedures were adequate and properly implemented, and whether any U.S. government employee breached his or her duty.³ The ARB also issued 29 unanimous recommendations to improve security systems and procedures at the State Department.⁴

B. Independence of ARB

On June 4, 2013, the Committee conducted a formal deposition with Ambassador Pickering. During that deposition, Ambassador Pickering explained to Members and staff that it was a "debt of honor" to have served on the ARB, noting his personal connection to Ambassador Stevens:

¹ 22 U.S.C. §§ 4831-4835.

² Department of State, *Foreign Affairs Manual Volume 12—Diplomatic Security*, 12 FAM 030.

³ 22 U.S.C. § 4834(a).

⁴ Department of State, *Benghazi Accountability Review Board Unclassified Report* (Dec. 2012).

[Y]ou know when you lose friends, when you lose colleagues and fellow employees, that's the most urgent and demanding of all situations, and if you can make a contribution and make it right, it's important.

Chris Stevens worked for me as my special assistant for 2 years when I was Under Secretary of State. This was not any kind of vendetta, but I felt that Chris gave me two wonderful years of his life in supporting me in very difficult circumstances, that I owed him, his family, and the families of the other people who died the best possible report we could put together.

And I have to tell you, the five of us, I think, time and time again mentioned how important this was, how significant it was to get it right, and how important it was to—what our work product would be, what our end result would be, would be deeply scrutinized, and it should be, there's no reason it shouldn't be, but that we had to work as hard as we can to make it stand up, that we had, with all respect to everybody in this room, no sense of political attachment on this particular issue. We wanted to do it in the best way we could. We got lots of advice from all areas. We attempted to synthesize that and put it into those 29 recommendations in the most serious way that we could.

So it was on obligation, maybe a debt of honor on our side. And I considered it an honor to be asked by the Secretary of State just to be on the Board, but in a more distinct one, to be asked to be chairman. And I felt that it was my responsibility, working with the others, and we worked in a very collegial way, but we certainly had differences and discussions in our views. We had a lot of give and take, which was good, and I felt it was very useful. And we brought in experts, and they were extremely helpful to us in looking at the way in which the report was put together and prepared.⁵

Similarly, in his interview with Committee staff on June 19, 2013, Admiral Mullen stated that the independence of the ARB was its “most important” characteristic, and that he would not have agreed to serve as a Member had he not received assurances that it would be independent:

Q: The ARB is supposed to be set up as an independent review board. Did you have any questions about the independence of the board?

A: In fact, in the original conversation I had with [Chief of Staff to Secretary Clinton] Ms. Mills about this, the most—from my perspective, the most important descriptive characteristic of it is that it would be independent, and Ms. Mills assured me that was the Secretary's intent upfront, and had that not been the case, I certainly wouldn't have agreed to it. Secondly, I saw in execution that independence throughout, from beginning to end, that it was supported. We had

⁵ House Committee on Oversight and Government Reform, Deposition of Ambassador Thomas R. Pickering (June 4, 2013).

the authority to, within the scope of the tasking, to do just about anything that we thought was important with respect to that tasking.⁶

Admiral Mullen stated that after the ARB was convened, he and Ambassador Pickering agreed that the investigation would follow the facts and that there would be no limits with respect to whom the ARB interviewed:

There was early on a discussion, and certainly I had a discussion, private discussion with Ambassador Pickering about at least my expectation, and I would say this was in the first couple weeks, that this certainly could present the requirement that we would have to interview everybody up the chain of command, including the Secretary, and he agreed with that. So the two of us had sort of set that premise in terms of obviously depending on what we learned over time, and our requirement to both affix both responsibility and accountability per se were, again, based on the facts as we understood them.⁷

On a personal note, Admiral Mullen told Committee investigators that it was a privilege for him to serve on the ARB:

[I]t was a privilege, it remains a privilege. ... I knew it was critical work. And it was, from my perspective something I did for my country. ... And certainly I understood obviously instantly the gravity of the situation just because of the loss of life even though as it initially occurred I really didn't have much of an idea how it happened. ... I didn't do it for any other reason but to do it for the country.⁸

C. Interviews of Relevant Witnesses

As part of its investigation, the ARB interviewed more than 100 witnesses, including security officers at the Special Mission Compound on the night of the attacks and a number of senior State Department officials. Ambassador Pickering explained how the ARB prioritized interviews with key witnesses:

Q: Was there a protocol to how and in what order you interviewed some of the 100 individuals that you spoke with?

A: Yes. Our priority was to interview people who were firsthand fact witnesses as early as possible. That had to be done in conjunction with the FBI.

Q: And from there, was there any protocol for selecting witnesses?

⁶ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

⁷ *Id.*

⁸ *Id.*

A: From there, we attempted to move sort of on the basis of people we felt had the most knowledge and the perhaps most extensive testimony to offer from what we knew about where they sat.

Q: Now, was the work of the board designed to be a full-fledged investigation, or was it something short of that, a review or an opportunity to, you know, find out what happened and present recommendations?

A: I'm glad you asked that question. We were all volunteers. We all operated in accordance with the statute. The statute has five specific questions that need to be addressed by an ARB, almost all in one way or another closely tied with security, and the output of the board is to make findings and recommendations to help the State Department improve security dealing with these kinds of incidents to help prevent, deter or otherwise ward off any future actions of this sort. In that regard, it was a review board because it wished to look at everyone's experience and at what was actually the best recounting of what took place.⁹

Admiral Mullen explained the ARB's investigative approach:

I had a conversation with Chairman Pickering when it started, that every—from my perspective, and he agreed, everybody was on the table. And then it would obviously be part of the process and discovery, if you will, about who we thought was responsible and who we should—who we should interview, who we thought was responsible, and eventually who we would assign accountability to.¹⁰

With respect to the scope of the investigation, Admiral Mullen stated: “[W]e interviewed everyone that we thought was relevant.”¹¹ He explained:

Q: Could you explain to us how for the most part the board met with some of the witnesses? We understand the board met with about a hundred witnesses.

A: Right, right.

Q: Could you walk us through a typical procedure?

A: Well, typically—I mean, where we started was we wanted at least certainly initially to see those that were in Benghazi that night, and so we started with those individuals, the security officers who were in fact both on that trip with the

⁹ House Committee on Oversight and Government Reform, Deposition of Ambassador Thomas R. Pickering (June 4, 2013).

¹⁰ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

¹¹ *Id.*

Ambassador and in Benghazi. The other group, sort of core group we started with was the leadership inside the State Department, and as we looked at and interviewed them, and I'll come back to that part of it specifically, but as we would review material and have interviews, the space that we wanted to see or review would expand, and so we would add additional people as names or positions became evident or obvious in our discussions. So typically we spent the first few meetings just coming up to speed ourselves on what had happened, and then we started to see witnesses in sort of the two first key groups would have been the diplomatic security group, in particular Assistant Secretary Boswell, Deputy Assistant Secretary Lamb, Assistant Secretary—or—and then the RSOs or ARSOs, assistant RSOs who were there in Benghazi that night. They would come in individually, which is how we would interview each of them.

Q: So some meetings were conducted in groups and then there were some individual—most were individual?

A: Yeah, the vast majority were individual interviews.¹²

Admiral Michael Mullen summarized the investigative approach undertaken by the ARB: “[F]rom a direction standpoint, we tried to cast a wide net and have a very open door and have that word out, and we were reassured more than once that that was the case.”¹³

According to Admiral Mullen, the ARB assigned responsibility at the level where decisions were made:

[I]n the end there was no official, including the Secretary of State, whose involvement wasn't reviewed and decisions about accountability were tied to, one, that direction and, two, where we saw the decisions made, dominantly so with respect to security in the diplomatic security directorate, if you will, the assistant secretary and the deputy assistant secretary. And in fact, I see them as very senior individuals. Some might take issue with that. I do. They certainly had the responsibility, they had the experience, and the—you know, decades of experience, and that's how it was actually happening in execution.¹⁴

D. Findings and Recommendations on Accountability

The ARB found that four senior State Department officials exhibited failures in leadership, including an Assistant Secretary, a Principal Deputy Assistant Secretary, and two Deputy Assistant Secretaries:

¹² *Id.*

¹³ *Id.*

¹⁴ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013) (emphasis added).

[C]ertain senior State Department officials within two bureaus in critical positions of authority and responsibility in Washington demonstrated a lack of proactive leadership and management ability appropriate for the State Department's senior ranks in their responses to security concerns posed by Special Mission Benghazi, given the deteriorating threat environment and the lack of reliable host government protection.¹⁵

During his deposition, Ambassador Pickering responded to assertions that the four individuals highlighted by the ARB were only "mid-level" officers, and that it didn't hold senior officials accountable:

Q: The witnesses that we had at the May 8th hearing, Mr. Nordstrom, Mr. Hicks testified that they thought the accountability portion of the report may not have gone high enough. Mr. Nordstrom, for example, testified that it's an accountability of mid-level officer review board, and the message to my colleagues is that if you're above a certain level, no matter what your decision is, no one's going to question it. And that is my concern with the ARB Mr. Nordstrom testified. How did the board conclude the appropriate level to assign accountability for what went wrong?

A: We assigned accountability where the evidence was clear the decisions were made and in at least two cases where they were reviewed or should have been reviewed.

Q: Do you think Mr. Nordstrom's statement, his testimony is fair or unfair?

A: With all respect, I spent 42 years in the State Department. I don't consider an Assistant Secretary of State or a Deputy Assistant Secretary of State a kind of minion. They are serious jobs, they report certainly in my day directly to the Secretary. They have responsibilities for billions of dollars in some cases, which is not trivial.¹⁶

During his interview with Committee staff, Admiral Mullen also explained the ARB's findings:

We assigned accountability where we thought it was best and most appropriately resident in the officials, the four in particular, the four senior officials that we singled out in the

¹⁵ Department of State, *Benghazi Accountability Review Board Unclassified Report* (Dec. 2012). See also 22 U.S.C. § 4834(c) (establishing a breach-of-duty standard in determining whether an ARB makes personnel recommendations).

¹⁶ House Committee on Oversight and Government Reform, Deposition of Ambassador Thomas R. Pickering (June 4, 2013).

report, two of whom we made specific recommendations for, and I'm very comfortable with that.¹⁷

Admiral Mullen explained that the ARB did not identify any other individuals whom it felt should be held accountable for poor performance:

Q: Was there anyone for whom you thought their performance was lacking in a way or was to blame for something such that it should have been noted that was not included in the report?

A: No.¹⁸

Admiral Mullen explained that the ARB's decisions on accountability were unanimous and that any dissenting views would have been included in the final report:

Q: But these were all unanimous decisions; is that correct?

A: They were.

Q: Okay. And had there been dissenting views, I believe, under the guidelines, other members could have submitted dissenting views, and to your knowledge did any member exercise that?

A: It didn't happen. I mean, my own view of that is had I had a dissenting view, I would have made it in writing to make it very clear in the report.¹⁹

E. State Department Personnel Actions

After receiving the ARB report, the State Department placed the four senior officials identified by the ARB on administrative leave pending a further investigation.²⁰ When Secretary of State John Kerry arrived at the Department, he took steps "to make sure that the Department took the time necessary to get these decisions right."²¹

¹⁷ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Letter from Thomas B. Gibbons, Acting Assistant Secretary, Legislative Affairs, Department of State, to Chairman Darrell E. Issa, House Committee on Oversight and Government Reform (Aug. 23, 2013).

²¹ *Id.*

In August 2013, the State Department determined that the four senior State Department officials referenced in the ARB report should be permanently relieved of their former positions and duties. In a letter to the Committee on August 23, 2013, the Department explained:

The Department has now re-affirmed the findings and recommendations of the ARB. With respect to the four individuals, all will be held accountable by permanently relieving them of the positions and duties that gave rise to the ARB's findings. In two cases, this step of relieving them of their duties goes beyond the recommendations of the ARB itself. The Department determined that such a step is in the best interests of the Department and those two employees.

As a result, the employees who had worldwide decision making authority for security resources affecting high-threat posts will no longer have those responsibilities. Their new assignments, which in some cases will be preceded by additional management training, will reflect a level of responsibility appropriate to their expertise and experience. Consistent with the findings of the Benghazi ARB, the Department has determined that there was no breach of duty and no basis to pursue formal disciplinary action.²²

The Department explained how it reached its determination to allow the four senior State Department officials to continue working at other positions with reduced responsibilities:

In reaching these decisions, the Department considered the findings of the ARB, the employees' performance, and applicable personnel rules. The Department also considered the totality of these employees' service to the Department of State over many years to determine if there was a pattern of inadequate performance. No such pattern was found, but rather the record showed a history of dedicated service by four employees who sought to faithfully execute their responsibilities. The four individuals are all longstanding public servants who collectively have more than a century of committed civilian service, plus additional service in both the U.S. military and in local law enforcement. In addition to serving in a variety of critical positions in Washington, they have served in and volunteered for difficult assignments in the former Soviet Union, sub-Saharan Africa, Central America, and the Middle East.²³

The Department determined that the facts did not support finding the four senior State Department officials responsible for the Benghazi attacks:

In the wake of a tragedy such as Benghazi, we all understand the instinctive desire to make public examples of one or two individuals in the name of "accountability." By permanently relieving these four employees of the duties that gave rise to the ARB's findings, the Department has held the four employees accountable for their performance.

²² *Id.*

²³ *Id.*

However, the facts and evidence simply do not support finding them responsible for the attacks and their tragic outcome.²⁴

F. Role of Secretary Clinton and Under Secretary Kennedy

Since the ARB report was released, Republicans have accused the ARB of not holding senior level officials accountable, including Secretary Clinton and Under Secretary Kennedy.

In his deposition with the Committee, Ambassador Pickering stated that had the ARB found a need to interview Secretary Clinton, it would have:

Rep. Connolly: Let me just ask you this one question: If you had found Secretary Clinton to be responsible here, what would you have done?

Amb. Pickering: We would certainly have included it in our report. There was no way that we would have been limited in our findings.²⁵

According to Admiral Mullen, the ARB assigned accountability where the facts supported it:

I would put Under Secretary Kennedy in the same category I put Secretary Clinton, meaning we clearly, when the ARB began there was no limits on who we would interview. And, in fact, I told counsel earlier that I had a conversation with Chairman Pickering when it started, that every—from my perspective, and he agreed, everybody was on the table. And then it would obviously be part of the process and discovery, if you will, about who we thought was responsible and who we should—who we should interview, who we thought was responsible, and eventually who we would assign accountability to. It was—the whole issue of security was so dominated by DS, Lamb in particular, Boswell, Boswell enabling all of that. That the seniors, again, with an awful lot going on, awful lot of—in a big organization, you know, unless this is sort of—this is brought to their attention, then it was—we did not see any direct line of what I would call accountable responsibility for Under Secretary Kennedy. As we didn't for those senior to Under Secretary Kennedy in the State Department.²⁶

Admiral Mullen stated that the Board uncovered “no evidence whatsoever” that Secretary Clinton was involved in security decisions related to Special Mission Benghazi:

²⁴ *Id.*

²⁵ House Committee on Oversight and Government Reform, Deposition of Ambassador Thomas R. Pickering (June 4, 2013).

²⁶ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

Q: In your review did you determine whether Secretary Clinton had a role in establishing the Benghazi compound or approving its security profile?

A: Not that I could see. Not that I saw.

Q: And did you find that Secretary Clinton was involved in the decision making that led to the lack of security in the days and weeks leading up to the attack?

A: Secretary Clinton was certainly, one, aware of the compound; two, aware of deteriorating, of incidents which occurred in the east. It was a very difficult part of Libya, but we found no evidence whatsoever that she was involved in security decisions out there. In fact, that was held very closely by Miss Lamb.²⁷

Regarding Secretary Clinton, Admiral Mullen explained further:

A: We never found any evidence whatsoever that she was involved in the day-to-day security decisions with respect to Benghazi, and my expectation is that those would, for her to be involved, that would have to be brought to her attention by somebody in her chain of command.

Q: And just to revisit that point, who was it that was responsible for the security in Benghazi? Who was making, principally making the decisions?

