Flashing Red:
A Special Report On The Terrorist Attack At Benghazi

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While our country spent September 11, 2012, remembering the terrorist attacks that took place 11 years earlier, brave Americans posted at U.S. government facilities in Benghazi, Libya, were fighting for their lives against a terrorist assault. When the fight ended, U.S. Ambassador to Libya John C. (Chris) Stevens and three other Americans were dead and U.S. facilities in Benghazi were left in ruin. We must remember the sacrifice that these selfless public servants made to support the struggle for freedom in Libya and to improve our own national security. While we mourn their deaths, it is also crucial that we learn from how they died. By examining the circumstances of the attack in Benghazi on September 11th, we hope to gain a better understanding of what went wrong and what we must do now to ensure better protection for American diplomatic personnel who must sometimes operate in dangerous places abroad.

We are cognizant that the Congressionally-mandated Accountability Review Board (ARB) of the Department of State has now issued its important and constructive report and that other Congressional committees are investigating the Benghazi attack as well. Each makes significant contributions to our collective understanding of what transpired and what we must do going forward.

The Committee on Homeland Security and Governmental Affairs (HSGAC), pursuant to its authority under Rule XXV(k) of the Standing Rules of the Senate, Section 101 of S. Res 445 (108th Congress) and Section 12(e) of S. Res 81 (112th Congress), has a unique mandate to investigate the effectiveness and efficiency of governmental agencies, especially when matters that span multiple government agencies are involved. Over the years, HSGAC has spent much time and dedicated considerable resources to understanding the challenges inherent in national security interagency relationships, and it is through this lens that we have examined and drawn lessons from the attack in Benghazi.

Since the 112th Congress is drawing to a close, this investigation has necessarily been conducted with a sense of urgency and with focused objectives. Our findings and recommendations are based on investigative work that the Committee has conducted since shortly after the attack of September 11, 2012, including meetings of members and staff with senior and mid-level government officials; reviews of thousands of pages of documents provided by the Department of State, Department of Defense, and the Intelligence Community (IC); written responses to questions posed by the Committee to these agencies; and reading of publicly-available documents.

In the report that follows we provide a brief factual overview of the attacks in Benghazi and then discuss our findings and recommendations.

Brief Overview of the Benghazi Attacks

The attacks in Benghazi occurred at two different locations: a Department of State "Temporary Mission Facility" and an Annex facility ("Annex") approximately a mile away used by another agency of the United States Government. On September 11th, Ambassador Stevens was in Benghazi, accompanied by two Diplomatic Security (DS) agents who had traveled there with him. Also present were three other DS agents and a Foreign Service Officer, Sean Smith, who were posted at the Temporary Mission Facility ("facility" or "compound"). There were also three

members of the February 17 Brigade, a Libyan militia deputized by the Libyan government but not under its direct control, and four unarmed local contract guards protecting the compound.

During the day on September 11th, the Ambassador held several meetings on the compound and retired to his room at approximately 9:00 p.m. local time. About 40 minutes later, several agents and guards heard loud shouting, noises coming from the gate, as well as gunfire, and an explosion. A closed-circuit television monitor at the facility's Tactical Operations Center ("TOC") showed a large number of armed people flowing unimpeded through the main gate. One of the DS agents in the compound's TOC triggered an audible alarm, and immediately alerted the U.S. Embassy in Tripoli and DS headquarters in Washington. These notifications were quickly transmitted from the Department of State to the Department of Defense. DS headquarters maintained open phone lines with the DS personnel throughout the attack. That same DS agent also called the Annex to request assistance from security personnel there, who immediately began to prepare to aid the U.S. personnel at the diplomatic facility.

When the attack commenced, four DS agents and Foreign Service Officer Smith were in or just outside the same building where the Ambassador was spending that night. A fifth DS agent was in the TOC when the terrorist attack began. Ambassador Stevens, Smith, and one DS agent sought shelter in the building's safe haven, a fortified area designed to keep intruders out, while the other three agents went to retrieve additional weapons and tactical gear such as body armor, helmets, and ammunition. After retrieving their gear, at least two of the DS agents sought to return to the building where the Ambassador was. On the way back, however, the DS agents encountered attackers. The lone DS agent with the Ambassador reported via radio that he was secure within the safe haven, allowing the two agents who had left in search of weapons to seek refuge in the same building where they had armed themselves. The third DS agent who had gone to the TOC to retrieve his gear, stayed there with the DS agent who had been manning the TOC since the beginning of the attack.

The attackers started to set several of the compound's structures on fire, using diesel fuel found on site, and groups of attackers tried to enter several buildings on the compound. The attackers did not succeed in entering the TOC, but did succeed in entering the building where Ambassador Stevens was staying and the building where the two DS agents were seeking refuge. No safe havens were breached during the initial assault. The attackers spread the diesel fuel throughout the building where the Ambassador was hiding, and ignited it, causing the building to fill with smoke.

When the smoke became so thick that breathing was difficult, the DS agent attempted to lead the Ambassador and Smith to escape through a nearby window. The agent opened the window to make sure it was safe to leave, and stepped out but then realized he had become separated from the Ambassador and Smith. The agent radioed the TOC, requesting assistance and returned numerous times to the building to look for the Ambassador and Smith. When the other agents arrived, they also took turns entering and searching the building. Though they were able to find and remove Smith's body, they were unable to find Ambassador Stevens.

After being notified about the attack, Annex personnel had attempted to contact the February 17 Brigade, other militias, and the Libyan government to ask for assistance. After gathering

necessary weapons and gear, at approximately 10:04 p.m., six security personnel and a translator left the Annex en route to the facility. Prior to reaching the facility, they again attempted to contact and enlist assistance from the February 17 Brigade, other militias, and the Libyan government. By 10:25 p.m., the security personnel from the Annex had entered the compound and engaged in a 15-minute firefight with the armed invaders. The team reached the Ambassador's building at 10:40 p.m. but was unable to find him due to the intense fire and smoke.

At 11:15 p.m., the Annex security personnel sent the DS agents (who were all suffering from smoke inhalation from their continuous search for Ambassador Stevens and Smith) to the Annex, and followed there later, both groups taking fire while en route. By this time, an unmanned, unarmed surveillance aircraft began circling over the Benghazi compound, having been diverted by the Department of Defense from its previous surveillance assignment over another location. Soon after the Americans returned to the Annex, just before midnight, they were attacked by rocket-propelled grenade (RPG) and small arms fire. The sporadic attacks stopped at approximately 1:01 a.m.

U.S. government security personnel who were based in Tripoli had deployed to Benghazi by chartered aircraft after receiving word of the attack, arriving at the Benghazi airport at 1:15 a.m. They were held at the airport for at least three hours while they negotiated with Libyan authorities about logistics. The exact cause of this hours-long delay, and its relationship to the rescue effort, remains unclear and merits further inquiry. Was it simply the result of a difficult Libyan bureaucracy and a chaotic environment or was it part of a plot to keep American help from reaching the Americans under siege in Benghazi?

The team from Tripoli finally cleared the airport and arrived at the Annex at approximately 5:04 a.m., about ten minutes before a new assault by the terrorist began, involving mortar rounds fired at the Annex. The attack concluded at approximately 5:26 a.m., leaving Annex security team members Tyrone Woods and Glen Doherty dead and two others wounded. The decision was then made to leave the Annex. Libyan forces, not militia, arrived around 6:00 a.m. with 50 vehicles and escorted the Americans to the airport. Two planes carrying all remaining U.S. personnel then left Benghazi. The first flight departed between 7:00 a.m. and 7:40 a.m. (agency timelines vary on this point) and the second at 10:00 a.m.