A: My own view—well, it was Lamb that made the decision, Miss Lamb that made the decisions. It was really Assistant Secretary Boswell who, from my perspective, had the authority, was in a position as an assistant secretary to make sure that this thing went up the chain, as he thought appropriate.²⁸

Admiral Mullen stated that the ARB did not have any reason to interview Secretary Clinton, but would have done so if they uncovered evidence that supported it:

Q: You had mentioned earlier today that you had met with Ambassador Pickering, and the two of you had had a conversation that you would leave no stone unturned, that you would interview up the chain of command as high as was necessary and where, not to put words in your mouth, where the facts would lead you?

A: Correct, to include the Secretary of State.

Q: Okay. Had you needed—

A: He agreed with that.

²⁷ *Id.*

²⁸ *Id.*

Q: And he agreed with that?

A: Yes.

Q: Did you find or uncover any evidence or receive any evidence that led either you or Ambassador Pickering to feel the need to interview the Secretary at any point throughout the process?

A: We did not.

Q: And if you had uncovered that evidence, would you—what would you have done?

A: We would have interviewed her.²⁹

G. Officials Said ARB Was “Tough” and Made Valuable Recommendations

Based on transcribed interviews with numerous officials familiar with the ARB process, it appears that the Benghazi ARB was one of the most comprehensive ever conducted, that ARB Members were knowledgeable and well-informed, and that the ARB’s findings and recommendations were thorough and tough.

During his deposition with the Committee, Ambassador Pickering addressed accusations that the ARB was less robust than other ARBs:

Amb. Pickering: Thank you, Mr. Cummings. My response is that to the best of my knowledge, no other ARB was so extensive and far-reaching in its findings of personal responsibility or personal accountability, or made such far-reaching recommendations at such high levels in the State Department.

Rep. Cummings: And how did you come to that conclusion that you just made?

Amb. Pickering: I came to that conclusion by speaking to and asking our staff to review all of the other ARBs that were reported on. We had those reports in our possession, so we made a comparison, and we arrived at that conclusion after reviewing the recommendations of the other ARBs.³⁰

²⁹ *Id.*

³⁰ House Committee on Oversight and Government Reform, Deposition of Ambassador Thomas R. Pickering (June 4, 2013).

During his deposition, Ambassador Pickering also explained that one reason the ARB did not “pull any punches” was because he did not want to see the Board’s recommendations go unheeded:

Rep. Cummings: Let me ask you as well, you had asked the staff to read previous reports. And what was the aim there? In other words, were you trying—did this review come after you had pretty much made findings and trying to compare to what other folks had done in other ARBs, or were you—this come from the outset to try to figure out what would be a reasonable framework to, you know, come up with recommendations and findings? You understand my question?

Amb. Pickering: I do. There are two aspects to the answer to that question. One is we relied on the facts, data, information, analyses, and reports that we were able to assemble as the basis for our recommendations. And we did not wish in any way, if I could put it this way, to pull any punches. We felt we had a serious obligation under the law and from the Secretary to do that. We looked carefully at what we were doing. Where it was necessary, we checked those particular pieces.

Secondly, I was deeply concerned, as others were, that previous ARBs, previous Accountability Review Boards, had been excellent in their recommendations, but the follow-through had dwindled away. And indeed, I caused to be put at the head of each chapter of the ARB some recollection from the past. The first chapter begins with George Santayana’s statement that those who cannot remember the past are condemned to repeat it. But throughout the report you will see each chapter headed by something that recalls a prior recommendation or a prior event, including in the chapter on what happened the night of September 11th a very moving account from a 1967 attack on the consulate general in Benghazi shortly following a Middle East war, I believe.

So it was an effort to try to instill in the readers a sense that we were not doing as much as we should do about these reports that also concerned me. And I believe that this hearing, this discussion, this whatever it is that we are engaged in now is an opportunity, in fact, to find a way to assure that the recommendations, insofar as they needed to be supported here in the Congress, do get supported. And I’m very pleased to have the opportunity to do all I can here to reinforce that.³¹

³¹ *Id.*

During his interview with Committee staff, the former Director of the State Department's Office Maghreb Affairs, who served as the Chargé d'Affaires in Libya from January through June 2013, said the recommendations "constituted a rational set of recommendations on the security side." According to this official, many of the ARB's recommendations are already being implemented:

When I was charge in Tripoli for 6 months, for example, there were a huge number of security upgrades that are underway, many of them, you know, attributable either directly or indirectly to ARB.³²

The Acting Assistant Secretary for Near Eastern Affairs described the ARB as thorough, "very tough," and the "opposite of a whitewash":

Q: I just wanted to ask you a few other follow up questions. Did you think that the ARB was a thorough investigation?

A: Yes, I did.

Q: Did you think it was tough?

A: I thought it was very tough.

Q: Some have referred to it as a whitewash. Do you think it was a whitewash?

A: I think it's the opposite of a whitewash.

Q: Some have suggested that it was designed to protect people within the State Department. Did you see any evidence of that?

A: I saw no evidence of that at all.³³

The former Principal Deputy Assistant Secretary for the State Department's Bureau of Near Eastern Affairs stated that the ARB's recommendations, if implemented, would make diplomats around the world safer:

Q: And it made north of two dozen recommendations. Have you had a chance to look at those recommendations?

A: Yes, I have.

³² House Committee on Oversight and Government Reform, Interview of William Roebuck (Aug. 5, 2013).

³³ House Committee on Oversight and Government Reform, Interview of Elizabeth Jones (July 11, 2013).

Q: Do you think they are sound?

A: Yes. I've got them here. I—

Q: I mean, from somebody who's been at the State Department as long as you have been, do you think if those are implemented they will make people safer?

A: Yes.³⁴

The Executive Director of the State Department's Bureau of Near Eastern Affairs described the ARB as "penetrating," "specific," and "critical":

Q: Okay. We talked about your view on the ARB and about its degree of thoroughness. Did you think it was a thorough report?

A: I—given the objectives that they had, which seemed to be reasonable, and the way that they—the way they approached it and the information that they got seemed to be thorough.

Q: Do you think it was in any way a whitewash or went easy on the State Department?

A: Boy, it sure didn't feel that way.

Q: Why is that?

A: I well, I mean, take a look at the report. It wasn't—from our perspective, it was penetrating. It was specific. It was critical, and many of the—well, I quibble with some of the recommendations. Some of the recommendations were—were right. I mean, so I perceived it as a—as a good evaluation.

Q: Do you have any knowledge that it engaged in any favoritism or improperly protected certain people from accountability?

A: No, I have no knowledge of that.³⁵

The former Director of the State Department's Office of Maghreb Affairs also disputed the allegation that the ARB was a "whitewash":

³⁴ House Committee on Oversight and Government Reform, Interview of Elizabeth Dibble (July 10, 2013).

³⁵ House Committee on Oversight and Government Reform, Interview of Lee Lohman (July 30, 2013).

I think they thoroughly investigated it and they—as I said, I think it was understandable, given the gravity of what happened, that they held some people accountable. And—and I think that, you know, it's had serious consequences for—you know, for those people, so I think it—I don't—I wouldn't call it a—I think it was a thorough investigation, not a whitewash.³⁶

The Diplomatic Security Desk Officer responsible for Libya told Committee investigators that the ARB interviewed him for several hours and asked him “thorough” questions.³⁷ He also said ARB Members “were very knowledgeable about the inner workings of the department and the greater intelligence community as well.” He added that he thought the ARB conducted a fair process and that it incorporated some of his suggestions:

Q: Did you feel it was fair and objective?

A: Yes.

Q: What was your reaction to the ARB report? I know you mentioned earlier you had access to the classified but did not have access to the classified?

A: Like I said, overall, I concurred with the overall nexus of the ARB report. I thought it was well prepared and well written.

Q: Was there anything that you disagreed with or felt that they could have gone further with?

A: No. Several of the points in there were things that I had brought up specifically in my conversations. I don't know about what other people brought up or other points outside of my realm. But they definitely listened to what I had to say. And some of those things were incorporated in the recommendations.³⁸

The Assistant Secretary of Diplomatic Security stated that he agreed with most parts of the ARB and found its recommendations to be important. He also clarified that accountability ultimately rested with the terrorists:

I read the ARB carefully, and there are many parts, in fact, most parts, of the ARB that I agree with. There are many recommendations that are constructive and proper. The Department has decided to adopt those recommendations, most notably ones that involve a shortfall in funding for diplomatic—for diplomatic construction efforts. I think that's a

³⁶ House Committee on Oversight and Government Reform, Interview of William Roebuck (Aug. 5, 2013).

³⁷ House Committee on Oversight and Government Reform, Interview of Brian Papanu (Aug. 8, 2013).

³⁸ *Id.*

very good thing; there were some additional resources for DS; the finding that the accountable people are the terrorists.³⁹

³⁹ House Committee on Oversight and Government Reform, Interview of Eric Boswell (July 9, 2013).

II. DEFENSE DEPARTMENT ACTIONS

A. ARB Found No Fault With Military Response

After conducting a detailed review of the U.S. military response to the attacks in Benghazi—including a review of the military assets that were available, the decision-making by military commanders, and the coordination of the overall U.S. government response—the ARB found no fault with the military response:

The interagency response was timely and appropriate, but there simply was not enough time given the speed of the attacks for armed U.S. military assets to have made a difference. Senior-level interagency discussions were underway soon after Washington received initial word of the attacks and continued through the night. The Board found no evidence of any undue delays in decision making or denial of support from Washington or from the military combatant commanders. Quite the contrary: the safe evacuation of all U.S. government personnel from Benghazi twelve hours after the initial attack and subsequently to Ramstein Air Force Base was the result of exceptional U.S. government coordination and military response and helped save the lives of two severely wounded Americans. In addition, at the State Department's request, the Department of Defense also provided a Marine FAST (Fleet Antiterrorism Security Team) as additional security support for Embassy Tripoli on September 12.⁴⁰

During his deposition with the Committee, Ambassador Pickering was asked directly about how the military responded on the night of the attack:

Rep. Connolly: There have been allegations or charges or statements made that the defense response, or lack thereof, to the tragedy in Benghazi was inadequate and could have been so much more effective. Did you and the ARB look into the defense posture, the defense response to the tragedy in Benghazi?

Amb. Pickering: Yes, we did, Mr. Connolly.

Rep. Connolly: About what did you find, Mr. Ambassador?

Amb. Pickering: We found that with respect to the various options that were possible to consider for providing military support or assistance to Benghazi and Tripoli, none had the capacity to provide that within a relevant time period.⁴¹

⁴⁰ Department of State, *Benghazi Accountability Review Board Unclassified Report* (Dec. 2012).

⁴¹ House Committee on Oversight and Government Reform, Deposition of Ambassador Thomas R. Pickering (June 4, 2013).

Admiral Mullen, as the former Chairman of the Joint Chiefs of Staff, served as the ARB's military expert. During his transcribed interview with Committee staff, he explained: "I went to the Pentagon to look at every single asset that was postured in theater."⁴² Admiral Mullen also explained the thoroughness of his review:

Q: Admiral, did you conclude that the military took the appropriate steps to help the Americans in Benghazi on the night of the attack?

A: I did.

Q: And, generally speaking, what facts led to you determine that the military's response was appropriate?

A: I personally reviewed, and as the only military member of the ARB, I personally reviewed all of the military assets that were in theater and available. Now, I also did this in conjunction with—we listened to—we interviewed General Ham; we interviewed Admiral Tidd, who is the Operations Officer for the Joint Staff, who was the current Operations Officer. We also brought back the—Tidd's predecessor, a Marine, three star whose name I am blanking on right now, to look at the possibility of moving forces. We walked through the forces that move, the ones that could or couldn't that night. And then after those interviews or in conjunction with those interviews we actually went to the Pentagon. And we reviewed with many—many of the Joint Staff that I knew from my time there, I have great regard for. And we walked through the force posture in Europe, notionally, and looked at every single U.S. military asset that was there, and what it possibly could have done, whether it could have moved or not. And it was in that interaction that I concluded, after a detailed understanding of what had happened that night, that from outside Libya, that we'd done everything possible that we could.⁴³

Admiral Mullen also confirmed that the ARB had access to all relevant information in order to evaluate the U.S. military response to the attacks:

Q: And did you have access to all of the information you needed to address this question, both paper, videotapes, any hard material that you needed as well as individuals?

A: Yes.

Q: Okay. Did you find that anybody, in fact, tried to prevent you from having that information or any information you needed?

⁴² House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

⁴³ *Id.*

A: No.

Q: Okay. And that also applies to the State Department, did the State Department provide you with all the information you needed to address this area insofar as the State Department's role was concerned?

A: Which area?

Q: The question of the military—

A: Military response. Yes.

Q: Okay. So your conclusion based on your experience, 40 years of experience, is that the military and the U.S. Government did everything that they could to respond to the attacks?

A: Yes.⁴⁴

Admiral Mullen confirmed that he conducted two reviews of assets available to the U.S. military on the night of the attacks, as well as the logistics of moving those assets to respond:

Q: And just to be very clear here, you had access to all of the puzzle pieces on the board?

A: I did.

Q: And you were able to essentially take the night of the attacks and almost work backwards and say, show me where all the assets were in theater or in that region or around the world, and you were able to look at the time components and sort of the logistics of what it would take to move from point A to B, and this includes naval, aviation, ground forces, all components of the military?

A: I did that twice.

Q: And you were satisfied?

A: I am.⁴⁵

⁴⁴ *Id.*

⁴⁵ *Id.*

B. No “Stand Down” Order Issued on Night of Attacks

During the Committee’s May 8, 2013, hearing, Gregory Hicks, the Deputy Chief of Mission (DCM) in Libya at the time of the attacks, testified that he believed the military issued a “stand down” order to a four-man military team based in Tripoli on the night of the attacks and commanded by Lieutenant Colonel Gibson. Mr. Hicks testified that he “believe[d] it came from either AFRICOM or SOCAFRICA,” referring respectively to the DOD’s Africa and Special Operations Commands.⁴⁶

Rather than investigating this claim to determine its validity, some Republican Members of Congress began using it as a talking point during public interviews and appearances. For example, during an interview in May 2013, Rep. Chaffetz told *CNN* that “military personnel were ready willing and able, and within proximity, but the Pentagon told them they had no authority and to stand down.”⁴⁷ Likewise, according to press reports, Chairman Issa said “there were calls for help that were unheeded by any support from outside, including military personnel that were effectively told to stand down when they tried to be part of a relief mission.”⁴⁸

After he reviewed the directions given to those military forces in the region on the night of the attacks, Admiral Mullen explained during his interview with Committee staff that no stand-down order was issued, but that the four-man team was directed to provide security in Tripoli and assist with the evacuation. He also confirmed previous testimony from General Martin Dempsey, Chairman of the Joint Chiefs of Staff:

Q: General Dempsey said that a determination was made that the team, quote, “would contribute more by going to the Tripoli airport to meet the casualties upon return,” end quote. And here’s what General Dempsey said further, quote, “By the time they contacted the command center in Stuttgart, they were told that the individuals in Benghazi were on their way back and that they would be better used in the Tripoli airport because one of them was a medic, that they would be better used to receive the casualties coming back from Benghazi. And that if they had gone they would have simply passed each other in the air.” Admiral Mullen, do you believe this most recent statement by General Dempsey to be correct?

A: I do.

Q: Is there any reason to doubt that statement?

⁴⁶ House Committee on Oversight and Government Reform, *Hearing on Benghazi: Exposing Failure and Recognizing Courage* (May 8, 2013).

⁴⁷ *Former Deputy Chief of Mission in Libya: U.S. Military Assets Told to Stand Down*, CNN (May 7, 2013).

⁴⁸ *Issa Ignoring Real Benghazi Scandal?*, WorldNetDaily (Aug. 9, 2013).

A: None. In fact, when I heard Mr. Hicks' testimony, I went—I specifically went to look at that aspect of what had happened. And in fact the direction that was given, I think it's Colonel Gibson, Lieutenant Colonel Gibson, I think—I know the direction that was given him, after he and his forces had helped Mr. Hicks redeploy, if you will, the Americans from the embassy compounds to the annex, after he had helped do that.

Counsel: Just to clarify, that's in Tripoli.

A: This is in Tripoli. He checked in with his command, which was SOCAFRICA. And he was given direction to hold in place. There was never direction given to him to stand down. He was then remissioned consistent with what General Dempsey said in his testimony the other day.⁴⁹

Admiral Mullen explained that the four-man team was assigned to the critical function in Tripoli of receiving incoming wounded, who were already being evacuated from Benghazi for return to Tripoli. Admiral Mullen also explained that the team's medic provided "heroic" lifesaving medical assistance which may have prevented additional fatalities:

Q: Okay. Did the ARB, as part of your inquiry, determine that there was a need to keep the four-man team in Tripoli instead of sending them to Benghazi? Were you able to evaluate their need for being there at all?

A: Well, I think—you know, what General Dempsey said was true in terms of this was about 6:30 in the morning. Had Hicks—or I'm sorry, had Gibson and the other three gotten on an airplane, they would have flown past the plane bringing those who—out of Benghazi, some of whom were wounded. And an untold story here is the heroic efforts of the medic actually on that airport coming from Benghazi to Tripoli, which there are those that believe kept a couple of those wounded alive to get them to Tripoli, which would then allow continued triage to put them on a C-17 pretty rapidly and get them up to Landstuhl. So I say that because the focus of the medical aspect on this and the medic who remained in Tripoli was absolutely critical. That's where the focus was at that time. I would also add that for Lieutenant Colonel Gibson and for others who either are currently wearing or have worn the uniform, the desire to get out there to help is who we are. So I certainly wasn't surprised that that's what he wanted to do.⁵⁰

Admiral Mullen also added:

Q: And in Tripoli what did the four special operations personnel, what did they do then?

⁴⁹ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

⁵⁰ *Id.*

A: Well, one, what I thought was in the end a very smart call was they stayed there so that medic could see the people coming off that first, that airplane and provide critical medical assistance.⁵¹

The four-man team also provided security for Tripoli, which was under uncertain threat that an attack could occur there as well. Admiral Mullen told the Committee that the four-man team represented a significant portion of the remaining security assets capable of guarding American personnel and the U.S. embassy in Tripoli from a possible attack:

Q: The four-person team that we've talked about staying behind in Tripoli, you had mentioned something along the lines of this was Mr. Hicks' only security left or something along those lines. I don't want to put words in your mouth, but can you repeat what you were saying?

A: Well, he has got—he used these individuals most of the night to reposition people out to the Annex, the Annex in Tripoli, and they were the only military members left that could provide any kind of security capability and capacity, and so from my perspective—and what doesn't get much discussion in all this is sort of the backdrop of Tripoli which everybody was concerned about before Benghazi, the Benghazi incident, during it, and after. So from a commander's perspective there's some wisdom in telling him to hold in place until we can kind of sort this out, combined with the fact that by every indication it was over out east and everybody was coming back.

Q: And that was going to be my follow-up question. Was it known that Tripoli wouldn't experience an attack that night?

A: No.

Q: So that was a possibility?

A: Absolutely. And, in fact, I think Mr. Hicks said this in public testimony, and he did not—he waited until sunrise to start to move people around, and to me that's a reflection of the danger that was there at the time.⁵²

According to Admiral Mullen, the four-man team in Tripoli spent the “majority of the night” protecting American personnel in Tripoli:

A: One of the things that I think it's important at least from my perspective, and I understood it as we went through this, obviously the report focuses on Benghazi heavily.

⁵¹ *Id.*

⁵² *Id.*

Q: Yeah.

A: But Libya was no cup of tea at the time throughout, and Hicks was very concerned about—because same thing, we didn't know, we didn't know how many, how fast, where they had come from, and in particular this group of four had spent the majority of the night through the morning until about 6:30 helping relocate the American personnel from Tripoli to the Annex. They were also—again, this is my perspective, they were also part about all he had left from a security standpoint there.

Now, you know, I wasn't in on the conversations about all of that, and I accept that Mr. Hicks had a desire to, you know, try to help, as did Colonel Gibson. I mean, you know, I would expect nothing less in that regard. From what I concluded is at that time there was no place to go because they were coming back, and I really think what Dempsey said, General Dempsey said about that is absolutely right, we knew enough at that point to know they were coming out and they would have crossed en route, and I spoke earlier about the critical medical capability that resided in one of those four individuals.⁵³

State Department Diplomatic Security officials interviewed by the Committee confirmed Admiral Mullen's observations. For example, during a transcribed interview, the former Principal Deputy Secretary for Diplomatic Security told the Committee that the Diplomatic Security Bureau in Washington believed that Tripoli was a possible target:

Q: The threat information that was coming into the DS center that Tripoli may have been a possible target, how serious was that that night for you guys?

A: It was very serious. I mean, given what had just occurred in Benghazi, what happened earlier in the day, you know, in Cairo, it's something that of course you had to take a look at and say this—you know, of course it was serious.

Q: So there was a genuine worry that Tripoli could be next?

A: Absolutely. Yes.

Q: And that's why the precautions were being taken, I think, that night to—

A: Yes.

Q: —consolidate staff?

⁵³ *Id.*

A: Evacuation, consolidation. I can't recall exactly what time the decision was made to bring in the Marine FAST team, but I think maybe the next day that was brought in to Tripoli. So, absolutely.⁵⁴

The Diplomatic Security Desk Officer for Libya, who was in the Diplomatic Security Command Center in Washington, D.C., during the attacks, explained that Department officials were concerned about the safety and security of American personnel in Tripoli:

Q: You said that you were in the command center. The command center was in communication with Tripoli the night of the attack. Were you concerned about Tripoli itself?

A: Yes, very much so. Tripoli also received some threat information. So they were in the process of actually packing up and moving to the annex to co-locate with the all chief of mission personnel there. So while this was going on, they were also trying to coordinate their own evacuation, essentially.

Q: From a DS perspective, how real did you think that threat information was? Or how serious did you think that was?

A: I believed it was serious because now we had seen at least two instances. One very violent. And basically, two of our missions had been breached, one embassy and the mission compound at Benghazi. So it was a significant concern.⁵⁵

The House Armed Services Committee also investigated whether the four-man military team was ordered to "stand down" and rejected the allegation. On June 26, 2013, the House Armed Services Subcommittee on Oversight and Investigations held a classified briefing with General Carter Ham, the former Commander of AFRICOM; Lieutenant Colonel S.E. Gibson, the former commander of the Site Security Team at the U.S. Embassy in Tripoli; and Rear Admiral Brian Losey, the former commander of Special Operations Command-Africa. Following the briefing, that Committee issued the following statement:

[C]ontrary to news reports, Gibson was not ordered to "stand down" by higher command authorities in response to his understandable desire to lead a group of three other Special Forces soldiers to Benghazi. Rather, he was ordered to remain in Tripoli to defend Americans there in anticipation of possible additional attacks, and to assist the survivors as they returned from Benghazi. Gibson acknowledged that had he deployed to Benghazi he would have left Americans in Tripoli undefended. He also stated that in hindsight, he would not have been able to get to Benghazi in time to make a difference, and as it turned out his medic was needed to provide urgent assistance to survivors once they arrived in

⁵⁴ House Committee on Oversight and Government Reform, Interview of Scott Bultrowicz (July 8, 2013).

⁵⁵ House Committee on Oversight and Government Reform, Interview of Brian Papanu (Aug. 8, 2013).

Tripoli.⁵⁶

C. Aircraft Flyovers “Not Realistic” in Benghazi

At the Committee’s May 8 hearing, the question was asked why F-16s or other “fast-mover” aircraft were not deployed to Benghazi on the night of the attacks. This question surfaced repeatedly with assertions being made that aircraft—particularly F-16s based in Aviano, Italy—could have arrived in time to either strike or deter the assailants.⁵⁷

In his deposition with the Committee, Ambassador Pickering was asked whether F-16s could have been dispatched to Benghazi in time to have made a difference:

Rep. Connolly: As you may know, Mr. Ambassador, we had Mr. Hicks before the committee in an open hearing who testified that based on a conversation he had with the military attache in Tripoli that the military response was insufficient and that, in fact, they could have done more, based on Aviano or some other base. Did your—did the ARB look into that?

Amb. Pickering: Yes, we did. And I was struck, Mr. Connolly, by the fact that Mr. Hicks’ testimony contained the answer to his own question when he was told, according to his testimony, by the defense attache, Lieutenant Colonel Keith Porter—I’m not sure I’ve got the names right—that the aircraft based at Aviano were 2 to 3 hours away, but there was no tanker support for them. Again, I’m not portraying myself as a military expert, but that seems to have been an answer to the question that he posed.⁵⁸

During a hearing before the Senate Armed Services Committee, General Martin Dempsey, Chairman of the Joint Chiefs of Staff, testified that on the night of the attacks, F-16s stationed at Aviano Air Base in Italy could not have been deployed in time:

⁵⁶ House Committee on Armed Services, *Readout of the House Armed Services Committee, Subcommittee on Oversight and Investigations Classified Briefing on Benghazi* (June 26, 2013) (online at http://armedservices.house.gov/index.cfm/press-releases?ContentRecord_id=2da7b67e-088e-462f-93c2-01cab80c562a&ContentType_id=e0c7b822-826f-493d-8cef-1e21aa53e12a&Group_id=12580721-af41-4987-849c-c25b730d096d&YearDisplay=2013).

⁵⁷ See, e.g., House Committee on Oversight and Government Reform, *Hearing on Benghazi: Exposing Failure and Recognizing Courage* (May 8, 2013).

⁵⁸ House Committee on Oversight and Government Reform, *Deposition of Ambassador Thomas R. Pickering* (June 4, 2013).

[I]n order to deploy them it requires the—this was the middle of the night, now. These were not aircraft on strip alert. They're there as part of our commitment to NATO and Europe. So as we looked at the time line, it was pretty clear that it would take up to 20 hours or so to get them there. Second ... importantly, it was the wrong tool for the job.⁵⁹

During his transcribed interview with Committee staff, Admiral Mullen was asked directly about this issue:

Q: So the next section I want to cover is the issue of flying a fast jet over Benghazi. Mr. Hicks also testified that he was frustrated that a fast-mover, such as an F-16, could not have been sent to Benghazi to either engage militarily or do fast flyovers to perhaps scare adversaries. Obviously I think we're all sympathetic with that. I think both sides of the committee certainly understood that we wanted jets there yesterday, I think as our ranking member said. Admiral Mullen, as part of the ARB, did you investigate whether the military could have sent fast-mover assets, such as F-16s, to Benghazi on the night of the attack? And, if so, what did you conclude?

A: We did—we did investigate that. And consistent with what I said previously, it was not realistic to think that we could task fast movers, jets, notionally in Aviano, Italy, 2 to 3 hours' flying time away, without tankers, which were a minimum of 4 hours away in the middle of the night with no previous tasking. So General Dempsey's testimony in February, and I think consistent with what Secretary Panetta said in terms of being able to move forces more rapidly, which we all wanted to do. I am particularly sympathetic to Mr. Hicks' frustration with what he was going through, can we get help now. There's no one I've ever met in the military that wouldn't want to get help there instantly. The physics of it, the reality of it, it just wasn't going to happen for 12 to 20 hours. And I validated that in my review when I went to the Pentagon to look at every single asset that was postured in theater, including those jets in Aviano.

Q: Okay. At a hearing on February 7th, 2013, before the Senate Armed Services Committee, General Martin Dempsey, the current Chairman of the Joint Chiefs of Staff, was asked whether we could have deployed F-16s from Aviano Air Base in Italy. And here is what he said. Quote, For a couple reasons, one is that in order to deploy them it requires the—this is in the middle of the night now. These are not aircraft on strip alert. They are there as part of our commitment to NATO and Europe. And so as we looked at the timeline, it was pretty clear that it would take up to 20 hours or so to get them there. Admiral Mullen, do you agree with General Dempsey's explanation that there was simply not enough time to deploy those assets?

⁵⁹ Senate Committee on Armed Services, *Hearing on Attack on U.S. Facilities in Benghazi, Libya* (Feb. 7, 2013).

A: There was not enough time to deploy the assets, to provide the refueling they would have needed probably twice en route, given once while they are going, and if they're going to have any on-station time, twice, those assets, those refueling assets were further out of reach than the jets in Italy—meaning in Aviano specifically. So it just wasn't realistic. The line of questioning and approach here, for those of us in the military, that we would consider for a second not doing everything we possibly could, it just—it stirs us to our bones, because that's who we are. We don't leave anybody behind. We do support them under all circumstances. That night, middle of the night, it just wasn't—for those assets that may have been able to get there in someone's view, it just wasn't very realistic. What is also unsaid in this is for those kinds of assets, the significant, though administrative issue of asking a country like Libya to come into their air space with combat forces. And those are decisions that have to be made. Obviously, if we had assets available. And the significance of either that being granted or not granted or the ability to even have it granted that night with everything else that was going on in Libya.

Q: And without at all getting into classified space, is there anything you can provide us with that gives a bit more context as to what's required to simply get an asset such as that, such as an F-16 from point A to point B on almost no notice?

A: Well, I think General Dempsey said it in his testimony. You know, there were no jets on strip alert. And strip alert is a readiness to respond level where you condition a military asset to be available in a period of time. And it could be an hour, it could be 4 hours, it could be 12 hours. And all of the people, all of the munitions, all of the missions, all that sort of pre—that's all preplanned. And depending on what your readiness level is or your response time requirement is. So there were none who had any readiness level at all to be able to respond to an attack like this.⁶⁰

Then-Secretary of Defense Leon Panetta also testified before the Senate Armed Services Committee regarding this issue:

Some have asked why other types of armed aircraft were not dispatched to Benghazi. The reason simply is because armed UAVs, AC-130 gunships, or fixed-wing fighters with the associated tanking—you've got to provide air refueling abilities—armaments—you've got to arm all the weapons before you put them on the planes—targeting and support facilities were not in the vicinity of Libya. And because of the distance, it would have taken at least 9 to 12 hours, if not more, to deploy these forces to Benghazi. This was, pure in simple, in the absence, as I said, of any kind of advance warning, a problem of distance and time. Frankly, even if we were able to get the F-16s or the AC-130s over the target in time, the mission still depends on accurate information about what

⁶⁰ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

targets they're supposed to hit, and we had no forward air controllers there. We had ... no communications with U.S. personnel on the ground. And as a matter of fact, we had no idea where the Ambassador was at that point to be able to kind of conduct any kind of attacks on the ground.⁶¹

During an appearance on *Face the Nation*, former Secretary of Defense Robert Gates also addressed this issue:

I listened to the testimony of—both Secretary Panetta and General Dempsey. And—and frankly had I been in the job at the time—I think my decisions would have been just as theirs were. We don't have a ready force standing by in the Middle East. Despite all the turmoil that's going on, with planes on strip alert, troops ready to deploy at a moment's notice. And so getting somebody there in a timely way—would have been very difficult, if not impossible. And frankly, I've heard “Well, why didn't you just fly a fighter jet over and try and scare 'em with the noise or something?” Well, given the number of surface to air missiles that have disappeared from Qaddafi's arsenals, I would not have approved sending an aircraft, a single aircraft—over Benghazi under those circumstances.⁶²

During his interview with Committee staff, Admiral Mullen agreed with Secretary Gates' comments:

If I were to send an asset over Benghazi I'd want to know what the threat is. I—from a standpoint of in particular this is focused—at least from my perspective it's been focused on the second attack, which the event that—the mortar attack which killed two great Americans, Mr. Doherty and Mr. Wood—Mr. Woods. The reality is the likelihood at 2:00 in the morning of—or at 5:00 in the morning in the middle of the night under the cover of darkness, the likelihood that we could have had any effect on very accurate mortar fire set up in a very short period of time for—to be able to deter or take that out is from my perspective near zero.

So I think Secretary Gates' comment about the whole idea, and I think Secretary Panetta said the same thing another way, which is trying to understand the threat base which is what we always do when we send people in. That doesn't imply from my perspective that we would have to wait. It's just you need to understand it. And you need to understand the risks. And there are risks where from my perspective I would—when I was in a position of responsibility I would have taken the risk to send somebody in when there was a surface to air threat I thought I might be able to mitigate and there are times when I wouldn't.⁶³

⁶¹ Senate Committee on Armed Services, *Hearing on Attack on U.S. Facilities in Benghazi, Libya* (Feb. 7, 2013).