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American government officials outside of Benghazi learned of the attack shortly after it started at 3:40 p.m. EST (9:40 p.m. Benghazi time). DS agents, in addition to notifying personnel at the Annex, immediately alerted officials at the U.S Embassy in Tripoli and the Department of State Headquarters in Washington, D.C. As noted earlier, the U.S. Africa Command (AFRICOM) at the Department of Defense (DOD) directed an unarmed surveillance aircraft to the skies over the Benghazi compound at 3:59 p.m. EST. It arrived there at 5:10 p.m. EST (11:10 p.m. Benghazi time). At 4:32 p.m., the National Military Command Center in the Pentagon alerted the Office of the Secretary of Defense and the Joint Staff, and the information was shared with Secretary of Defense Leon Panetta and Chairman of the Joint Chiefs of Staff, General Martin Dempsey. Secretary Panetta and General Dempsey were at the White House for a previously scheduled

meeting at 5:00 p.m. and so were able to brief the President on the developments in Benghazi as they were occurring.

From 6:00 to 8:00 p.m. EST, Secretary Panetta met with senior DOD officials to discuss the Benghazi attack and other violence in the region in reaction to the anti-Muslim video. The Secretary directed three actions: 1) that one Fleet Antiterrorism Security Team (FAST) platoon stationed in Rota, Spain, deploy to Benghazi and that a second FAST platoon in Rota prepare to deploy to Tripoli; 2) that U.S. European Command's In-extremis Force, which happened to be training in central Europe, deploy to a staging base in southern Europe; and 3) that a special operations force based in the United States deploy to a staging base in southern Europe. The National Command Center transmitted formal authorization for these actions at 8:39 p.m. A FAST platoon arrived in Tripoli the evening (local time) of September 12th, and the other forces arrived that evening at a staging base in Italy, long after the terrorist attack on the U.S. facilities in Benghazi had ended and four Americans had been killed.[1]

[1] The details of this narrative are based on briefings to the Committee in November 2012, as well as publicly available documents describing the narrative provided by the Department of State and the Department of Defense.

Key Findings and Recommendations

Finding 1. In the months leading up to the attack on the Temporary Mission Facility in Benghazi, there was a large amount of evidence gathered by the U.S. Intelligence Community (IC) and from open sources that Benghazi was increasingly dangerous and unstable, and that a significant attack against American personnel there was becoming much more likely. While this intelligence was effectively shared within the Intelligence Community (IC) and with key officials at the Department of State, it did not lead to a commensurate increase in security at Benghazi nor to a decision to close the American mission there, either of which would have been more than justified by the intelligence presented.

Security decisions concerning U.S. facilities and personnel overseas are informed by several different types of information, including classified threat reporting from the IC; cables and spot reports from U.S. diplomatic posts, which describe local incidents and threats; and publicly available information. Prior to the attack, the IC and the Department of State were aware of the overall threat landscape in Libya and the challenges facing the new Libyan government in addressing those threats. This understanding evolved over time, consistent with broader changes in the nature of the threat, and also based on reported incidents and attacks in Benghazi and other parts of Libya in 2012.

The Committee has reviewed dozens of classified intelligence reports on the evolution of threats in Libya which were issued between February 2011 and September 11, 2012. We are precluded in this report from discussing the information in detail, but overall, these intelligence reports (as the ARB similarly noted) provide a clear and vivid picture of a rapidly deteriorating threat environment in eastern Libya—one that we believe should have been sufficient to inform policy-makers of the growing danger to U.S. facilities and personnel in that part of the country and the urgency of them doing something about it. This information was effectively shared by the IC with key officials at the Department of State. For example, both the Deputy Assistant Secretary of State for International Programs in the Bureau of Diplomatic Security, Charlene Lamb, who was responsible for the security at more than 275 diplomatic facilities, and former Regional Security Officer (RSO) for Libya Eric Nordstrom, who was the principal security adviser to the U.S. Ambassador in Libya from September 21, 2011 to July 26, 2012, told the Committee that they had full access to all threat information from the IC about eastern Libya during the months before the attack of September 11, 2012.[2] Yet the Department failed to take adequate action to protect its personnel there.

This classified intelligence reporting was complemented by open-source reporting on attacks and other incidents targeting western interests in Libya during the months prior to the September 11, 2012 attack. The RSO in Libya compiled a list of 234 security incidents in Libya between June 2011 and July 2012, 50 of which took place in Benghazi.[3] The document describes an array of incidents, including large-scale militia clashes, protests involving several hundred people, and the temporary detention of non-governmental organization (NGO) workers and of U.S. diplomatic personnel in Benghazi. Under Secretary for Management Patrick Kennedy noted in a

[2] Charlene Lamb and Eric Nordstrom, interviews with Committee staff, December 2012.
[3] U.S. Embassy Tripoli, Libya, Regional Security Office, "Security Incidents since June 2011."

briefing for the Committee, that Libya and Benghazi were "flashing red" around the time of the attack.[4]

The incident reporting shows that western facilities and personnel became an increasing focus of threats in the spring of 2012. For example, on April 2, 2012 in Benghazi, a British diplomatic vehicle was attacked by a mob of demonstrators. Four days later, on April 6th, a crude improvised explosive device (IED) was thrown over the wall of the U.S. facility in Benghazi, causing minimal damage. A spot report on the day of the event stated that shortly after the event two individuals were questioned. The suspects included one current and one former guard employed by Blue Mountain Group, the company which supplied the unarmed Libyan contract guards responsible for screening visitors to the U.S. compound– underscoring the potential risk of an insider threat in Benghazi.[5] Four days after that, on April 10th, also in Benghazi, a crude IED was thrown at the convoy of the United Nations Special Envoy to Libya.[6]

Other publicly reported incidents occurred during this time frame, but there are four that we believe are particularly noteworthy. Taken as a whole, they demonstrated the capability and intent of Benghazi-based Islamist extremist groups to conduct a significant attack against U.S. or other western interests in Libya:

- On May 22, 2012, the International Committee for the Red Cross/Red Crescent (ICRC) building in Benghazi was hit by two RPG rounds, causing damage to the building but no casualties. Several days later, the Brigades of the Imprisoned Sheikh Omar Abdel Rahman claimed responsibility for this attack, accusing the ICRC of proselytizing in Libya.[7]

- On June 6, 2012, the U.S. Temporary Mission Facility in Benghazi was targeted by an IED attack that blew a hole in the perimeter wall. Credit for this attack was also claimed by the Brigades of the Imprisoned Sheikh Omar Abdel Rahman, which said it carried out the attack in response to the reported drone strike on al Qaeda leader Abu Yahya al-Libi in Northern Waziristan.[8]

- On June 11, 2012, an attack was carried out in Benghazi on the convoy of the British Ambassador to Libya. Attackers fired an RPG on the convoy, followed by small arms fire. Two British bodyguards were injured in the attack. This attack was characterized afterwards in an incident report by the Department of State's Bureau of Diplomatic Security as a "complex, coordinated attack."[9]

[4] Committee Member briefing, November 14, 2012.
[5] REDACTED, e-mail message to DS-IP-NEA, April 6, 2012.
[6] U.S. Embassy Tripoli, Libya, Regional Security Office, "Security Incidents since June 2011."
[7] Ibid.
[8] Ibid.
[9] REDACTED, e-mail message to DS-IP-NEA; DSCC_E TIA/PII; DSCC_E TIA/ITA; DSCC_C DS Seniors, "Benghazi – SR – Attack on British Ambassador Motorcade – 06112012," June 11, 2012.