⁶² *Face the Nation*, CBS News (May 12, 2013).

⁶³ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

Secretary Gates also explained the importance of understanding the threat environment before deploying forces into a dangerous situation, including ground troops such as special operations forces:

[W]ith respect to—sending in special forces or a small group of people to try and provide help, based on everything I have read, people really didn't know what was going on in Benghazi contemporaneously. And to send some small number of special forces or other troops in without knowing what the environment is, without knowing what the threat is, without having any intelligence in terms of what is actually going on on the ground, I think, would have been very dangerous. And personally, I would not have approved that because we just don't it's sort of a cartoonish impression of military capabilities and military forces. The one thing that our forces are noted for is planning and preparation before we send people in harm's way. And there just wasn't time to do that.⁶⁴

During his transcribed interview, Admiral Mullen agreed “completely” with Secretary Gates' comments:

I think—what caught me in his statement there that I think is really important is his comment on “cartoonish.” As if it's almost like a PowerPoint slide, you can go from a situation that is very calm to all of a sudden they're all there. There's an extraordinary amount of work that goes into planning and preparation and understanding what you're doing. And going into very risky environments. Not that they wouldn't do that. But that you can somehow do that instantly when you really are completely surprised, that you could generate a force to have that kind of impact is—it's just not reasonable. And it's not my experience in some pretty difficult circumstances over the last several years in two wars plus the war against al Qaeda.⁶⁵

D. Special Forces Team in Europe Could Not Respond in Timely Manner

During an April 30, 2013, television interview, an unidentified individual described as a “military special ops member” asserted that the Defense Department failed to mobilize a special operations team conducting training exercises in Europe to respond to the attacks in Benghazi:

I know for a fact that C-110, the EUCOM [European Command] CIF [commander's in extremis force] was doing a training exercise not in the region of North Africa, but in Europe, and they had the ability to react and respond.⁶⁶

⁶⁴ *Face the Nation*, CBS News (May 12, 2013).

⁶⁵ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

⁶⁶ *Special Forces Could've Responded to Benghazi Attack*, Whistle-Blower Tells Fox News, Fox News (Apr. 30, 2013) (online at www.foxnews.com/politics/2013/04/30/special-opsbenghazi-whistleblower-tells-fox-news-government-could-have/).

This individual also stated: “They would have been there before the second attack.”⁶⁷

Ranking Member Cummings sent a letter to Secretary of Defense Charles Hagel to examine this allegation.⁶⁸ In a May 7, 2013 response, the Department of Defense specifically explained:

[T]he time needed from alerting the CIF to landing at the Benghazi airport is greater than the approximately 7.5 hours between the initiation of the first attack and that of the second one. As such, the time requirements for notification, load, and transit alone prevented the CIF from being at the Annex in time enough to change events. This analysis is consistent with the findings of the Accountability Review Board.⁶⁹

At a June 12, 2013, Senate Budget Committee hearing, General Dempsey testified that “[t]he travel time alone” would have precluded the special forces team in Europe from responding.⁷⁰

During his interview with Committee staff, Admiral Mullen confirmed General Dempsey’s statements:

Q: And last week, again, June 12th, General Dempsey testified before the Senate Budget Committee that the EUCOM CIF was on a training mission in Eastern Europe on the night of the Benghazi attack and could not have been in Benghazi within 4 to 6 hours as has been alleged. General Dempsey explained, quote, The travel time alone would have been more than that, and that’s if they were sitting on the tarmac. Do you have any reason to disagree with General Dempsey’s assessment of the plausibility of the claim that CIF could have been in Benghazi within 4 to 6 hours?

A: I do not.

Q: Does it seem plausible to you that the CIF could be redeployed from a training exercise in Eastern Europe and be on the ground in Benghazi within 4 hours?

⁶⁷ *Special Forces Could’ve Responded to Benghazi Attack, Whistle-Blower Tells Fox News*, Fox News (Apr. 30, 2013) (online at www.foxnews.com/politics/2013/04/30/special-opsbenghazi-whistleblower-tells-fox-news-government-could-have/).

⁶⁸ Letter from Rep. Elijah E. Cummings to Secretary of Defense Charles T. Hagel (May 2, 2013).

⁶⁹ Letter from Elizabeth King, Assistant Secretary of Legislative Affairs, Department of Defense, to Rep. Elijah E. Cummings (May 7, 2013).

⁷⁰ Senate Committee on Budget, *Hearing on The President’s Fiscal Year 2014 Defense Budget Request* (June 12, 2013).

A: It doesn't.

Q: Okay. Well, testifying before the Senate Budget Committee, General Dempsey was questioned as to the CIF's standing order time to deployment at the moment of the Benghazi attack, and he responded with an estimate. General Dempsey said, quote, Given that they were on a training event, it was probably at N plus 6. Can you explain what that means, N plus 6, and do you have any reason to believe that the CIF standing order time to deployment was less than that?

A: Well, I think that General Dempsey's estimate is reasonable, although I don't know specifically what it would be. When you are going to deploy forces, you give them what we call N hour, so that's, you know—and then you are expected to deploy at some period of time after that. So you establish an N hour, and then N plus 3 or N plus 6 or N plus 12 is when you typically deploy. So what General Dempsey is saying there from notification and establishment of that notification hour, let's say for discussion purposes that night it was midnight, they—or it was 2 in the morning, theoretically what he's saying is 6 hours later. But there's an awful lot more that goes into that. They're deployed at the time, they're exercising at the time, their kits are, they're kitted up for entirely different missions, training missions, et cetera. There's a whole lot that goes into how quickly I can move someone.

Q: Okay.

A: And, in fact, my understanding is they moved as rapidly as they could, and they showed up at this base in southern Europe late that afternoon.⁷¹

Admiral Mullen emphasized that there was a significant movement of U.S. forces on the night of the attacks in Benghazi:

I think it's important in my experience with two Presidents is that when something like this happens, the Presidents say do everything you possibly can do. And that's all the guidance I need to move forces and certainly with two Secretaries of Defense that I served with that's all the—all the guidance Secretary Gates and Secretary Panetta would need. So we're—and in fact in this situation, it does not seem to be, at least from a public standpoint, widely understood, we moved a lot of forces that night. They don't move instantly. But we had a significant force that was deployed doing other things, Special Operations Force in Europe, in Croatia, which was redeployed to a base in Southern Europe. We had a significant force from the United States which was deployed to a base in Southern Europe. So there were a lot of forces moving. And you make those packages, if you will, as robust as possible because you don't know when it's going to end and you don't know exactly what's going to happen next. And I'm very confident

⁷¹ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

that was done. All of that, while you're trying to put together the picture as rapidly as possible, moving a drone over—a UAV, unarmed UAV over Benghazi as rapidly as possible to give your—give yourself better situational awareness. That was done. You're pulling every single string you possibly can to find out what's going on, including those forces that are—and this isn't just the Pentagon. This is—I certainly saw this in the State Department. I saw this in the intelligence community. From my review if you will. And you're piecing all that together to try to put together a plan to take whatever the next step is going to be, and it's all happening simultaneously, and from what I could see, it certainly was that night.⁷²

⁷² *Id.*

III. STATE DEPARTMENT ACTIONS

A. Ambassador Stevens Championed U.S. Presence in Eastern Libya

On April 5, 2011, then-Special Envoy Chris Stevens arrived aboard a cargo container ship in Benghazi in eastern Libya, which served as the cradle to the revolution against the 42-year rule of Muammar Qaddafi. Amidst the uprising, the State Department had suspended operations at its Embassy in the Libyan capital city of Tripoli on February 25, 2011. After Qaddafi fled Tripoli in fall 2011, the State Department re-opened U.S. Embassy Tripoli with limited staff on September 22, 2011.⁷³ Special Envoy Stevens served in Benghazi from April 2011 until November 17, 2011, when he departed Libya. As a leading expert on Libya, he returned to Tripoli in May 26, 2012, as the U.S. Ambassador. Meanwhile, the Special Mission in Benghazi continued to operate, but with limited, temporary-duty staff.⁷⁴

Numerous State Department officials interviewed by Committee staff acknowledged that Ambassador Stevens championed the U.S. presence in Benghazi and had successfully built a consensus that the U.S. should maintain its presence in eastern Libya. The former Office Director for Maghreb Affairs stated that “there was widespread . . . consensus that the mission in Benghazi was very important.”⁷⁵ This State Department official explained that Ambassador Stevens was a primary advocate of maintaining a presence in the eastern region:

He thought that Benghazi was a critically important—and the east in general, were critically important components to understanding Libya. . . . And he felt it was important on a symbolic level to indicate that the United States was going to stay involved not only in Libya writ large but also in Benghazi and in the east. And then for the other reasons that I mentioned: to have a window into the Islamist extremism that was developing primarily in the east but in other parts of Libya, to have a window into the tribal dynamics, which are very important, more so in the east than in the west.⁷⁶

On September 6, 2011, Ambassador Stevens wrote an e-mail to senior State Department officials articulating the reasons the State Department should continue to maintain a temporary presence in Benghazi while Embassy Tripoli re-opened. In describing the importance of the region, Ambassador Stevens noted that “the revolution began in eastern Libya and the views of these 2 million inhabitants will certainly influence events going forward.”⁷⁷ He also noted that eastern Libya would continue to play an important role in Libyan governance and politics

⁷³ Department of State, *Benghazi Accountability Review Board Unclassified Report* (Dec. 2012).

⁷⁴ *Id.*

⁷⁵ House Committee on Oversight and Government Reform, Interview of William Roebuck (Aug. 5, 2013).

⁷⁶ *Id.*

⁷⁷ Email from Special Envoy Chris Stevens to Ambassador Gene Cretz, Elizabeth Dibble, et al., *Thoughts on future of Benghazi* (Sept. 6, 2011).

because “some [Libyan] government agencies may have their headquarters in Benghazi ... Other government agencies/corporations already have their HQ’s here.”⁷⁸ He relayed comments that the U.S. presence in eastern Libya “has a salutary ‘calming’ effect on easterners who are fearful that the new focus on Tripoli could once again lead to their neglect and exclusion from reconstruction and wealth distribution.”⁷⁹ He provided an overview of the Benghazi Special Mission Compound and discussed ongoing upgrades and staffing plans.⁸⁰ Finally, he recommended a small, continuing presence in Benghazi.⁸¹

In the Bureau of Near Eastern Affairs, the Principal Deputy Assistant Secretary explained that the opinion of Ambassador Stevens, who she referred to as “one of, if not the premier expert” on Libyan matters, carried significant weight in Washington:

A: Chris Stevens’ views weighed heavily into the bureau’s decision to request an extension of the mission. Chris argued very eloquently that it was important for the United States to keep in contact with people in the eastern part of Libya, which had been the cradle of the revolution. And given that the leadership of the interim government was primarily from the east and was traveling back and forth between Tripoli and Benghazi and other parts of the east, he felt it was important to maintain those contacts.

Q: And who would have listened to him in the State Department? Would he have had—

A: Everybody.

Q: Everybody? And why is that?

A: And not just in the State Department, in the interagency. You know, the national security staff was very interested in hearing what Chris’s views were because he was recognized as one of, if not the premier expert on the current situation in Libya, having served there previously as DCM charge and then having been sent back as envoy during the revolution. And then the intent, which is what happened, was that we were going to nominate him as Ambassador to replace Ambassador Cretz.

Q: And I think you said his opinions carried significant weight.

A: Yes, they did.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

Q: And so he thought it was very important to be in eastern Libya, Benghazi specifically, correct?

A: Yes.

Q: And did that ever change? Did he ever say, you know, I think it's time that we no longer have a presence in—

A: No, not that I'm aware of.

Q: So the reasons for being in eastern Libya, Benghazi, in 2011, it's your view that those would have just carried forward.

A: Yes.⁸²

B. Extension of Temporary Benghazi Mission for One Year

On December 27, 2011, Under Secretary for Management Patrick Kennedy approved an action memorandum that extended the Special Mission compound for one year.⁸³ The Principal Deputy Assistant Secretary for the Bureau of Near Eastern Affairs stated that Ambassador Stevens' views "formed the basis of what eventually became the memo that went up to Pat Kennedy in December recommending that we keep the operation going till the end of 2012."⁸⁴ She explained:

Q: And how did that all develop? What was the sequence of events that led up to that memo to Under Secretary Kennedy?

A: Are you talking about the December 27th memo?

Q: Yes. I guess I am trying to understand how that decision was made.

A: We sent—the office in Benghazi had been operating since April of 2011, when Chris Stevens was sent in by steamer, by boat. He was there throughout the summer. Then, when it looked like Tripoli was about to—well, when Tripoli fell and Qadhafi disappeared, the decision was made that we were going to send people back to Tripoli to our embassy. We first sent the DCM, Joan Polaschik, who had been the DCM before. And then Ambassador Gene Cretz went back in

⁸² House Committee on Oversight and Government Reform, Interview of Elizabeth Dibble (July 10, 2013).

⁸³ Department of State, Action Memorandum for Under Secretary Kennedy – M, from Jeffrey Feltman, *Future of Operations in Benghazi, Libya* (Dec. 27, 2011).

⁸⁴ House Committee on Oversight and Government Reform, Interview of Elizabeth Dibble (July 10, 2013).

September to raise the flag and reestablish the embassy. Chris Stevens continued in Benghazi. **And nobody knew Libya better than Chris. And Chris strongly recommended that we maintain a presence in Benghazi** temporarily for a year because the government was just getting on its feet. It was an interim government. It was composed of many representatives from eastern Libya who were sort of the fathers of the revolution. So the east was important, politically. And so I recall an email from Chris shortly before he left laying out the reasons why he thought it was important that we continue to maintain temporarily a presence in Benghazi. And we discussed it within the bureau.⁸⁵

The December 2011 memorandum that approved the extension was reviewed and cleared by State Department bureaus and offices, including the Bureau of Diplomatic Security. The Principal Deputy Assistant Secretary for Near Eastern Affairs explained that each of these bureaus and offices had equities in the decision to extend the mission. She explained that if the Bureau of Diplomatic Security had expressed serious concerns about the memo, that it would not have been approved without further discussion:

Q: And when we see DS here on the clearance list, to whom does that refer?

A: Diplomatic Security.

Q: Why would they be on this memo?

A: Well, because there is—I think there is an attachment that’s missing that sets out the security upgrades and the costs that would be required to make the upgrades, just as OBO, the Office of Overseas Buildings Operations, would have cleared it because it has to do with a facility. You have RM, which is Resource Management, because it has to do with money. You have the A Bureau, the Administrative Bureau. These things usually also go through—at that point we had two deputy secretaries of state—both of their offices. The under secretary for political affairs, that’s P. It was cleared by the person who was the acting principal officer in Benghazi at the time. And it was cleared by someone on Under Secretary Kennedy’s staff.

Q: And does it go through all these places because this is where the component expertise resides?

A: Yes. It’s because they all have equities in this recommendation. And this is an action memo.

Q: Right.

⁸⁵ House Committee on Oversight and Government Reform, Interview of Elizabeth Dibble (July 10, 2013) (emphasis added).

A: So when Under Secretary Kennedy or whoever is the recipient of an action memo gets a memo, he or she wants to know that everybody, all the offices that have equities in this are okay with it.

Q: So if DS had a major concern about the security aspects raised in this memo, is the process such that they could say, okay, I'm not going to sign this?

A: Yes.

Q: And they have a right of refusal to either resolve the issue or discuss the issue or do something to rectify what their concerns are—

A: Yes.

Q: —prior to it being signed?