- On June 18, 2012, the Tunisian consulate in Benghazi was stormed by individuals affiliated with Ansar al-Sharia Libya (AAS), allegedly because of "attacks by Tunisian artists against Islam."[10]

Overall, the threat to western interests in eastern Libya and in Benghazi specifically was high even prior to the attack of September 11, 2012. Reviewing these incidents, an unclassified open source report by a contractor to AFRICOM noted in July 2012 that:

> "Nonetheless, Benghazi has seen a notable increase in violence in recent months, particularly against international targets. These events point to strong anti-Western sentiments among certain segments of the population, the willingness of Salafi-jihadi groups in the city to openly engage in violence against foreign targets, and their capacity to carry out these attacks."[11]

Taking classified reporting on the increasing dangers in eastern Libya together with the open source incidents should have provided a clear picture of the dangers for American personnel in Benghazi unless their security were greatly improved.

Finding 2. Notwithstanding the increasingly dangerous environment in eastern Libya in 2011 and 2012, the U.S. government did not have specific intelligence of an imminent attack on the U.S. mission in Benghazi. The lack of such actionable intelligence may reflect a failure in the IC to focus sufficiently on terrorist groups that have weak or no operational ties to core al Qaeda and its main affiliates.

While the IC had developed and adequately shared general threat information on terrorist groups and Islamist extremist militias in eastern Libya prior to the attack, it did not have specific warning that this attack was to take place on September 11, 2012. Intelligence capabilities that provide early, specific warnings have played a critical role in preventing terrorist attacks against U.S. facilities overseas and in the homeland in the last decade.[12] There were no such warnings available for Benghazi before the attack of September 11, 2012. Why?

First, there may not have been significant or elaborate advance planning for the attack. In a hearing before our Committee on September 19, 2012, National Counterterrorism Center (NCTC) Director Matthew Olsen described the attack as "opportunistic" and stated that the IC had no indication of "significant advanced planning or coordination for this attack."[13]

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[10] Hadeel Al-Shalchi, "Gunmen attack Tunisian consulate in Benghazi," *Reuters*, June 18, 2012. http://www.reuters.com/article/2012/06/18/us-libya-gunmen-tunisia-idUSBRE85H1V620120618; Michel Cousins, "Tunisian Consulate in Benghazi attacked," *Libya Herald*, June 18, 2012. http://www.libyaherald.com/2012/06/18/tunisian-consulate-in-benghazi-attacked/

[11] Navanti Group, *Security Conditions in Benghazi, Libya*, July 12, 2012.

[12] However, as discussed later in this report, reliance solely on early warning intelligence is insufficient for making security improvement decisions.

[13] *Homeland Threats and Agency Responses:* Hearing before the Homeland Security and Governmental Affairs Committee, United States Senate, 112th Cong., September 19, 2012. (Statement of Matthew Olsen, Director, NCTC).

However, the activities of local terrorist and Islamist extremist groups in Libya may have received insufficient attention from the IC prior to the attack, partially because some of the groups possessed ambiguous operational ties to core al Qaeda and its primary affiliates. For example, public statements by Libyan officials and many news reports have indicated that Ansar al-Sharia Libya (AAS) was one of the key groups involved in carrying out this attack on the U.S. facility in Benghazi. The group took credit on its own Facebook page for the attack before later deleting the post. U.S. officials viewed AAS prior to the attack as a "local extremist group with an eye on gaining political ground in Libya."[14]AAS has not been designated as a foreign terrorist organization by the U.S. government, and apparently the IC was "not focused" on this group to the same extent as core al Qaeda and its operational affiliates.[15]

This finding has broader implications for U.S. counterterrorism activities in the Middle East and North Africa. With Osama bin Laden dead and core al Qaeda weakened, a new collection of violent Islamist extremist organizations and cells have emerged in the last two to three years. These groups are not all operationally linked to core al Qaeda or in some cases have only weak ties to al Qaeda. This trend is particularly notable in countries such as Libya, Egypt, Tunisia, and Syria that are going through political transition or military conflict as a result of the political upheavals referred to as the "Arab Spring."[16]

While such groups do not always have strong operational ties to al Qaeda, they adhere to a similar violent Islamist extremist ideology. As an unclassified August 2012 report by the Library of Congress noted, AAS in Libya shares common symbols (the black flag) and ideology with al Qaeda.[17] This Committee has spent several years focusing on the role that this ideology plays in motivating homegrown violent Islamist extremists, most of whom have no direct ties to al Qaeda. A similar phenomenon, though potentially much more dangerous, is at work with respect to many of these nascent terrorist groups, and is leading many of them to shift their focus from local grievances to foreign attacks against U.S. and other western facilities overseas.

Recommendation: U.S. intelligence agencies must broaden and deepen their focus in Libya, and beyond, on nascent violent Islamist extremist groups in the region that lack strong operational ties to core al Qaeda or its main affiliate groups.[18] One benefit of doing so would be improved tactical warning capabilities, the kind of which were not present at Benghazi, but might have been even for an "opportunistic" attack.

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[14] Eli Lake, "Ansar al Sharia's Role in Benghazi Attacks still a Mystery," *The Daily Beast*, November 5, 2012, http://www.thedailybeast.com/articles/2012/11/05/ansar-al-sharia-s-role-in-benghazi-attacks-still-a-mystery.html

[15] Ibid.

[16] For a general discussion of this phenomenon: Robert F. Worth, "Al Qaeda-Inspired Groups, Minus Goal of Striking U.S.", *The New York Times*, October 27, 2012, http://www.nytimes.com/2012/10/28/world/middleeast/al-qaeda-inspired-groups-minus-goal-of-striking-us.html

[17] Federal Research Division, Library of Congress, *Al-Qaeda in Libya: A Profile*, August 2012. See, e.g., the discussion of two local Libyan Islamist-oriented militias—Ansar al-Sharia and al-A'hrar Libya—which are described as broadcasting "typical al-Qaeda–type propaganda on the Internet."(33), http://freebeacon.com/wp-content/uploads/2012/10/LOC-AQ-Libya.pdf

[18] As discussed further, infra, the State Department and the IC must also think beyond "warning" intelligence of specific attacks when making security decisions. This is one of the key lessons of the Accountability Review Board (ARB) Reports on the 1998 terrorist attacks on the U.S. embassies in Kenya and Tanzania.

Finding 3. The absence of specific intelligence about an imminent attack should not have prevented the Department of State from taking more effective steps to protect its personnel and facilities in Benghazi.

This finding reflects earlier conclusions of the 1985 Advisory Panel on Overseas Security ("Inman Report") and the 1999 Accountability Review Board report on the attacks on the U.S. embassies in Kenya and Tanzania, which both warned the Department of State against becoming too reliant on tactical intelligence to determine the level of potential terrorist threats. The Inman report points out that "it would be foolhardy to make security decisions on the basis of an expectation of advance warning of peril."[19]

Deputy Assistant Secretary Charlene Lamb stated that the level and kind of attack at Benghazi was something they had never seen before anywhere in the world.[20] However, given clear warnings that threats were increasing in the Benghazi area, the Department of State should not have waited for a specific incident to happen or expected the delivery of tactical intelligence of a specific, imminent threat before taking additional steps to protect its diplomats or, if that was not possible, to close the Benghazi facility.

Recommendation: In providing security for its personnel around the world, the Department of State must fully consider the types of attacks that could take place given the strategic threat environment, even in the absence of imminent warning intelligence.

Finding 4. Prior to the terrorist attacks in Libya on September 11, 2012, it was widely understood that the Libyan government was incapable of performing its duty to protect U.S. diplomatic facilities and personnel, as required by longstanding international agreements, but the Department of State failed to take adequate steps to fill the resulting security gap, or to invest in upgrading the Libyan security forces.

A host country's responsibility to protect and safeguard a foreign nation's diplomatic personnel and facilities in its country has been codified in several international treaties,[21] including the 1963 Vienna Convention on Consular Relations, which states that "[t]he receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity."[22] The Treaty also states that "[t]he receiving State shall treat consular officers with due

[19] *Inman Report, Report of the Secretary of State's Advisory Panel on Overseas Security*, (June 1985). http://www.fas.org/irp/threat/inman/.
[20] Charlene Lamb, interview with Committee staff, December 6, 2012.
[21] *See Finzer v. Barry*, 798 F.2d 1450, 1455 (D.C. Cir. 1986) (Bork, J.), (*citing* 2 C. Hyde, International Law 1249 (1945)) ("The principle that host states have a special responsibility to ensure that foreign embassies and the personnel inside them are free from threats of violence and intimidation is 'solidly entrenched in the Law of Nations.'").
[22] Vienna Convention on Consular Relations, (Adopted April 24, 1963, entered into force, March 19, 1967) Art. 31; see also The 1961 Vienna Convention on Diplomatic Relations, Art. 22 (Adopted April 18, 1961, entered into force, April 29, 1964).

respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity."[23]

A host country's protection of an American embassy or other diplomatic facilities is one of the most important elements of security at that facility, but it is not the only one. A facility's own security, such as its U.S. Marine Corps Security Guards, DS agents, and in some cases, private security guards under contract, is also critical to its overall security posture. States whose governments do not exercise full control over their sovereign territory, or that have a limited security capability, cannot be counted on to safeguard U.S. diplomatic personnel and facilities. This is usually true, of course, in the aftermath of a revolution or civil war – as was the case in Libya – where the provision of protective services by the host nations is unpredictable at best. In those instances, the Department of State must improve one or more of the other three protectors of mission security within its control: Marine Corps Security Guards, Dipolmatic Security agents, or private security contractors.

In February 2011, the revolution began to end Colonel Muammar al-Qadhafi's autocratic rule of Libya. Between February and October of 2011, Libya was consumed with intense fighting between anti-government groups and Qadhafi's regime. On October 20, 2011, opposition forces conquered the last Qadhafi stronghold in Sirte and killed Qadhafi. Qadhafi's death ended the revolt but left open the question of who would govern Libya and how.

Just days after Qadhafi's death, Libyans turned to the interim Transitional National Council (TNC), established in the spring of 2011, to improve security and begin the process of reconstituting national institutions.[24] However, the TNC faced numerous challenges and "struggled to calm the incendiary regional and factional disputes or exert control even over its own militias."[25] Since no cohesive opposition group emerged from the civil war, the TNC had to contend with various armed factions that "remained a law unto themselves."[26]

On July 7, 2012, Libyan voters participated in the first national election since 1965 and elected 200 members to the General National Congress.[27] The election of the General National Congress represented a significant political achievement, but the formation of a new government was still under negotiation when the attacks in Benghazi occurred three months later in September. Civil order had not yet been restored. According to one expert review, "[a]ttacks on international targets, a series of aggressive attacks by armed Salafists on religious buildings around the country, and an assassination campaign against senior security officers have fueled widespread criticism of interim leaders since early 2012."[28]

Given the unstable political and security situation, particularly in eastern Libya, the Libyan government was unable to provide security protection to foreign diplomatic facilities in a manner

[23] Vienna Convention on Consular Relations, (Adopted April 24, 1963, entered into force, March 19, 1967) Art. 40.
[24] Christopher M. Blanchard, Congressional Research Service, *Libya: Transition and U.S. Policy*, October 18, 2012 (16).
[25] Adam Nossiter and Kareem Fahim, "Revolution Won, Top Libyan Official Promises Elections and a More Pious State," *New York Times*, October 24, 2011, A10.
[26] Ibid.
[27] Blanchard (17).
[28] Blanchard (6).

consistent with international law. That is why the Department of State relied in part on a local militia, the February 17 Brigade, to provide protection for the Benghazi facility, as well as unarmed Libyan guards under contract with a private security firm. Throughout 2012, Department of State officials questioned the February 17 Brigade's competence and expressed concerns about its abilities.[29] U.S. Department of State personnel were also concerned about the involvement of members of the February 17 Brigade in the extrajudicial detention of U.S. diplomatic personnel in at least one incident in Benghazi.[30] Eric Nordstrom, told the Committee that while the February 17 Brigade did provide some protection and would likely respond to an attack, they clearly needed additional training.[31] Only limited training ever occurred.

Some U.S. personnel also questioned the Brigade's loyalty to the Libyan government and their capacity or desire to safeguard American interests.[32] In June 2012, an RSO in Benghazi wrote, "Unfortunately, given the current threat to the diplomatic mission, the militia members not currently on the [four-man team stationed at the facility] have expressed concern with showing active open support for the Americans in Benghazi."[33] Notably, the contract between the State Department and the February 17 Brigade had expired by the time of the attack. In a handoff email to his replacement on August 29, 2012, the principal U.S. diplomatic officer in Benghazi wrote that the contract with the militia "lapsed several weeks ago" but that they were still operating under its terms. He said that "[t]his is a delicate issue, as we are relying on a militia in lieu of the central authorities and [Feb 17 Brigade] has been implicated in several of the recent detentions. We also have the usual concerns re their ultimate loyalties. But they are competent, and give us an added measure of security. For the time being, I don't think we have a viable alternative."[34] In early September, a member of the February 17 Brigade told another RSO in Benghazi that it could no longer support U.S. personnel movements. The RSO also asked specifically if the militia could provide additional support for the Ambassador's pending visit and was told no.[35]

The ability of the Libyan government to provide surge forces to rescue or evacuate personnel from the Benghazi facility was also extremely limited. The Department of State recognized this limitation.[36] As early as February 1, 2012, RSO Nordstrom stated in a memo to his superiors that the political situation in post-revolution Libya "was fragile" and that "[m]any basic state institutions, including emergency services and tourist facilities are not yet fully operational."[37]

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[29] See, for example, REDACTED, e-mail message to REDACTED, January 4, 2012; or REDACTED, e-mail message to REDACTED, April 1, 2012.
[30] "Security Incidents since June 2011," U.S. Embassy Tripoli, Libya, Regional Security Office and REDACTED, email to DS-IP-NEA, "Benghazi RSO Spot Report," March 15, 2012.
[31] Eric Nordstrom, interview with Committee staff, December 7, 2012. The State Department did provide some training to members of the Brigade.
[32] See, for example, REDACTED, e-mail message to REDACTED, January 4, 2012; or REDACTED, e-mail message to REDACTED, April 1, 2012. See also, REDACTED, email to REDACTED, June 17, 2012.
[33] REDACTED, e-mail message to REDACTED, June 17, 2012.
[34] REDACTED, e-mail message to REDACTED, "Benghazi Hand-off Notes," August 29, 2012.
[35] REDACTED, e-mail message to Charlene Lamb, "Ambassador's protective detail in Benghazi," September 20, 2012.
[36] *The Security Failures of Benghazi*: Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012. (Eric Allan Nordstrom, Regional Security Officer, Tripoli, Libya from 9/21/11 – 7/26/12).
[37] RSO Eric Nordstrom, Memorandum to DS/DSS/TIA/OSAC, "OSAC Crime and Safety Report," February 1, 2012.