A: Yes.⁸⁶

Under Secretary Kennedy's Special Assistant, who reviewed the December 2011 memo and ensured that all information was complete before its submission, explained the clearance process within the Department:

But when the names are listed, as they are here, that means that this person has read it and is okay with the information and has cleared on it. Whether or not somebody from—anybody else has seen it or has approved it, that is really not something I can speak to. It really depends on the offices, and it depends on the action memo. So, for example, there might be some offices that say “I need further input before I can clear something” and they might discuss it with other people in their office in order to provide a more informed sort of decision and then clearance.⁸⁷

When asked about the Bureau of Diplomatic Security's signature on the December 2011 memo, the Executive Director of the State Department's Bureau of Near Eastern Affairs stated:

Q: So if I see DS there, it means that DS examined this from a security perspective? Is that what that means?

A: That's what it means.

Q: All right. What if DS decided that this was something that they didn't think we should do because the security risks were too high? What would happen?

⁸⁶ House Committee on Oversight and Government Reform, Interview of Elizabeth Dibble (July 10, 2013).

⁸⁷ House Committee on Oversight and Government Reform, Interview of Erfana Dar (Oct. 25, 2012).

A: There are two—well, the way that it works is that if one of the principal bureaus—and particularly Diplomatic Security with regard to this memo, because Diplomatic Security works with the Under Secretary for Management—if they disagreed and they wouldn't clear on it, we couldn't actually have sent it forward. Because the Under Secretary for Management would push back and say, you need to get this cleared. Or, alternatively, you need to provide a split memo. If you have a different view, then that needs to be detailed here. It's called a split memo.

Q: Is that almost like dissenting views?

A: Yes.⁸⁸

C. Temporary Nature of Mission Led to Physical Security Challenges

The ARB found that the temporary nature of the Special Mission Compound led to certain security challenges. As a temporary facility, the compound was not covered by physical security standards and statutory security requirements:

Another key driver behind the weak security platform in Benghazi was the decision to treat Benghazi as a temporary, residential facility, not officially notified to the host government, even though it was also a full time office facility. This resulted in the Special Mission compound being excepted from office facility standards and accountability under the Secure Embassy Construction and Counterterrorism Act of 1999 (SECCA) and the Overseas Security Policy Board (OSPB). Benghazi's initial platform in November 2011 was far short of OSPB standards and remained so even in September 2012, despite multiple field-expedient upgrades funded by DS. (As a temporary, residential facility, SMC was not eligible for OBO-funded security upgrades.) A comprehensive upgrade and risk-mitigation plan did not exist, nor was a comprehensive security review conducted by Washington for Benghazi in 2012. The unique circumstances surrounding the creation of the mission in Benghazi as a temporary mission outside the realm of permanent diplomatic posts resulted in significant disconnects and support gaps.⁸⁹

Ambassador Eric Boswell, the former Assistant Secretary for Diplomatic Security and chair of the interagency Overseas Security Policy Board, confirmed that the temporary nature of the Special Mission Compound meant that security standards and statutory requirements did not apply to this facility:

⁸⁸ House Committee on Oversight and Government Reform, Interview of Lee Lohman (July 30, 2013).

⁸⁹ Department of State, *Benghazi Accountability Review Board Unclassified Report* (Dec. 2012).

Q: And just to be as clear as possible on this, there seems to be some lingering confusion about whether waivers or exceptions were required or sought in the case of Special Mission Benghazi. In your view, neither an exception to OSPB or a waiver to SECCA requirements was required?

A: I never received a request for a waiver, and so—and I did not believe that OSPB standards—a waiver was or an exception—exception is the term of art—for OSPB standards. An exception, formal exception would be required.

Q: So you didn't believe that an exception would be required for OSPB standards?

A: Right.

Q: And the SECCA requirements?

A: Didn't apply.

Q: Didn't apply.

A: Not a newly acquired, newly constructed embassy or consulate.

Q: Sorry to belabor the point, Ambassador.

A: Sure.

Q: Then a waiver was not necessary?

A: A waiver was not necessary.⁹⁰

Consistent with the ARB's finding, Ambassador Boswell explained that "SECCA and OSPB apply to permanent facilities that are notified to the host country government."⁹¹ Such a notification never occurred with the Special Mission Compound.⁹²

According to the ARB, the Special Mission Compound was not eligible for Overseas Building Operations-funded security upgrades because it was a temporary facility. Although it noted that certain security upgrades were provided during 2012, the ARB observed that "Benghazi was also severely under-resourced with regard to certain needed security equipment."

⁹⁰ House Committee on Oversight and Government Reform, Interview of Eric Boswell (July 9, 2013).

⁹¹ *Id.*

⁹² Department of State, *Benghazi Accountability Review Board Unclassified Report* (Dec. 2012).

Overall, the ARB found that “[g]iven the threat environment, the physical security platform in Benghazi was inadequate.”⁹³

D. Temporary Nature of Mission Led to Security Personnel Challenges

The ARB also found that the temporary nature of the mission led to short-term deployments and turnover of security personnel, or security staffing “churn”:

The Board found the short-term, transitory nature of Benghazi’s staffing to be another primary driver behind the inadequate security platform in Benghazi. Staffing was at times woefully insufficient considering post’s security posture and high risk, high threat environment. The end result was a lack of institutional knowledge and mission capacity which could not be overcome by talent and hard work alone, although the Board found ample evidence of both in those who served there. The situation was exacerbated by the lack of Locally Employed Staff (LES) who would normally provide a backstop of continuity, local knowledge, and language ability. This staffing “churn” had significant detrimental effects on the post’s ability to assess adequately both the political and security environment, as well as to provide the necessary advocacy and follow-through on major, essential security upgrades.⁹⁴

Individuals interviewed by Committee staff agreed that temporary deployments and personnel turnover were an ongoing challenge. The Diplomatic Security Desk Officer for Libya, for example, stated that the post could only take volunteers for security deployments, and that “everything that was provided to it had to come from somewhere else, someplace that something was already allotted to essentially.”⁹⁵ He said:

A: As a temporary mission, there was no allotted agents or a pool of agents which just—there were no full-time positions we could send to Benghazi. So we had to draw from a pool of resources. We sent only high-threat-qualified agents. That pool was also being utilized in other areas of the world, including Iraq, Afghanistan, Pakistan, Yemen. During this time frame, it was the backdrop of what was the Arab Spring, which was, you know, in recent history, at least, it’s an unprecedented time of political upheaval, which has caused numerous posts within NEA to actually go close, order departures, and have numerous security issues.

Q: So was this then a fairly shallow pool from which you could pull these resources at that point in time?

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ House Committee on Oversight and Government Reform, Interview of Brian Papanu (Aug. 8, 2013).

A: Yes. Relatively speaking. I mean, compared to all the agents that work with DS, it's a much smaller pool. Less than half.

Q: So resources were an issue then?

A: Yes, I would say so.⁹⁶

E. Decisions Made by Deputy Assistant Secretary in Bureau of Diplomatic Security

In addition to finding that Special Mission Benghazi lacked adequate security staffing on the night of the attacks and in the period leading up to the attacks, the ARB concluded that this shortfall occurred despite multiple requests for additional personnel from the post:

Overall, the number of Bureau of Diplomatic Security (DS) security staff in Benghazi on the day of the attack and in the months and weeks leading up to it was inadequate, despite repeated requests from Special Mission Benghazi and Embassy Tripoli for additional staffing. Board members found a pervasive realization among personnel who served in Benghazi that the Special Mission was not a high priority for Washington when it came to security-related requests, especially those relating to staffing.⁹⁷

The ARB explained that the level of five Diplomatic Security Agents was initially projected for the Special Mission Compound, but that the post achieved this level for only 23 days during 2012:

The Board determined that DS staffing levels in Benghazi after Embassy Tripoli reopened were inadequate, decreasing significantly after then-Special Envoy Stevens' departure in November 2011. Although a full complement of five DS agents for Benghazi was initially projected, and later requested multiple times, Special Mission Benghazi achieved a level of five DS agents (not counting DoD provided TDY Site Security Team personnel sent by Embassy Tripoli) for only 23 days between January 1-September 9, 2012. As it became clear that DS would not provide a steady complement of five TDY DS agents to Benghazi, expectations on the ground were lowered by the daunting task of gaining approvals and the reality of an ever-shifting DS personnel platform. From discussions with former Benghazi-based staff, Board members concluded that the persistence of DS leadership in Washington in refusing to provide a steady platform of four to five DS agents created a resignation on the part of post about asking for more. The TDY DS agents resorted to doing the best they could with the limited resources provided.⁹⁸

⁹⁶ *Id.*

⁹⁷ Department of State, *Benghazi Accountability Review Board Unclassified Report* (Dec. 2012).

⁹⁸ *Id.*

Consistent with the ARB, the Committee identified multiple requests for additional security personnel in Benghazi. State Department officials told Committee staff that, despite these requests, Charlene Lamb, Deputy Assistant Secretary for International Programs within the Bureau of Diplomatic Security, decided in February 2012 to provide only three Diplomatic Security Agents to Benghazi. According to the Diplomatic Security Desk Officer, Deputy Assistant Secretary Lamb reportedly made this decision because she felt that Diplomatic Security Agents were being inappropriately used as drivers, a role that local staff could fill:

Q: Let me ask a question regarding that February period where DAS Lamb discovers that there are two DS agents being used as a driver as opposed to I guess conducting themselves as DS agents for movements or whatever their duties would require. I think you had mentioned that—at that point in time sets the number of five down to three? Is that what you said, something along those lines?

A: That's correct. In conversations with—I don't recall exactly. It was around that time frame. But I definitely remember the meeting with DCM Polaschik, where it was set as three as far as, you know, DAS Lamb was my superior and my boss' superior. So when she said it was three, that's the number we tried to attain. And it was more of a program management is what we traditionally do in DS/IP, vice, hard skills, such as driving, which we would do doing protection but not overseas.

Q: And did you ask her why three? Or did you query her further about, okay, we thought it was going to be five or they're asking for five, but now you are saying three. Why three? Did you query her about that?

A: It was very clear to me that—from the conversations we had, that the prime reason that was made evident to me was the driving issue. And that is standard practice through the vast majority of the world is that LES or FSNs provide the drivers for the mission.

Q: But DAS Lamb then said, okay, so now we're only going to provide three?

A: She told me the number to provide was three.

Q: And how far into the future does that directive carry her?

A: That carried her right until I received word otherwise, which I never did. So three was the number that I always tried to obtain officially. As far as I was concerned, three.

Q: So, from your perspective, it was your marching orders given to you by DAS Lamb that three was the number of agents that you were to try to supply—

A: Yes.

Q: —to post.

A: Clearly, around the February 15, 16 time frame, that was made evidently clear to me.

Q: And when you say “evidently clear,” she had a conversation with you?

A: Yes. We spoke about it, not just with me directly but with my supervisor as well.

Q: Was she emphatic about it?

A: That was the number she wanted, yes.

Q: And what about once post got LES drivers?

A: Which they did eventually. I believe in April, they started to get drivers. One TDY driver, for sure, went to Benghazi. And I know they hired two. At one point, I think one ended up leaving or something. But it remained at three, like I said, from February 15 until September 11.⁹⁹

Following a series of attacks against Western interests in June 2012, the Regional Security Officer in Libya, Diplomatic Security Desk Officer, and the Diplomatic Security Regional Director drafted and submitted a memorandum requesting five Diplomatic Security Agents for Benghazi, but Deputy Assistant Secretary Lamb did not approve the request. The Desk Officer described the process:

A: It was approved by my direct supervisors, and then it was upstairs for a while. And we didn’t hear anything. We felt it urgent enough, my supervisor scheduled a meeting with DAS Lamb, and in the meeting with DAS Lamb, essentially the long and short of it, the memo was denied for additional resources, personnel-wise.

Q: Can you walk us through that in a little more detail? How long was it upstairs? So your immediate supervisor, that would be Mr. Bacigalupo?

A: At that time it was James Bacigalupo, correct.

Q: So he approved this action memorandum, and then it would go to Charlene Lamb. Is that correct?

⁹⁹ House Committee on Oversight and Government Reform, Interview of Brian Papanu (Aug. 8, 2013).

- A: It went to—I know it was in—I don't know where it went in between. Probably to her staff assistants or the deputy prior to her. But it definitely made it to her because that's who we had the meeting with.
- Q: And how long was it up there before the meeting?
- A: I think the memo actually didn't get sent up until after the incident with the UK protective detail, so it was probably mid-June, June 15th, I believe, the date on the memo. So I think it was late that week. Maybe June 18th. I can't recall it specifically.
- Q: Okay. And what is your recollection of that meeting? Or why was it denied?
- A: Well, I mean, by the memo, I thought it was pretty clear. I had outlined the anti-Western attacks. My feelings, along with the RSO's—and both RSOs opposed, and my superiors, we tried to advocate for additional security resources. It was denied. It wasn't outright denied. It was—she wanted to know specifically what programs that the additional agents would be working on.
- Q: And so what was the response to that when she—was there an effort to justify the additional agents or—
- A: Yes.
- Q: And can you explain?
- A: Certainly. I reached back to the RSO in Benghazi, and I told them the response that we had received from DAS Lamb and asked them to come up with what he would be doing, you know, what these agents would be—what programs they would be running. So he generated a list of items. The focus turned toward—after that, the focus turned toward physical security measures that could be implemented to help ease the workload of the agents that were already out there.
- Q: I'm sorry. But given that there has been an attack on the consul, on the post, did you find it odd that the response from the requests—the recommendations for more agents—that the response back was, one of the programs—I mean, at least from my perspective, one of the programs, we would be protecting the compound. I mean, did you have any thoughts about that?
- A: Obviously, I thought it should have been accepted. That's why I wrote it and sent it up.
- Q: Sure.

A: I mean, I stand by the memo as it's written.¹⁰⁰

Admiral Mullen explained that the responsibility to provide the required number of security personnel established in the December 2011 action memo fell to the Bureau of Diplomatic Security:

Under Secretary Kennedy signed out the memo extending Benghazi from December of '11 to December of '12. And in that memo there were—there was a—in particular an area of focus with respect to number of RSOs that needed to be out in Benghazi. After that, and he may have been, but after that, I didn't see any—you know, I didn't see his involvement from a security standpoint, per se, in any significant way. Did he have broad responsibility? Yes. But there was a tremendous dependence on Ms. Lamb and DS to take care of this.¹⁰¹

Former Deputy Assistant Secretary Lamb testified at the Committee's October 10, 2012, hearing on the Benghazi attacks. When questioned about requests for additional security staffing from post, she explained that she responded by asking post for a "serious assessment of the numbers that were needed there."¹⁰² Regarding the security staffing on the night of the attacks, she also testified: "we had the correct number of assets in Benghazi at the time of 9/11 for what had been agreed upon."¹⁰³

During the hearing, Ms. Lamb was asked if budgetary considerations were a factor in the Department's decision not to increase security personnel in Benghazi. She responded:

[T]his was an unprecedented attack in size and ferocity, as the words of RSO Eric Nordstrom. And as long as we have the need to be outside of the wire in these volatile countries, we can't defend against that.¹⁰⁴

Admiral Mullen explained that the Bureau of Diplomatic Security and the Deputy Assistant Secretary, in particular, did not provide adequate security personnel despite repeated requests:

[T]here was a very clear commitment for another 12 months, security needed to be provided, specifics of how many agents in Benghazi specifically. Then it falls back on to Deputy Assistant Secretary Lamb, who actually didn't see the memo, wasn't aware of it, as I recall, until after September 11th or 12th, after the 12th, which was kind of a

¹⁰⁰ *Id.*

¹⁰¹ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

¹⁰² House Committee on Oversight and Government Reform, *Hearing on the Security Failures of Benghazi* (Oct. 10, 2012).