Nordstrom noted that "various factions and militias continue to vie for power in the absence of a stable political and security environment, often resulting in violence."[38]

This view of the Libyan government's inadequate security capabilities persisted through the attack on September 11, 2012. Communications from U.S. personnel in Libya continued to repeat the same conclusions stated by Nordstrom earlier in February. For instance, an early August cable from the Tripoli Embassy to the Department of State in Washington, states that even though the TNC had established a Supreme Security Council (SSC) to stabilize the security situation in Benghazi, its own commander had said that the SSC had "not coalesced into an effective, stable security force."[39] Further, the cable warned that the "absence of a significant deterrence, has contributed to a security vacuum that is being exploited by independent actors."[40] Similarly, an August 20, 2012 security update reported that other diplomats believed the SSC was "'fading away,' unwilling to take on 'anyone with powerful patrons from powerful tribes.'"[41] That same month, DS personnel reviewing tripwires for an ordered departure[42] of the post – that is, political, security, and intelligence benchmarks which would prompt diplomatic officials to close a facility or modify its operations – stated that "[m]ission opinion is that Libyan security forces are indifferent to the safety needs of the U.S. mission."[43] On September 11, 2012, the day of the attack, the "Weekly Report" prepared by Department of State officers on the security situation in Benghazi described the frustrations of an SSC commander that the police and security forces were "too weak to keep the country secure."[44]

Prior to Ambassador Stevens' visit to Benghazi in September 2012, the U.S. mission in Benghazi had made a request to the Libyan Ministry of Foreign Affairs for additional security in Benghazi to support the visit. At a minimum, these requests included appeals for a 24/7 police presence consisting of a vehicle and personnel at each of the compound's three gates.[45] The only Libyan government response appears to have been an SSC police vehicle parked in front of the front gate (which, as the ARB noted, sped away as the attack began).

Though a few members of the February 17 Brigade and the Libya Shield militia assisted the Americans on the night of the attack, the security that these militias and the local police provided to U.S. personnel was woefully inadequate to the dangerous security environment in Benghazi.

The unarmed local contract guards also provided no meaningful resistance to the attackers. The Department of State's Inspector General had previously found that concerns about local security guards were not limited to Libya. A February 2012 Department of State Inspector General (IG) report found that more than two-thirds of 86 diplomatic posts around the world surveyed

[38] Ibid.
[39] REDACTED, e-mail message to REDACTED, "The Guns of August: security in eastern Libya," August 8, 2012.
[40] Ibid.
[41] REDACTED, e-mail message to REDACTED, "Benghazi Weekly Report, Special Eid al-Fitr Edition," August 20, 2012.
[42] Under an ordered departure, all U.S. diplomatic personnel and their families are instructed by the Chief of Mission to leave the post.
[43] *Benghazi Assessment of Tripwires Breached as of August 13, 2012.*
[44] REDACTED, e-mail message to REDACTED, "Benghazi Weekly Report," September 11, 2012, (1).
[45] REDACTED, e-mail message to Charlene Lamb, "Ambassador's protective detail in Benghazi," September 20, 2012.

reported problems with their local guard contractors. Of those posts that reported problems with their contractors, 37 percent said there was an insufficient number of local guards and 40 percent said there was insufficient training.[46] The IG found that overseas diplomatic posts, particularly those in high-threat situations beyond Iraq, Afghanistan, and Pakistan urgently needed best-value contracting, which takes into account the past performance of contractors.[47]

Recommendation: When it becomes clear that a host nation cannot adequately perform its functions under the Vienna Convention, the Department of State must provide additional security measures of its own, urgently attempt to upgrade the host nation security forces, or decide to close a U.S. Diplomatic facility and remove U.S. personnel until appropriate steps can be taken to provide adequate security. American personnel who serve us abroad must often work in high risk environments, but when they do, we must provide them with adequate security. That clearly was not the case in Benghazi on September 11, 2012.

Recommendation: The Department must conduct a review of its local guard programs and particularly the use of local guard contractors at high-risk posts who do not meet appropriate standards necessary for the protection of our personnel or facilities.

Finding 5. The Benghazi facility's temporary status had a detrimental effect on security decisions, and that fact was clearly known by DS personnel in Benghazi and to their superiors who nevertheless left the American personnel in Benghazi in this very dangerous situation. The Department of State did not take adequate measures to mitigate the facility's significant vulnerabilities in this high-threat environment.

The Department of State opened the temporary mission in Benghazi in 2011 after the revolution against the Qadhafi government began because eastern Libya was the headquartes of the opposition to Qadhafi, and the embassy in Tripoli had been closed due to security concerns. The temporary mission was first located in a hotel and then moved, based on security concerns, to the compound referred to as the Temporary Mission Facility.[48] After the U.S. Embassy was reopened in Tripoli when Qadhafi was overthrown, the Department of State initially planned to close the Benghazi facility in late 2011.[49] However, in December 2011, the Department decided to extend its presence in Benghazi until December 2012. In the memo approving this decision, the Department stated that the facility would be a "smaller operation" but noted its importance to eastern Libyans and the assistance it could provide to the embassy in Tripoli.[50]

The temporary status of the Benghazi facility contributed to its vulnerability. For example, DS agents stationed in Benghazi were always on temporary duty assignments, remaining there for relatively short periods, often no longer than a month. As Nordstrom noted, having temporary

[46] State Department, Office of Inspector General, *Review of Best-Value Contracting for the Department of State Local Guard Program and the Utility of Expanding the Policy Beyond High-Threat Posts in Iraq, Afghanistan, and Pakistan*, February, 2012 (9).
[47] Ibid. (5).
[48] Alex Tiersky and Susan Epstein, Congressional Research Service, *Securing U.S. Diplomatic Facilities and Personnel Abroad: Background and Policy Issues*, November 26, 2012, (3).
[49] REDACTED, e-mail message to DS-IP-NEA and REDACTED, September 13, 2012.
[50] NEA–Jeffrey Feltman, Action Memo to Under Secretary Kennedy, December 27, 2011, (2).

duty agents made "developing security procedures, policies, and relationships more difficult."[51] The temporary status also made it difficult to procure funds for security upgrades. A briefing paper prepared for a meeting of Assistant Secretary of State for Diplomatic Security Eric Boswell and then-Ambassador to Libya Gene Cretz noted, "Due to the ambiguity surrounding the duration of the U.S. Mission in Benghazi, RSO Benghazi has encountered funding issues for projects that are commonplace at most U.S. missions."[52] The Committee received conflicting evidence with regard to whether the temporary Benghazi facility was on the Security Environment Threat List— a semiannual document that aids DS management in the allocation of overseas security resources and programs.[53] In any event, it is hard to imagine there were more than a few Department of State missions anywhere in the world that were in a more dangerous environment than Benghazi.

In the December 2011 memo approving the Temporary Mission Facility in Benghazi, the Department of State noted the need for corrective security measures for the facility. According to RSO Nordstrom, the Department of State never consulted with him about the security requirements of the facility before the December 2011 action memo was sent to Under Secretary Kennedy for approval.[54] The memo approved by Kennedy indicated that the Department of State would " rapidly implement a series of corrective security measures as part of the consolidation of the State footprint."[55] However, the memo lacked details as to the security standards to be followed and the resources required to implement the security measures. The absence of dedicated resources contributed to the constraints under which those in Washington and Benghazi would operate throughout 2012.