¹⁰³ *Id.*

¹⁰⁴ *Id.*

stunning revelation. I think Mr. Nordstrom at one point in time forwarded some recommendations for security improvements in January, attaching that memo to it. He wasn't happy that the memo had actually been signed out, and he didn't know anything about it as the RSO in Libya. So, I mean, it gave, from one perspective it gave pretty clear direction, we're committed out here, and you need to make sure we're okay. That then all goes back, from my perspective, on to Mr. Boswell and Ms. Lamb's lap in terms of making sure security is all right, and yet it was, in fact, over the next many months that she fought it, didn't resource it, bureaucratically didn't answer, made it incredibly difficult on those who were trying to improve the security to achieve any kind of outcome they deemed favorable, and she just beat them down over time.¹⁰⁵

F. Secretary Clinton Did Not Personally Sign Cable Authorizing Security Reductions

On April 23, 2013, the Chairmen of the House Committees on Oversight and Government Reform, Armed Services, Foreign Affairs, the Judiciary, and Intelligence, released a report that alleged that former Secretary Clinton signed a cable scaling back security personnel for U.S. diplomatic facilities in Libya in response to requests for additional security.¹⁰⁶ The Republican report stated: "On March 28, 2012, Ambassador Cretz sends a cable to Secretary Clinton requesting additional security assets."¹⁰⁷

The report then stated:

On April 19, 2012, the response cable from the Department of State to Embassy Tripoli, bearing Secretary Clinton's signature, acknowledges Ambassador Cretz's request for additional security but instead articulates a plan to scale back security assets for the U.S. Mission in Libya, including the Benghazi Mission.¹⁰⁸

As part of its investigation, the Committee has now obtained a copy of the cable at issue. Like millions of other cables sent from the State Department, it bears a pro forma stamp with the Secretary's name. The April 19, 2012, cable shows communications between Embassy Tripoli and Bureau of Diplomatic Security's Office of International Programs (DS/IP). The cable reads: "DS/IP acknowledges post's requests."¹⁰⁹ At the time the cable was sent, the official directly

¹⁰⁵ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

¹⁰⁶ Majority, House Committees on Oversight and Government Reform, Armed Services, Foreign Affairs, the Judiciary, and Intelligence, *Interim Progress Report for the Members of the House Republican Conference on the Events Surrounding the September 11, 2012 Terrorist Attacks in Benghazi, Libya* (Apr. 23, 2013).

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ Department of State, 12 STATE 38939 (Apr. 19, 2012).

responsible for DS/IP was then-Deputy Assistant Secretary Lamb, whom the ARB and the minority have confirmed played a key role in making security decisions.

During an appearance on Fox News' *Fox and Friends* on April 24, 2013, Chairman Issa again made the accusation that Secretary Clinton was personally responsible for security reductions in Benghazi:

[The] Secretary of State was just wrong. She said she did not participate in this, and yet only a few months before the attack she outright denied security in her signature in a cable [in] April 2012.¹¹⁰

The *Washington Post* Fact Checker gave Chairman Issa "Four Pinocchios" for this accusation:

Issa has no basis or evidence to show that Clinton had anything to do with this cable—any more than she personally approved a cable on proper e-mail etiquette. The odds are extremely long that Clinton ever saw or approved this memo, giving us confidence that his inflammatory and reckless language qualifies as a 'whopper.'¹¹¹

Regarding the significance of Secretary Clinton's signature on the April 19, 2012 cable, Richard Shinnick, a member of the Accountability Review Board and veteran State Department official, added:

Every single cable going out is signed 'Clinton,' it is the normal procedure. Millions of cables come into the operation center every year, not thousands, millions. And they are all addressed Hillary Clinton. So you can make a story that Hillary saw a cable and didn't act on it or sent a cable out; it's all bullsh*t, it's all total bullsh*t. I can't be any clearer than that.¹¹²

¹¹⁰ *Fox and Friends*, Fox News (Apr. 24, 2013).

¹¹¹ *Issa's Absurd Claim That Clinton's 'Signature' Means She Personally Approved It*, Washington Post (Apr. 26, 2013).

¹¹² *Benghazi Review Panel Member: Fox-Promoted GOP Claims Against Clinton Are 'Total Bullsh*t'*, Media Matters (Apr. 25, 2013).

IV. TALKING POINTS

Republicans have accused the President and other Administration officials of deliberately misleading the American people and engaging in a cover-up, citing in particular talking points used by Ambassador Susan Rice during her appearance on Sunday news shows on September 16, 2013. Chairman Issa stated that “the American public was deliberately misled,”¹¹³ and that “Ambassador Rice outright read off of talking points that had to be knowingly false.”¹¹⁴ Rep. Rohrabacher alleged: “What is clear is that this administration, including the president himself, has intentionally misinformed, read that LIED, to the American people in the aftermath of this tragedy.”¹¹⁵ Senator Inhofe stated that this was the “most egregious cover-up in American history.”¹¹⁶

After interviewing multiple officials involved in the immediate response to the attacks in Benghazi and the drafting of the talking points, the Committee has identified no evidence whatsoever to support accusations that the talking points were drafted or altered in order to mislead the American people. To the contrary, during their transcribed interviews with Committee staff, numerous officials described the days before and after the attacks as an intensely dangerous, complex, and confusing week of protests and other violent episodes at U.S. facilities around the world.

A. Developed by Intelligence Community

In May 2013, the White House released 100 pages of e-mails that demonstrate that talking points used by Ambassador Susan Rice on the Sunday talk shows were prepared by the Intelligence Community based on its best assessments at the time in response to a Congressional request for information to share with media.¹¹⁷

Victoria Nuland, the former State Department spokesperson, explained during her transcribed interview with Committee staff the process of developing the talking points:

Q: Now, turning to a different phrase, does the phrase “demonstrations in Benghazi were spontaneously inspired” appear in this version of the talking points, again, in the first bullet?

A: It does.

¹¹³ *CBS Evening News*, CBS (May 6, 2013).

¹¹⁴ *Darrell Issa on Benghazi and the IRS*, HughHewett (Aug. 7, 2013).

¹¹⁵ *Benghazi Hearing Turns Ugly: Republicans Accuse Obama of Lying, Dems Fire Back*, NBC News (Nov. 15, 2012).

¹¹⁶ *GOP Sen. Inhofe: Obama Could Be Impeached over Benghazi ‘Cover-up,’* The Hill (May 10, 2013).

¹¹⁷ *See, e.g., White House Releases Benghazi E-mails*, CNN (May 16, 2013) (online at www.cnn.com/2013/05/15/politics/benghazi-emails/index.html).

Q: Thank you. Did you or anyone at the State Department to your knowledge insert the phrase “demonstrations in Benghazi were spontaneously inspired” or request that this phrase be used in the talking points?

A: We did not.

Q: Based on your understanding of the facts and circumstances of the events in Benghazi at this time, was there anything factually inaccurate about including this phrase?

A: Again, I wasn’t sure personally, one way or the other, whether what had transpired outside the gates could or could not be called a demonstration. Frankly, that evening I assumed that if the CIA was writing this this way, that they had confirmed that there had been demonstrations.

Q: Turning to a different phrase, does the phrase “violent demonstrations” appear in this version of the talking points, focusing now on the second bullet?

A: Yes.

Q: Did you or anyone in the State Department, to your knowledge, insert this phrase or request that this phrase be used in the talking points?

A: I did not.

Q: Based on your understanding of the facts and circumstances of the events in Benghazi at this time, was there anything factually inaccurate about including this phrase?

A: Again, I wasn’t aware of any information, at that point, that would have necessarily contradicted this. I assumed that in writing it, the CIA had facts to back it up.¹¹⁸

Ambassador Nuland also explained the role played by the White House during the development of the talking points:

On this chain of talking points, the White House, the National Security staff, did not develop the contents. In fact, it was rarely the case that the NSS developed the content. In this case, the CIA developed the content. The NSS staff, as I saw it, were endeavoring to ensure that the equities of all the relevant agencies in the process were respected, that the talking points were complete, that they were consistent, that they

¹¹⁸ House Committee on Oversight and Government Reform, Interview of Victoria Nuland (Aug. 28, 2013).

were accurate.¹¹⁹

Jake Sullivan, the former Director of Policy Planning at the State Department, agreed with Ambassador Nuland's description of this process:

A: The role of the White House was simply to coordinate a clearance process in which each of the agencies that had some role or interest reflected in the points got a chance to weigh in.

Q: Okay. And to your knowledge, during this process, did the White House, did the White House officials, did they, in your view, unfairly weigh in on behalf of any single official or agency?

A: No.

Q: In your view, did they generally run a fair process?

A: In my view, yes, it is all laid out in the emails. I think the process was entirely fair and geared towards ensuring that everyone's voices were heard and that the end product was appropriate.¹²⁰

Mr. Sullivan also rejected accusations that the talking points had been doctored by the White House to mislead the American people:

Q: Mr. Sullivan, to your knowledge, was the process of developing or editing talking points a part of an effort to mislead Congress and the American people?

A: Absolutely not.

Q: Based on what you observed, was the process of developing the talking points focused more on unfairly protecting the reputation and credibility of the State Department than on explaining to the American people the facts surrounding the fatal attacks on U.S. diplomatic facilities and personnel in Libya?

A: No.

Q: To your knowledge, did White House officials direct that talking points be changed to protect the reputation of the State Department?

A: No.

¹¹⁹ *Id.*

¹²⁰ House Committee on Oversight and Government Reform, Interview of Jacob Sullivan (Sept. 12, 2013).

Q: To your knowledge, did the administration deliberately remove references to al Qaeda linked groups and previous attacks in Benghazi as part of an effort to protect the State Department?

A: No.

Q: To your knowledge, did White House officials direct that the talking points be changed out of desire to dismiss the continued threat posed by extremist groups in the region?

A: No.¹²¹

B. Rapidly Unfolding Events Led to Confusion and Uncertainty

During his transcribed interview with Committee staff, the former Office Director for Maghreb Affairs stated that there was significant uncertainty about what occurred in Benghazi:

Q: After the statements made by Ambassador Rice, you had some visibility into the disagreements in the process leading up. What was your reaction to the statements that were ultimately made on the Sunday talk shows?

A: I think that the first week after 9/11 there was significant uncertainty about what had happened and disagreement among key people who shaped opinion. And I don't mean people with ideas. I mean people with information. There was a disagreement about what had happened.¹²²

The Office Director added that the unrest and demonstrations occurring across the Middle East and North Africa contemporaneously and shortly after the attacks in Benghazi "colored" the view of the attacks and delayed the ability of the U.S. Government to obtain the "ground truth":

Q: And so the attack in Cairo, would it be safe to say that it from a time perspective bleeds right into the Benghazi attack?

A: Yes, it was in the same timeframe, and to a certain degree it colored in the initial few days, it colored how people looked at that attack.

Q: And what do you mean colored?

A: Because it was the first, and there was incomplete and sort of changing

¹²¹ *Id.*

¹²² House Committee on Oversight and Government Reform, Interview of William Roebuck (Aug. 5, 2013).

information about what had happened in Benghazi. You had this other thing that happened in Cairo, and there was some confusion about have you had— was this the same thing, were these two incidents the same, were they different? The interagency was trying to sort that out. They were also trying to sort out the conflicting information from Benghazi itself.

Q: And immediately following the Benghazi incident, were there other incidents at other posts around the world?

A: There were. There were incidents in Sudan, in Pakistan.

Q: Can you give me some timeframes and dates? Was this months later or—

A: No, no, this was in the same—this was the week. I'm talking about the week from September 11 through, you know, 18 or 19.

Q: So all in the same week?

A: Yeah.

Q: And what was the basis for the other incidents at the other facilities?

A: They were protesting this film, this anti-Islam film.

Q: So would it be reasonable, then, if there are disagreements within the agency or within different departments or agencies at the U.S. Federal Government level that it would be hard to sort of tease out the root cause of one incident versus another?

A: I think it made it more difficult, and it probably slowed our getting to ground truth on Benghazi, absolutely.¹²³

The Office Director stated that he heard from Gregory Hicks, then-Deputy Chief of Mission, that there were no protests outside the Special Mission Compound. The Office Director also said, however, that there was a “legitimate disagreement” between agencies over what occurred in Benghazi that lasted for nearly a week after the attacks:

Q: In those initial days, that first week after the attack, did you—were you involved in any discussion or did you have any awareness of a protest prior to the attack or that it was a result of a protest? Was that something you were familiar with?

¹²³ *Id.*

A: What we learned from Greg Hicks, who talked to a range of people at the mission, was that there was not a protest or that people on the ground had not been aware of one.

Q: When did you learn that?

A: The day after. That would have been September the 12th. But there was disagreement in the interagency about what had happened, and people—I mean, on the intelligence side—disagreed about what had taken place, and that played itself out over 5 or 6 days or even a week after September 11th.

Q: Were you involved in those discussions at all?

A: I heard some of them.

Q: How would you have come to that? How would you have heard them? Were you part of SVTS or—

A: Yes.

Q: Okay. And did you convey—did you or somebody in your chain of command or from the State Department convey in that setting that this is what we're hearing from the people on the ground?

A: I don't remember. I think so from somebody.

Q: And do you recall who that would have been at that point in time?

A: I don't recall specifically, but the two points of view were thoroughly aired.

Q: But it was clear to you from people on the ground within a day that there had—the report from the people on the ground was that there was no protest?

A: Like I said, there was a dispute among people who were looking very carefully at all of the evidence on the ground, and there was a legitimate disagreement about what had sort of been the precursor to the attack.¹²⁴

The Office Director explained that the disagreements over what events immediately preceded the attacks lasted for several days:

Q: There was also a discussion about the night of the attacks, and you had made reference to the fact that there was some agency disagreement as to the basis or the predicate for those attacks. Is that correct?

¹²⁴ *Id.*

A: Yes.

Q: Okay. And how long did that last within the agency?

A: Six to 7 days.

Q: Okay. Would you characterize those disagreements as honest disagreements?

A: Yes.

Q: Were these people that you respected and are they generally well informed of global security or geopolitical issues?

A: Yes, they were the experts.

Q: And so if there was disagreement, in your opinion, that disagreement could be legitimate in that there was a basis for it?

A: Yes, absolutely.

Q: Okay. Was there also disagreement within differing agencies as to the basis for the attacks?

A: Yes.¹²⁵

During his interview with Committee staff, Ambassador Boswell, the former Assistant Secretary of Diplomatic Security, stated:

Q: In those immediate days when you were dealing with a lot of major issues going on, was there any specific understanding that what had happened in Benghazi was tied to the YouTube video or to what happened in Cairo?

A: I knew only what the press was—I had no other knowledge of what was going on. To this day I don't think the USG—and we'll know when the FBI finally comes out with its report and investigation—but to this day I don't think we have a good fix as the USG on what exactly caused that attack or was motivating that attack.¹²⁶

The Principal Deputy Assistant Secretary for Diplomatic Security stated that U.S. Government officials did not then and still today may not know exactly what occurred prior to

¹²⁵ *Id.*

¹²⁶ House Committee on Oversight and Government Reform, Interview of Eric Boswell (July 9, 2013).

the attacks in Benghazi:

You know, at that time, I think people still didn't know what was going on. I mean, I don't say you can definitively at that point even say what you knew what was—maybe not immediately outside of the compound, but you don't know what was happening a half a kilometer before that. So you know, again, that was something that I didn't involve myself in, and obviously, folks had access to much more information than I had. I mean, I had sort of realtime ground information, you know, not a lot of what else—other background information, or intelligence that people may have been using.¹²⁷

C. Numerous Attacks in Region Complicated Assessment of Benghazi

During transcribed interviews with Committee staff, numerous officials described the week of the attacks on Benghazi as an intensely dangerous, complex, and confusing week of protests and other violent episodes at U.S. facilities around the world.

Eric Boswell, the Assistant Secretary of Diplomatic Security, who was on travel on September 11, 2012, described a multitude of events threatening U.S. posts around the world:

I had to get briefed on what was—on what had been happening, what the state of play was not only in Benghazi, but in Tripoli. We were very concerned about Tripoli. Tripoli is an embassy that in some ways is similar to Benghazi ... just like Benghazi. So we were very concerned about Tripoli.

But also things were starting to go haywire in other places. This was at the time, as you will recall, of what I call the odious video, the YouTube video, the blasphemous video that had led to—I believe had led to the original demonstration in Cairo where people came over the wall.

I think it was the day after I got back, we had an attack on our embassy in Sana'a, Yemen, where demonstrators penetrated the perimeter, did a great deal of damage, milled around inside the compound, and in subsequent days there were other such demonstrations. So I had my hands full.

We had a near invasion of a compound in Khartoum, Sudan, where very large—thousands of demonstrators—in each case there was thousands of demonstrators—saw thousands of demonstrators came up against the wall of this brand new mission, OSPB-compliant, SECCA-compliant, compliant-with-everything mission in Khartoum and tried very hard to get in. They did a lot of damage, but they didn't get in.