During 2012, however, the Department did make a variety of field expedient security enhancements, including:

- The installation of concrete jersey barriers;
- The installation of four vehicle barriers for access control and anti-ram protection;
- Increased compound lighting;
- The installation of barbed wire on top of the existing perimeter wall to raise height and on top of the interior chain link fence to create secondary barrier;
- The installation of platforms for property and street surveillance;
- The construction of four guard booths;
- The installation of steel grillwork on windows;
- The installation of emergency releases on select windows grills for fire/emergency exit;
- The replacement of several wooden doors with steel doors with appropriate locking hardware;
- Sandbag emplacements for internal defense purposes; and

[51] *The Security Failures of Benghazi*: Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012. (Eric Allan Nordstrom, Regional Security Officer, Tripoli, Libya from 9/21/11 – 7/26/12).
[52] Diplomatic Security Issues Only Briefing paper for March 6, 2012 meeting of Assistant Secretary Boswell and Ambassador Cretz.
[53] Eric Nordstrom, interview with Committee staff, December 7, 2012.
[54] Ibid.
[55] NEA-Jeffrey Feltman, Action Memo to Under Secretary Kennedy, December 27, 2011, (2).

- Hardening villas with safe rooms with a steel door. [56]

But these physical security upgrades were insufficient to deter or repel the dozens of armed attackers that swarmed the compound, unimpeded, on September 11, 2012. As discussed in more detail below, the facility lacked the type of pedestrian barriers that could have slowed the attackers, even though the Department of State Inspector General and an earlier Accountability Review Board had each recommended the installation of such barriers at diplomatic posts in high-risk places like Benghazi.

Because the Benghazi facility was temporary, no security standards applied to it.[57] While existing security standards require meaningful physical barriers to slow pedestrian access for permanent U.S. diplomatic facilities, there were few meaningful physical barriers at the Benghazi facility that would slow pedestrian access other than the closed gate. Once the gate was opened, there were no other physical impediments at that access point to keep anyone out of the facility's grounds or slow their assault.

Having additional physical barriers to reinforce the gate might have delayed the breach of the compound, giving those inside more time to prepare for the attack. For example, some permanent diplomatic facilities have a compound access control (CAC) point, a "mantrap," or both. Both of these types of barriers act as gates or enclosures that are used to limit the movement of pedestrians entering a diplomatic facility. While a CAC is primarily installed in conjunction with a pedestrian entrance, a mantrap is typically installed in conjunction with a vehicle gate or barrier. According to Deputy Assistant Secretary Charlene Lamb, a CAC was not in place at Benghazi due to time and money constraints. She estimated a CAC there would have cost hundreds of thousands of dollars. [58] No mantrap was in place either, though the reason for that is less clear. Unfortunately, we will never know if the additional investment in either a CAC or mantrap would have provided the time needed to save the lives of Ambassador Chris Stevens and Foreign Service Officer Sean Smith because of the fires set by the terrorists.

The absence of mantraps has been identified as a security vulnerability at least twice in the last ten years by the Department of State. According to a 2009 Department of State Inspector General Report, the 2004 Accountability Review Board regarding the attack on the U.S. consulate in Jeddah, Saudi Arabia recommended the installation of pedestrian barriers at U.S. diplomatic facilities overseas.[59] During that attack, terrorists exited their vehicle and quickly breached the perimeter after being stopped by the entrance's anti-vehicle barrier. The attackers killed six and wounded several others.[60]

Five years later, the Department of State Inspector General found that the absence of approved security standards or recent directives from the Bureau of Diplomatic Security regarding the installation of mantraps resulted in a fewer number of mantraps at overseas posts than required

[56] REDACTED, e-mail message to DS-IP-NEA and REDACTED, September 13, 2012.
[57] Charlene Lamb and Eric Nordstrom, interviews with Committee staff, December 2012.
[58] Charlene Lamb, interview with Committee staff, December 6, 2012.
[59] Department of State, Inspector General, *Review of the Department's Implementation of Mantraps,* Report Number ISP-I-09-29, February 2009, (2-3).
[60] Attack on U.S. Consulate General in Jeddah, James C. Oberwetter, U.S. Ambassador to Saudi Arabia, On-the-Record Briefing, Jeddah, Saudi Arabia, December 7, 2004 http://2001-2009.state.gov/p/nea/rls/rm/39516.htm

worldwide. At the time, 25 percent of critical threat posts that responded to the IG's survey did not have or request a mantrap and 39 percent of posts rated as a high threat post that responded to the survey also had no mantraps, plans for a mantrap, or were unable to accommodate mantraps. The numbers were worse for low and medium threat posts. According to the Department of State IG report, the average cost of installing mantraps at a U.S. diplomatic post (including related infrastructure) is approximately $55,000.[61]

In determining the amount of additional security to provide to the Benghazi facility, the Department of State did not conduct a joint analysis or confer with other agencies, such as DOD or members of the IC. For U.S. diplomatic facilities at greatest risk, such as Benghazi, more interagency analysis of security needs must be done to identify gaps in security and take the steps to address them. Since the attack in Benghazi, the Department of State and the Department of Defense have jointly begun this important work, focusing initially on the highest threat facilities around the globe,[62] but that should have happened before the attack.

Resourcing for security is a joint responsibility of the Executive Branch and the Legislative Branch. The Department of State's decisions regarding security at the Benghazi facility were made in the context of its budget and security requirements for diplomatic facilities around the world. Overall, the Department of State's base requests for security funding have increased by 38 percent since Fiscal Year (FY) 2007, and base budget appropriations have increased by 27 percent in the same time period. Other security funding provided beyond that in supplemental appropriations bills has been nearly entirely for diplomatic facilities in just three countries—Iraq, Afghanistan, and Pakistan.[63] Less has gone elsewhere and very little is available to the temporary facilities such as the one in Benghazi.

Importantly, funding requests for baseline diplomatic security programs[64] have not been fully funded in any year since FY 2010. These accounts fund local guards, security technology, DS agents, and maintenance, construction and security upgrades for facilities. The Administration requested almost $2.4 billion for the Worldwide Security Protection (WSP) and Embassy Security, Construction and Maintenance (ESCM) accounts in fiscal year 2011 (the Department of State's two largest diplomatic security accounts), but the House of Representatives recommended a funding level that was $127.5 million less than the President's Budget request. The Senate restored $38 million of the funding in the final enacted appropriations bill for that year. In fiscal year 2012, the gap was larger: Congress enacted appropriations for diplomatic security that were $275 million less than was requested.[65]

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[61] Department of State, Inspector General, *Review of the Department's Implementation of Mantraps*, Report Number ISP-I-09-29, February 2009, (3).

[62] Committee member briefing, November 14, 2012.

[63] Congressional Research Service (CRS), e-mail message to Committee staff, December 20, 2012. For example, CRS noted all Overseas Contingency Operations enacted and requested for the Worldwide Security Protection account in Fiscal Years 2012 and 2013 were for facilities in Afghanistan and Pakistan. Additionally, there was approximately $1.5 billion funding for Iraq embassy "security and overhead cover" in FY 2012.

[64] According to CRS, these include State Department accounts for Worldwide Security Protection (WSP); Embassy Security, Construction and Maintenance (ESCM); Diplomatic Security, Counterterrorism within the Diplomatic and Consular Programs; and Diplomatic Security within the Border Security Program.

[65] Department of State, *Congressional Budget Justification Volume 1: Department of State Operations Fiscal Year 2013* (February 13, 2012), and the Consolidated Appropriations Act, 2012, P.L. 112-74.

At the same time, Congress has generally been responsive in providing supplemental and Overseas Contingency Operations (OCO) funds to the Department of State – more than $1.7 billion since 2007 – in response to emergent, security-driven funding requests, although primarily for facilities in Iraq, Afghanistan and Pakistan. However, there was no supplemental or OCO request made by the President for additional diplomatic security enhancements in FY2010 or FY2011.[66] Neither the Department of State nor Congress made a point of providing additional funds in a supplemental request for Libya, or more specifically, Benghazi.