Similarly, and I can't tell you exactly the date, I'd have to come back to you on that,

¹²⁷ House Committee on Oversight and Government Reform, Interview of Scott Bultrowicz (July 8, 2013).

but it was very soon there was a similar attack by a mob on our embassy in Tunis, another brand new facility. A large number of demonstrators penetrated into the—into the facility, milled around, did a lot of damage. It was a very alarming time.

In the end, in all of those places, the systems that we had put in place to protect our people—and I want to underline this—the systems that we put in place to protect our people succeeded. It was a near-run thing, but it succeeded. There were no American casualties in any of those. They were very, very severe attacks on our missions.

I can add that there were also enormous demonstrations in Pakistan. I don't want to undersell Pakistan in any of this. It was an area of great concern. I've said in the past and to you that I thought Peshawar was our most difficult mission in the Foreign Service. There were major demonstrations by tens of thousands of people against consulates in Karachi, in Lahore, and our embassy in Islamabad. The Embassy—the demonstration against our embassy in Islamabad by one count was 80,000 people. That focuses the attention when that happens.¹²⁸

During his transcribed interview with the Committee, Jake Sullivan, then-Director of Policy Planning at the State Department, stated that the information included in the talking points was consistent with what the Intelligence Community had been providing to the State Department during the week after the attacks:

Q: And were these other attacks occurring days after the Benghazi attacks? Was it all within that 1 week?

A: Everything that I've just described happened before Saturday, September 15th. Between September 11th and September 15th.

Q: So, is this a confusing period at the State Department in terms of trying to understand motivation?

A: It was a relentless period in which we were being bombarded by security challenges, not just in the region, but in other parts of the world, related to these protests at our embassies, and our focus was minute to minute trying to protect our personnel.

Q: What about the motivations for these attacks? Was—was it difficult to tease out what was causing one from another, given that they were so closely occurring?

A: Well, the common factor across nearly all of these protests in several different countries around the world was the video cited by the protesters, cited by the

¹²⁸ House Committee on Oversight and Government Reform, Interview of Eric Boswell (July 9, 2013).

people supporting the protesters, cited by those who were attacking our facilities in Tunis, in Cairo, in Khartoum, in Sana'a. So that was a very present factor for us over the course of that week, and U.S. officials at all levels were speaking publicly to it. Every major media organization in America and around the world was heavily focused on the role that the video played and the wide variety of attacks and protests taking place.

Q: And one final question: What was the Intelligence Community telling the State Department throughout that week?

A: Well, I don't want to get into classified information, but what I can say is that the information captured in the HPSCI talking points was completely consistent with what the Intelligence Community was telling the State Department that week.¹²⁹

The Diplomatic Security Desk Officer in the Command Center on the night of the attack also addressed the confusion during this week:

Q: A minute ago, you testified that it was unprecedented in scope. There were a lot of armed individuals. Was that something that was communicated to you the night of or is that something you have learned subsequently?

A: Not in the initial report. I don't think the RSO had the numbers or—I believe he used the term "attack," which would indicate it is not a protest, people just climbing over the wall. He probably would have said so if that was the case. So, from my recollection, the RSO meant it as an attack. And then, obviously, as the night progressed and we started talking and getting more information, it appeared to be incredibly violent, and it was definitely not what we were seeing in Cairo, which was very malicious in nature. And to be honest with you, a breach of the compound perimeter is a serious security issue. But they weren't trying to break in. They didn't build battering rams or anything like that. It didn't look like they were there to hurt anybody from what we could tell. But in Benghazi, I mean, they went in initially and just started—one of the first reports I recall was they went in and instantly started lighting fires and also explosions and gunfire was heard at the onset of the attack like initially. So it appeared to be a terrorist attack.

Q: And there was nothing like that in Cairo, nothing like the fires?

A: No. No. But there were a lot of people in Cairo. A lot. I mean, it was unnerving to find out the numbers that that they had mobilized, I guess, would be the proper term.

¹²⁹ House Committee on Oversight and Government Reform, Interview of Jacob Sullivan (Sept. 12, 2013).

- Q: Do you remember when you first heard mention that the attacks in Benghazi might have been connected to a protest or a demonstration?
- A: I don't. Probably the talking points that were put out. I mean, from my perspective, where I was, it was all meshing together as one. So we really didn't have time to analyze one in particular from another. It could have just—I mean, it's hard—everyone in Benghazi had guns. So who knows what their initial intent was or what their intent was. But the way they all—one of them right after another and then stopped, it seems to signify to me that they were related in some way, shape or form. And the only common thread that I can see is the video.
- Q: So, in your opinion, at the time, Cairo was pretty clearly a demonstration or a protest that had become, you know, vandalism, some sort of hostility. But in your mind, it was clearly a protest in nature and might have had some connection to the video. And because of the timing, the correlation with the Benghazi attack, you thought that there was a possibility that Benghazi was a similar event that had gotten even more violent, more dangerous?
- A: I mean, that's part of it. I don't want to sit here and tell you exactly. I mean, I don't know. But some of the things I witnessed in Cairo, I mean, the protesters were doing a lot of tweeting. Are you familiar with what a flash mob is?
- Q: Uh-huh.
- A: And then when we were reacting or coordinating responses in the command center, the Twitter pages were going crazy. It was unbelievable to see how much Twitter traffic was transpiring during the attack. This is in Libya now. And it was amazing. I had never used Twitter. I don't use Facebook. I barely even use a computer, for that matter; emails are about it. But I was awestruck at the speed and the ability for them to communicate and then to get resources and people together where previously to that—at least historically, if you want to get a big demonstration together, you had to start making announcements, sending out flyers. If you are going to get a big turnout, you have to get the word out. And generally, we could pick up on those types of things. But with the Twitter and those things, then they can have a flash mob together very, very fast. And it's difficult for a host nation or us to respond. And there's no doubt in my mind that that was a strong part of it. The first phase of the attack on Benghazi, there was already Twitter stuff starting. In what I would call the second phase or the looting phase, that was all Twitter-fed. You could just tell. They are tweeting. And you know—it was—the mob—the number of tweets running up the screen. We had a huge screen, and it was just running. It was unbelievable.
- Q: Do you remember how you found out that there was no demonstration in

Benghazi prior to the attack?

A: I just relied on the conversations with my agents. They said they did not see one. They didn't know of one.

Q: Do you remember at what point you had those conversations? Was it the night of?

A: No, it was after the fact.

Q: How many days approximately?

A: I don't recall. I mean, they didn't even come back for several days. They were in Frankfurt, speaking with the FBI. So it was a week maybe. I don't know for sure.¹³⁰

The Desk Officer also described his view on the possible link between the Benghazi attacks and the video tape:

Q: Since we are on this subject, can you walk through, starting with the Cairo attack, what DS was dealing with from Cairo to Benghazi and in the days of the additional incidents at other locations that you were responsible for?

A: Certainly. In Cairo, I believe that we had some prior notice of a demonstration in Cairo. I don't 100 percent recall. But I believe the post knew because they were already in—they weren't open for business, and it didn't appear—it appeared they were aware of it. It looked like they were ready for it. The demonstration began. And like I said, it lasted several hours. They breached the compound perimeter wall and were doing miscellaneous things, like I said, and that was going on for an extended period of time because the host nation wouldn't respond or couldn't respond to—

Q: Does DS at this point send something out to the other potentially affected posts that this is something you need to pay attention to?

A: Yes. It went out. I know for sure that Benghazi got that information.

Q: And what do you tell them?

A: I don't specifically remember the message going out. I didn't work on that aspect of it, but probably demonstrations in Cairo, breached perimeter, could be an ops alert or something to that effect.

¹³⁰ House Committee on Oversight and Government Reform, Interview of Brian Papanu (Aug. 8, 2013).

- Q: Okay. All right. And then Cairo bleeds into Benghazi?
- A: Well, yes. For me it did. Like I said, it was going on for so long, we started to do shifts. So, at some point late in the morning, it started. And now we're talking late afternoon. And my shift had just ended down in the command center. So I was heading upstairs when the phone call came.
- Q: And then what about the days after Benghazi, what's taking place?
- A: I don't think—the day after Benghazi, I don't believe anything happened. It was the following day that the protests in Yemen occurred.
- Q: And what was that like?
- A: It was a very large demonstration. They breached the compound in Yemen and did a lot of significant damage to the—they didn't breach the chancery, but they did significant damage to the chancery grounds and our vehicles and—
- Q: Was that serious?
- A: —equipment there. Yes, I would say it was serious.
- Q: And was Tunisia also one of the—
- A: Yes. Tunisia occurred, I believe, the following day after Yemen. Tunisia and Khartoum were the same day. And once again, the protesters were able to gain access into the chancery compound. They weren't able to gain access into the chancery. And the same thing occurred there. They did a lot of physical damage. They started some fires. And they burned down an adjacent American school. It wasn't on our property, but it was across the street. So it was pretty significant there as well.
- Q: Violent?
- A: Yeah. Violent, yes. And destruction of property. And lighting fire.
- Q: And you had mentioned that these were motivated by the videotape?
- A: I mean, in my belief. I'm fairly certain that the Cairo, the Tunis, the Khartoum ones were—and Yemen were motivated by that tape. The Benghazi one was a little more—that's more conjecture on my part just because I don't think there was a direct link that I ever saw or heard.
- Q: You said something to the effect of all events were related or that you still believe that they were related to the this tape?

A: I do.

Q: Why is that?

A: Well, the mere fact of the time frame of them together. It could have been a coincidence, of course. But now we are talking my perspective. And I believe, I read somewhere one of the local guards, contract guards that was in Benghazi, he was interviewed and said that when he was being beat up by the attackers that this was for making fun of Mohammed or something like that. And they made reference to it. So that's what I base my information on.¹³¹

Scott Bultrowicz, the former Principal Deputy Assistant Secretary for Diplomatic Security, also described these events:

Q: In Cairo, you had protests over the video that had led to a breach in our facility there, correct?

A: Uh-huh.

Q: And then so, if not contemporaneously, certainly quickly thereafter, you have the events in Benghazi?

A: Uh-huh.

Q: And then very quickly after that, you had other protest attacks on other U.S. facilities. I think Tunisia was one of them?

A: Tunisia.

Q: So was it crystal-clear that you could tease out in the hours or days or even weeks after the Benghazi attack what was a protest and what was not a protest? Would it have been reasonable to have some confusion, that it would be hard to know the underlying events and whether or not they were a contributing factor to the Benghazi attacks, in other words?

A: I mean, I think it would be reasonable to assume that there would be some confusion, of course. I mean, that's just the nature of it. And I think, as I mentioned, I'm not quite sure what the RSO on the ground in Benghazi saw outside the walls prior to the attack. All I can tell you is that, when he phoned in, he said he was under attack. And, you know, different individuals are going to probably draw different conclusions, maybe tying everything together or maybe not, just trying to go, sort of, factually, sort of, what we thought at

¹³¹ *Id.*

the time. But, I mean, in itself, the whole situation was confusing, sort of, as they say, the fog of war. There was a lot going on.

Q: When you say itself was confusing—

A: Well, they—

Q: —do you mean from the night of the—

A: The—

Q: —the day of the Cairo events forward to post-Benghazi to the other attacks?

A: No, the night of the attack in Benghazi. But I think in the subsequent attacks that happened in Tunisia and the other posts, I mean, it was very clear that it was large-scale demonstrations, a lot of people, large crowds, same as in Cairo. I mean, again, you know, not trying to draw a connection of what happened that night in Benghazi to any of those events, but just to say that no one really knew, sort of, the lead-up all to that. You know, as I mentioned, what happened a half mile down the road, or before that, or when—because I'm pretty certain, and I could be wrong, but I think, you know, the RSO's first call was once they breached the wall. I'm not sure if they were looking out prior to that.¹³²

Ambassador Elizabeth Jones, the former Acting Assistant Secretary of Near Eastern Affairs, was in continuous contact with Tripoli on the night of the attacks and told Committee staff that although she knew there had been an attack, she did not know the underlying motivation for it:

Q: Okay. Now, your day starts with Cairo?

A: Yes.

Q: And this was a protest—

A: That's right.

Q: —over the video—

A: Right.

Q: —that we have heard about ad nauseam?

¹³² House Committee on Oversight and Government Reform, Interview of Scott Bultrowicz (July 8, 2013).

- A: Right.
- Q: They put ladders up against the wall. They potentially—did they breach the wall?
- A: They did. There were people roaming around the garden.
- Q: They breached the wall. And then that bleeds right into Benghazi?
- A: That's right.
- Q: And then suddenly you have later that night potential threat on Tripoli?
- A: Right.
- Q: Did you think that they were all related? Was it a fog at that point in time? Was it easy to tease out one from another?
- A: We didn't know what had sparked what happened in Benghazi. Because of the way, sort of the initial report when Greg—the report I had, which was Benghazi is under attack, that was all it said, I called Greg and I said, tell me what Chris said. He said Benghazi is under attack. I said, what does under attack mean? He said there are people shooting. I didn't ask if there was a demonstration because I was more focused on what do we do now, not what just happened, what do we now, looking for Chris, is the building on fire, is there reports then of a mortar attack, who's on the compound, how do we get Libyan security there, is there anybody who can help us, those kind of things. So there wasn't a discussion that evening about was there a demonstration or not. In Tripoli, when we saw the Web site claim that these Councils of Tripoli were going to—were going to—were calling for an attack on the Embassy, I believe the language was attack, so I was thinking—we were thinking mortar attack, guns, that kind of thing. But we also knew that the possibility of demonstrations was not that night. There was no discussion of demonstrations that night. But within days after that there were discussions of routes the demonstrations could take. And the reason that became important is that the attack in Benghazi—in Cairo and Benghazi was on the 11th, bleeding into the 12th for us, and very much the 12th for Libya. On the 13th, our Embassy in Sana'a was attacked and very badly, very, very badly damaged, and on the 14th our Embassy in Tunis.
- Q: And what was the basis for those attacks?
- A: The basis for the attack—at that point, the basis for the attack in Sana'a and Tunis, as I recall it, were the videos.

Q: Were the videos.

A: That was much clearer in the attack in Tunis. It was less clear in the attack in Sana'a. And there were many other embassies that were—in which there were demonstrations and the potential for—well, there were demonstrations. I think we counted in that—in those several days—Friday is always the most dangerous day for demonstrations. But over that weekend and into the next week, I think we counted 27-some demonstrations at 12 of my posts just in NEA, and there were many other demonstrations in other Muslim-majority countries because of the video.

Q: So to be fair, was that a fairly confusing period?

A: Yes, it was very—it was—it was—

Q: When I say period, I mean days, weeks?

A: Yes, absolutely.¹³³

¹³³ House Committee on Oversight and Government Reform, Interview of Elizabeth Jones (July 11, 2013).

V. STATUS OF REFORMS

A. Recommendations for Enhanced Security

Based on its investigation, the ARB made 29 recommendations to improve the security of U.S. diplomatic personnel serving overseas, 24 of which were unclassified.¹³⁴ The ARB report identified six core areas for action and reform:

1. Overarching Security Considerations
2. Staffing High Risk, High Threat Posts
3. Training and Awareness
4. Security and Fire Safety Equipment
5. Intelligence and Threat Analysis
6. Personnel Accountability¹³⁵

Within these core areas, some of the ARB recommendations relating to security included the following:

- Endorsement of the Department's request for increased DS personnel for high- and critical-threat posts, Mobile Security Deployment teams, and DS domestic support staff.
- Strengthen security for personnel and platforms beyond traditional reliance on host government security support in high risk, high threat posts.
- Convene a panel of Senior and Supervisory Special Agents to revisit DS high-threat training with respect to active internal defense and fire survival.
- Re-examine Diplomatic Security (DS) organization and management, with particular emphasis on span of control for security policy planning.¹³⁶

¹³⁴ Department of State, *Benghazi Accountability Review Board Implementation* (Sept. 11, 2013).