Congress' inability to appropriate funds in a timely manner has also had consequences for the implementation of security upgrades. RSO Nordstrom stated that Continuing Resolutions had two detrimental effects on efforts to improve security in Benghazi. First, the Department of State would only allow funds to be expended at a rate of 80 percent of the previous year's appropriations level, so as not to risk a violation of the Anti-Deficiency Act. Second, in the absence of a supplemental appropriations or reprogramming request, security funds for Benghazi had to be taken "out of hide" from funding levels for Libya because Benghazi was not included in previous budget requests.[67]

Recommendation: The Department of State should establish a mandatory process to determine what security standards are applicable to temporary facilities to ensure that they are adequately protected.

Recommendation: In the future, more interagency joint assessments or analyses of security needs must be done for U.S. diplomatic facilities at greatest risk. A joint assessment could not only improve our government's ability to identify security gaps, it would make all agencies more aware of assets available to meet security challenges and those available to respond to a crisis.

Recommendation: The Administration and Congress must work together to provide sufficient, steady, and timely funding resources to secure diplomatic facilities and personnel worldwide.

Finding 6. The Department of State did not adequately support security requests from its own security personnel in Benghazi.

Throughout 2012, the number of DS agents temporarily deployed to Benghazi fluctuated, decreasing to as low as *one* agent for a six week period in March and April 2012 due to visa problems.[68] At the time of the attack, there were three DS agents who were stationed in Benghazi and two more who accompanied the Ambassador there from Tripoli. RSO Nordstrom said that security personnel in Tripoli were sometimes used to augment Benghazi security when necessary.[69]

[66] Alex Tiersky and Susan Epstein, Congressional Research Service, *Securing U.S. Diplomatic Facilities and Personnel Abroad: Background and Policy Issues*, November 26, 2012, (15).
[67] Eric Nordstrom, interview with Committee staff, December 7, 2012.
[68] REDACTED, e-mail message to REDACTED, October 1, 2012.
[69] Eric Nordstrom, interview with Committee staff, December 7, 2012.

As conditions changed in late spring and early summer, officers in Tripoli and in Washington had good situational awareness of the growing threats in Libya and especially in Benghazi. However, the Department of State did not provide enough security to address the increased threats and did not adequately support field requests for additional security. For example, in March 2012 the Tripoli Embassy had requested five full-time security positions for Benghazi. However, a day after sending this request, Nordstrom was told that Washington had capped the number of agents in Benghazi at three, even though the request for five agents was consistent with the December 2011 action memo approved by Under Secretary Kennedy to extend the duration of the Benghazi facility.[70] In addressing the March request for five DS agents, Deputy Assistant Secretary Lamb questioned RSO Nordstrom about the fact that two of those five requested positions would be used for non-personnel security related duties—one for driving and one to secure a computer.[71] Deputy Assistant Secretary Lamb asked that local employees be hired for these positions since they were arguably not related to security.[72] Later, two local nationals were hired to fulfill these duties. In July Embassy officials in Tripoli requested a *minimum* of three DS agents for Benghazi.

Nordstrom also testified that he would have preferred to extend a DOD support team, which DOD provided to the Department of State on a non-reimbursable basis, that was scheduled to depart in August 2012. The 16-person Site Security Team (SST) was stationed in Tripoli, but on occasion some of its members also helped with security in Benghazi. The team's deployment had previously been extended twice. Nordstrom said he though that requesting an extension would have "too much political cost," and he was not told to do so.[73] In July 2012, Nordstrom had sent a request, via cable approved by Ambassador Stevens, for a minimum of 13 temporary U.S. security personnel—which he said could be either DS employees or SST personnel, or a combination of both—to support needs in Tripoli.[74] Nordstrom said he never received a response to that request.[75] Though the Department of State never formally asked DOD to extend the SST team, at the time of the attack several members of the SST were still in Tripoli for other purposes, and two participated in the rescue effort the night of the attack.

In the Department's late 2011 plan describing a transition to "locally staffed operations," one of the reasons given for that transition was that "DS does not have sufficient resources to sustain the current level of the security assets in Libya."[76] Lamb commented on this issue in her interview with the Committee, stating that it was hard to sustain large numbers of DS agents on short-term tours because there is not a floating pool of agents so that to fill a gap in Libya she needed to create a gap elsewhere.[77]

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[70] Eric Nordstrom, e-mail message to REDACTED, March 29, 2012.
[71] Charlene Lamb, interview with Committee staff, December 6, 2012.
[72] Ibid.
[73] *The Security Failures of Benghazi*: Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012. (Eric Allan Nordstrom, Regional Security Officer from September 21 – July 26, 2012).
[74] 12 Tripoli 690, July 9, 2012.
[75] *The Security Failures of Benghazi*: Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012. (Eric Allan Nordstrom, Regional Security Officer from September 21 – July 26, 2012).
[76] DS/IP/OPO/FPD, Proposal for Security Support to RSO Tripoli.
[77] Charlene Lamb, interview with Committee staff, December 6, 2012.

Finding 7. Despite the inability of the Libyan government to fulfill its duties to secure the facility, the increasingly dangerous threat assessments, and a particularly vulnerable facility, the Department of State officials did not conclude the facility in Benghazi should be closed or temporarily shut down. That was a grevious mistake.

The Department of State kept the Benghazi facility open despite the inability of the Libyan government to fulfill its duties to secure the facility and the increasingly dangerous threat environment that American intelligence described. Though diplomatic security officials in Libya repeatedly considered and discussed the adequacy of security at the Benghazi facility, we found no evidence that any official ever recommended closing the facility even though the facility's vulnerability remained high, particularly in relation to the limited number and quality of the security personnel on site including the militia, the contracted guards, and DS agents on short-term assignments.

In the months leading up to the September 11, 2012 attack, U.S. personnel sitting on the Benghazi Emergency Action Committee (EAC)—the interagency entity responsible for assessing the security of the facility—met several times to discuss the growing threats in eastern Libya, and whether additional actions to protect U.S. personnel ought to be taken. As late as August 15, 2012, an EAC was convened and resolved to update the "tripwires" for the facility. The updates were to include a new category, "suspension of operations," under which diplomatic personnel remain present at a post but limit activity off U.S. grounds. Notes from that meeting show that joint security exercises were carried out with Annex security personnel that same month, and that conditional manpower requests and the revised set of tripwires were sent to the Embassy in Tripoli for review. A Department of State document shared between officials in Tripoli show various "tripwires" in Benghazi were, in fact, set off weeks before September 11, 2012.[78] Following a bomb attack on a Libyan Army colonel in August, the principal U.S. diplomatic officer in Benghazi wrote that "[g]iven our small size, there is really no distinction between authorized and ordered departure from Benghazi: if we lose one more person, we will be ineffective… we are already at a skeleton crew."[79]

Still, no additional security was provided to the facility in Benghazi and there was no ordered evacuation. RSO Nordstrom said the inability of the host nation to provide security is a significant tripwire. Yet neither he nor, to his knowledge anyone else at the Department of State, recommended the Benghazi post be closed.[80]

Despite the Department of State's initial determination that the facility in Benghazi would be a temporary one, as time progressed, some Department of State officials believed U.S. diplomats needed to remain there longer than they initially expected. Just weeks before his death and even

[78] REDACTED, e-mail message to REDACTED, August 30, 2012. Subject: "Latest tripwires for Tripoli and Benghazi," which included an attached document entitled "Benghazi assessment of tripwires breached as of 8/31/2012"
[79] REDACTED, e-mail message to REDACTED, August 6, 2012, "Security Incident Involving Embassy Vehicle Driven by DOD Personnel."
[80] Eric Nordstrom, interview with Committee staff, December 7, 2012.

after there had been attacks against the facility and other western targets in Benghazi, Ambassador Stevens continued to make the case that the Department of State needed a long term presence in Benghazi.[81]

A number of other western governments also continued to maintain a presence in Benghazi throughout the summer and fall of 2012. Under Secretary Kennedy noted that diplomats for Italy, France, Turkey and the United Nations remained in Benghazi during that time period. [82]

One option American officials did consider was co-locating the American government facilities in Benghazi. By December 27, 2011, officials had "come to the conclusion that co-location is the best and most economical option for" a continued presence in Benghazi. They also recognized that there were administrative hurdles to this—such as finding a suitable location large enough for the presence of all personnel.[83] The ARB report on the 1998 Nairobi and Dar es Salaam attacks recommended that, "When building new chanceries abroad, all U.S. government agencies, with rare exceptions, should be located in the same compound."[84] The Department of State should also examine whether similar standards should be adopted for the co-location of temporary facilities.