¹³⁵ *Id.*

¹³⁶ *Id.*

B. Implementation of Recommendations

On the same day the ARB report was issued, then-Secretary Clinton embraced all 29 recommendations, urged all State Department employees “to cooperate fully,” and directed the Deputy Secretary for Management and Resources to lead a task force “to ensure that the Board’s recommendations are implemented quickly and completely, as well as to pursue steps above and beyond those recommended in the Board’s report.”¹³⁷

On September 11, 2013, the State Department issued an update showing considerable progress on the implementation of all 24 unclassified ARB recommendations. For example, since the ARB issued its recommendations in December 2012, the State Department has:

- filled 113 out of 151 newly created Diplomatic Security positions;
- established a High Threat Board to review the State Department presence at high risk, high threat posts;
- created a Deputy Assistant Secretary for High Threat Posts in the Bureau of Diplomatic Security (DS), who is responsible for ensuring that such posts receive the focused attention they need;
- established a panel that identified and developed 170 operational requirements, associated proficiency standards, and training plans needed by DS special agents operating in high-threat, high risk environments; and
- established a six-person panel to improve DS operations and management structure which produced 35 recommendations, of which 31 have been accepted.¹³⁸

During the course of the Committee’s investigation, State Department personnel have reported that the Department has made significant progress in the implementation of the ARB’s recommendations. For instance, Deputy Assistant Secretary for Maghreb Affairs, Bill Roebuck, is uniquely positioned to see the progress that has been made over time with respect to the U.S. mission in Libya, specifically. Prior to the Benghazi attacks, Deputy Assistant Secretary Roebuck was the Director of the State Department’s Office of Maghreb Affairs with policy

¹³⁷ Letter from Secretary of State Hillary Rodham Clinton to Senator John F. Kerry (Dec. 18, 2012).

¹³⁸ Department of State, *Benghazi Accountability Review Board Implementation* (Sept. 11, 2013).

responsibilities in the region including Libya.¹³⁹ From January to June of 2013, he served as the U.S. Chargé d’Affaires to Libya.¹⁴⁰

During a transcribed interview, Deputy Assistant Secretary Roebuck informed Committee staff that, while serving in Libya, he saw evidence that the ARB recommendations were being implemented:

When I was charge in Tripoli for 6 months, for example, there were a huge number of security upgrades that are underway, many of them, you know, attributable either directly or indirectly to ARB, you know, recommendations; some of them attributable to, you know, further inquiries or studies the ARB said should be done on security, they were done and then they—these security—recommended security upgrades arose out of those studies, one between, I believe it’s a committee they mentioned with DOD participation and—and State, and those upgrades are underway, and they’ve vastly improved the security of the mission in embassy Tripoli. They’ve also recommended things to increase the connectivity between DS and NEA. And I’ve seen evidence of that since I’ve been back as the DAS.¹⁴¹

Deputy Assistant Secretary Roebuck also explained the current status of the recommendations:

I think most of them have been implemented or are in the process of being implemented. Of course, they were made in hindsight, but absolutely in hindsight, you know, they—they were—you know, constituted a rational set of recommendations on the security side, and I think they’ve largely been implemented.¹⁴²

C. Creation of Sullivan Best Practices Panel

One of the ARB’s key “Overarching Security” recommendations was for the State Department to “establish a panel of outside independent experts (military, security, humanitarian) with experience in high risk, high threat areas to identify best practices (from other agencies and other countries), and regularly evaluate U.S. security platforms in high risk, high threat posts.”¹⁴³

¹³⁹ House Committee on Oversight and Government Reform, Interview of William Roebuck (Aug. 5, 2013).

¹⁴⁰ *Id.*

¹⁴¹ House Committee on Oversight and Government Reform, Interview of William Roebuck (Aug. 5, 2013).

¹⁴² *Id.*

¹⁴³ Department of State, *Benghazi Accountability Review Board Unclassified Report* (Dec. 2012).

In response, the State Department created a six-person “Best Practices Panel” headed by former United States Secret Service Director Mark Sullivan, who is scheduled to testify before the Committee on September 19, 2013. Another member of the panel, former Assistant Secretary for Infrastructure at the Department of Homeland Security Todd Keil, is also expected to testify on the panel’s findings.

The Best Practices Panel has completed its review and issued 40 total recommendations in 12 areas, including: (1) Organization and Management; (2) Accountability; (3) Risk Management; (4) Program Criticality and Acceptable Risk; (5) Planning and Logistics; (6) Lessons Learned; (7) Training and Human Resources; (8) Intelligence, Threat Analysis, and Security Assessments; (9) Programs, Resources and Technology; (10) Host Nations and Guard Forces Capability Enhancement; (11) Regular Reevaluation; and (12) Change Management – Leadership.¹⁴⁴

The most “overarching” recommendation, which the panel believes is “crucial to the successful and sustainable implementation” of all its other recommendations, is to establish a new Under Secretary for Diplomatic Security.¹⁴⁵ Currently, the Bureau of Diplomatic Security reports to the Under Secretary for Management, who is responsible for a “large, complex” area covering a “myriad” of key matters such as personnel, budget, procurement, medical, services, and contracting. The panel concluded that the State Department “requires an organizational paradigm change” with a new Under Secretary for Diplomatic Security to better prepare against safety threats to diplomatic personnel and missions.¹⁴⁶

According to the Best Practices Panel, its other recommendations “echoed the findings of previous boards,” such as the ARB:

- Initiate a comprehensive DS and Human Resources (HR) review to determine the requirements for ... meeting operational and language training requirement, overseas staffing consistency and other mission essential objectives.
- Develop and implement a Department-wide risk management model and policy.
- Establish one planning office within DS that is accountable and responsible for DS-centric planning that informs DS decision-making and program execution.
- Develop an accountability framework documenting institutional and individual accountability and responsibility for security throughout the Department.

¹⁴⁴ Independent Panel on Best Practices, *Report of the Independent Panel on Best Practices* (Aug. 29, 2013).

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

- Provide waivers to established security standards only after implementing mitigating measures as agreed by regional bureau or other program managers.
- Establish a formalized lessons learned process and accompanying FAM policy to ensure a timely debriefing of all personnel who have participated in critical operational events.¹⁴⁷

¹⁴⁷ *Id.*

VI. FUNDAMENTAL FLAWS IN MAJORITY REPORT

On Sunday, September 15, 2013, Chairman Issa provided to select press outlets a Republican staff report entitled “Benghazi Attacks: Investigative Update Interim Report on the Accountability Review Board.”¹⁴⁸ This report was not provided to Democratic Committee Members until the following day, September 16, 2013, and the report was never considered at an official Committee business meeting where Members could have vetted it for accuracy and completeness.¹⁴⁹ As a result, the report contains numerous mistakes and omits key portions of transcript excerpts that undermine the report’s conclusions. Several examples are discussed below:

A. Allegation that Admiral Mullen Gave Cheryl Mills an Inappropriate “Heads-Up” Prior to Her ARB Interview

The Republican staff report makes a very serious allegation that the ARB’s independence was undermined. The report cites as evidence for this allegation that Admiral Mullen gave Cheryl Mills, the State Department Chief of Staff, an inappropriate “heads-up” prior to her interview with the ARB. The report alleges: “Mullen put Cheryl Mills on notice in advance of her interview that the Board’s questions could be ‘difficult’ for the State Department.”¹⁵⁰ The report alleges that this action was “an example of how a culture of collegiality could undermine the ARB’s independence.”¹⁵¹ The implication is that this advance information prior to her interview compromised the integrity of the ARB process.

The Republican staff report completely distorts Admiral Mullen’s words to invent a false narrative. In fact, Admiral Mullen explained that he called Cheryl Mills not because she was scheduled to testify before the ARB, but because Charlene Lamb was scheduled to testify before this Committee. At the time, Ms. Lamb had already appeared before the ARB, and Admiral Mullen stated that he wanted to inform Ms. Mills that Ms. Lamb had never before testified before Congress. Below is the full excerpt, with brackets to identify Admiral Mullen’s actual meaning:

¹⁴⁸ *Congress: Hillary’s Benghazi Investigation Let Top Officials Escape Blame*, Daily Beast (Sept. 15, 2013) (online at www.thedailybeast.com/articles/2013/09/15/congress-hillary-s-benghazi-investigation-let-top-officials-escape-blame.html).

¹⁴⁹ Email from Chief Majority Clerk to Democratic Members, House Committee on Oversight and Government Reform (Sept. 16, 2013, 11:01 AM).

¹⁵⁰ Majority Staff Report, House Committee on Oversight and Government Reform, *Benghazi Attacks: Investigative Update Interim Report on the Accountability Review Board* (Sept. 16, 2013) (online at <http://oversight.house.gov/wp-content/uploads/2013/09/Report-for-Members-final.pdf>).

¹⁵¹ *Id.*

- Q: During the life of the board, did you or any of the board members update State Department officials or DOD officials about the work of the board that you know of?
- A: With respect to DOD, no. Shortly after we interviewed Ms. Lamb, I initiated a call to Ms. Mills to give her—what I wanted to give her [*Ms. Mills*] was a head’s up because at this point she [*Ms. Lamb*] was on the list to come over here [*Congress*] to testify, and I was—so from a department representation standpoint and as someone that led a department, I always focused on certainly trying to make sure the best witnesses were going to appear before the department, and my reaction at that point in time with Ms. Lamb at the interview [*the previous ARB interview*] was—and it was a pretty unstable time. It was the beginning, there was a lot of unknowns. To the best of my knowledge, she [*Ms. Lamb*] hadn’t appeared either ever, or many times certainly [*before Congress*]. So essentially I gave Ms. Mills a head’s up that I thought that her [*Ms. Lamb’s*] appearance could be a very difficult appearance for the State Department, and that was about—that was the extent of the conversation.¹⁵²

In other words, instead of undermining the integrity and independence of the ARB by giving Ms. Mills advance information prior to her interview with the ARB, Admiral Mullen was informing Ms. Mills that Ms. Lamb had no experience testifying before Congress, which she was scheduled to do before this Committee. There is no evidence before the Committee that calls into question Admiral Mullen’s personal integrity or the independence of the unanimous findings and recommendations of the ARB. It is unclear whether the accusation in the Republican staff report was made knowingly or based on an incorrect understanding of the facts, but since Chairman Issa did not provide a copy of this report to Democratic Members before he leaked it to press, this very serious and false accusation was made in a very public manner.

B. Allegation that the ARB Downplayed the Role of Under Secretary Kennedy

The Republican staff report also makes a serious allegation that the ARB “downplayed the importance of the decisions made above DS and NEA.”¹⁵³ As evidence for this accusation, the report cites the involvement of the Under Secretary for Management Patrick Kennedy in the decision not to extend the military Site Security Team (SST) past August 2012. The Republican staff report states:

¹⁵² House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

¹⁵³ Majority Staff Report, House Committee on Oversight and Government Reform, *Benghazi Attacks: Investigative Update Interim Report on the Accountability Review Board* (Sept. 16, 2013) (online at <http://oversight.house.gov/wp-content/uploads/2013/09/Report-for-Members-final.pdf>).

Similarly, the decision to end the SST mission in Libya in July 2012 was made by Ambassador Kennedy, albeit based upon a recommendation from Charlene Lamb. Assistant Secretary for DS Eric Boswell testified:

Q: Who were the decisionmakers relative to the—either the presence or the mission of the SST?

A: The ultimate decisionmaker is Under Secretary Kennedy.

Scott Bultrowicz—Boswell’s deputy—agreed. He stated: Well, again, he was certainly involved in the discussion whether or not the SST was going to be extended, because I think DOD reached out actually directly to Under Secretary Kennedy on that.¹⁵⁴

The Republican staff report truncates this transcript excerpt and omits critical context explaining how and why the Under Secretary made the decision not to extend the SST. Mr. Bultrowicz went on to explain that although Under Secretary Kennedy was the final authority on whether to extend the SST, both Mr. Bultrowicz and Under Secretary Kennedy relied heavily on the recommendation of Charlene Lamb because of her expertise:

Q: You had mentioned that it was Ms. Lamb’s recommendation not to extend the SST team?

A: Yeah. She recommended that we wouldn’t need the extension.

Q: And that was the final extension, I think, in—

A: They left—I think they left August 4th.

Q: Right.

A: Right.

Q: And so, would that have been her decision to make?

A: No. That was a recommendation made to the Under Secretary.

Q: From?

A: Under Secretary of Management.

Q: But—

¹⁵⁴ *Id.*

- A: And she made it through me. The Under Secretary had asked her for a recommendation, because she was the one closest to everything, you know, knowing where the status of the guards were, the training programs, and things of that nature. So that recommendation was made.
- Q: So she would have been the most knowledgeable person in the position to evaluate whether or not the SST should remain in country, and then it was her job to make a recommendation—
- A: Right. ...
- Q: Who had the final authority to make the decision to end the SST mission?
- A: The final authority? Well, I guess—
- Q: Within State.
- A: Well, ultimately, it would have been the highest person who had a say in it. So, I mean, I guess, if Mr. Kennedy would have come back and said, you know what, I don't see it, I mean, he certainly would have had the authority to say that. But I don't see where he would have any reason, you know, much like myself, to doubt what was being said.¹⁵⁵

Admiral Mullen explained that the ARB's findings on accountability were driven by their determination of who was responsible for decision-making, as directed by the statute. He explained:

[T]he responsibility for the decisions that were involved in the incidents, if you will, were made at a level inside the Department at a lower level, senior but lower. It very specifically focuses by law directing us as ARB members on where the decisions were made. That's what guided us. And in the end there was no official, including the Secretary of State, whose involvement wasn't reviewed. ...

We assigned accountability where we thought it was best and most appropriately resident in the officials, the four in particular, the four senior officials that we singled out in the report, two of whom we made specific recommendations for, and I'm very comfortable with that.¹⁵⁶

¹⁵⁵ House Committee on Oversight and Government Reform, Interview of Scott Bultrowicz (July 8, 2013).

¹⁵⁶ House Committee on Oversight and Government Reform, Interview of Admiral Michael Mullen (June 19, 2013).

As Admiral Mullen explained, the ARB determined that primary responsibility for the staffing decisions, including the decision to not extend the Site Security Team, rested with Ms. Lamb:

The SST it was leaving the country on the 2nd of August. There were discussions as late as July with respect to between State and DOD and internal to State about whether we were going to extend this. In the end it's my view that Ms. Lamb won that debate, didn't want to extend it.¹⁵⁷

In addition to Ms. Lamb, the ARB held accountable her immediate supervisor, the Principal Deputy Assistant Secretary for Diplomatic Security, as well as his supervisor, the Assistant Secretary for Diplomatic Security.

C. Allegation That “Little Has Changed” at the State Department

The Republican staff report argues that the State Department “is back to business as usual” because the State Department has not terminated any employees.¹⁵⁸ The report alleges: “Nine months after the ARB report was released and four employees were relieved of their duties and subsequently placed on administrative leave, little has changed at the State Department.”¹⁵⁹

These conclusions disregard the significant progress made by the State Department on substantive concrete reforms, as described in Section V above. The State Department has provided the Committee with an update on its progress implementing the ARB's recommendations, and numerous Department officials interviewed by the Committee have explained that they have observed first-hand the very real changes that are being made.

For example, a State Department official who served in Libya following the attacks said that he saw on the ground how the ARB's recommendations were being implemented to improve the security of the embassy in Tripoli. This official explained:

When I was charge in Tripoli for 6 months, for example, there were a huge number of security upgrades that are underway, many of them, you know, attributable either directly or indirectly to ARB, you know, recommendations.¹⁶⁰

¹⁵⁷ *Id.*

¹⁵⁸ Majority Staff Report, House Committee on Oversight and Government Reform, *Benghazi Attacks: Investigative Update Interim Report on the Accountability Review Board* (Sept. 16, 2013) (online at <http://oversight.house.gov/wp-content/uploads/2013/09/Report-for-Members-final.pdf>).

¹⁵⁹ *Id.*

¹⁶⁰ House Committee on Oversight and Government Reform, Interview of William Roebuck (Aug. 5, 2013).

He added that these upgrades “are underway, and they’ve vastly improved the security of the mission in embassy Tripoli.”¹⁶¹

¹⁶¹ *Id.*