Finding 8. The Department of Defense and the Department of State had not jointly assessed the availability of U.S. assets to support the Temporary Mission Facility in Benghazi in the event of a crisis and although DOD attempted to quickly mobilize its resources, it did not have assets or personnel close enough to reach Benghazi in a timely fashion.

The Department of Defense (DOD) has a longstanding cooperative relationship with the Department of State, providing support for evacuation and security of diplomatic facilities.[85] For Libya, responsibility for DOD support for diplomatic missions primarily rested with AFRICOM and its Combatant Commander, General Carter F. Ham, headquartered in Stuttgart, Germany. AFRICOM is one of DOD's six geographic combatant commands and is responsible for all DOD operations, exercises, and security cooperation on the African continent (with the exception of Egypt), its island nations, and surrounding waters. The command is also responsible to the Secretary of Defense for military relations with 54 African nations, the African Union, and African regional security organizations. It was established in February 2007 and became a stand-alone command in October 2008. The reason for establishing AFRICOM grew out of concerns about DOD's division of responsibility for Africa among three geographic commands—European Command (EUCOM), Central Command (CENTCOM), and Pacific Command (PACOM)—and worries that security in Africa was receiving less attention than it required based on the increasing presence of Islamist extremists and terrorists there.

[81] "Benghazi.docx," document attached to email of August 31, 2012.
[82] Committee member briefing, November 29, 2012.
[83] NEA –Jeffrey Feltman, Action Memo to Under Secretary Kennedy, December 27, 2011. Re: "Future of Operations in Benghazi, Libya"
[84] Accountability Review Board, *Bombings of the US Embassies in Nairobi, Kenya and Dar es Salaam, Tanzania on August 7, 1998*, (January 8, 1999). NB: The facility in Benghazi was a lease and not new construction.
[85] Committee member briefing, November 14, 2012.

Since its creation, AFRICOM has been involved in a number of operations in Africa, with a focus on training African forces and engaging in counterterrorism activities in the Horn of Africa. Unlike many of the other geographical combatant commands, AFRICOM was developed to maintain a light footprint.[86] It maintains a single base on the entire continent, in Djibouti,. In the spring of 2011, AFRICOM directed U.S. support to the NATO military operations in Libya, and in October 2011, it established a joint task force to command and control post-conflict U.S. operations related to Libya. Since DOD assumes responsibility for evacuation of diplomatic personnel, U.S. citizens, and designated host nation and third country nationals in crises, AFRICOM was responsible for working with Department of State officials in Libya to develop and coordinate Noncombatant Evacuation Operations (NEO) plans for the diplomatic facilities within the region.[87] But the Department of State did not know how long it would take DOD to evacuate personnel at the Benghazi facility in the case of a crisis, naturally making it more difficult for the Department of State to ensure it had adequate security at the facility.

In addition, General Ham did not have complete visibility of the extent and number of government personnel in Benghazi in the event that a NEO was required. [88] If sufficient time had been available for such an evacuation, we are concerned that this limitation could have impeded AFRICOM's ability to respond and fulfill its mission responsibility.

AFRICOM's lack of operational assets near Benghazi hindered its capacity to evacuate U.S. personnel during the attacks. The Djibouti base was several thousand miles away. There was no Marine expeditionary unit, carrier group or a smaller group of U.S. ships closely located in the Mediterranean Sea that could have provided aerial or ground support or helped evacuate personnel from Benghazi. AFRICOM also lacked a dedicated Commander's In-extremis Force (CIF)—a specially trained force capable of performing no-notice missions. As a result, General Ham was forced to call on the European Command's CIF whose location in Eastern Europe prevented it from getting to Benghazi before the four Americans were killed and all other U.S. personnel were evacuated. We note that AFRICOM later received an independent CIF in October, 2012.[89] DOD and AFRICOM tried to provide effective support on September 11th, but given the nature of the attack in Benghazi and the distance of their assets from Benghazi, they were tragically unable to do so.

Recommendation: DOD and the Department of State must jointly perform comprehensive crisis defense and evacuation planning for personnel at U.S. diplomatic facilities worldwide, particularly in high risk environments to determine whether DOD can provide timely support and evacuation capabilities, and assist the Department of State in deciding whether to keep facilities open.

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[86] *Fiscal Year 2013 National Defense Authorization Budget Request from U.S. European Command and U.S. Africa Command:* Armed Services Committee, United States House of Representatives, 112th Congress, February 29, 2012. (General Carter Ham, Commander, United States Africa Command). http://www.africom.mil/getArticle.asp?art=4133

[87] Joint Chiefs of Staff, *Noncombatant Evacuation Operations*, Report 3-68, December 23, 2010, I-1. http://www.dtic.mil/doctrine/new_pubs/jp3_68.pdf.

[88] General Carter Ham, Combatant Commander for Africa Command, briefing Chairman and Ranking Member, December 6, 2012.

[89] General Carter Ham, *Counterterrorism in Africa*, Homeland Security Policy Institute event, December 3, 2012. According to General Ham, DOD had been developing this force since 2011.

Recommendation: Because Africa has increasingly become a haven for terrorist groups in places like Libya and Mali, DOD should provide more assets and personnel within range on land and sea to protect and defend both Americans and our allies on the African continent.

Finding 9. Although the September 11, 2012 attack in Benghazi was recognized as a terrorist attack by the Intelligence Community and personnel at the Department of State from the beginning, Administration officials were inconsistent in stating publicly that the deaths in Benghazi were the result of a terrorist attack.

One of the key lessons of this Committee's six-year focus on the threat of violent Islamist extremism is that, in order to understand and counter the threat we face, we must clearly identify that threat. During the Committee's investigation into the Fort Hood massacre, for example, we found systemic problems with the way the military addressed violent Islamist extremism in its policies and procedures (treating this specific threat within the broader context of "workplace violence").[90] Similarly, while we welcomed the Administration's release last year of a national strategy and implementation plan for countering radicalization domestically, [91] we expressed our disappointment in the Administration's continued refusal to identify violent Islamist extremism as our enemy.[92] The enemy is not a vague catchall of violent extremism, but a specific violent Islamist extremism. It is unfair to the vast majority of law-abiding Muslims not to distinguish between their peaceful religion and a twisted corruption of that religion used to justify violence.

There are related lessons to be learned from the Administration's public comments about Benghazi, which we believe contributed to the confusion in the public discourse after the attack about exactly what happened.

The NCTC and U.S. law define terrorism as the "premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents."[93] Senior officials from the IC, the Department of State, and the FBI who participated in briefings and interviews with the Committee said they believed the attack on the mission facility in Benghazi to be a terrorist attack immediately or almost immediately after it occurred.[94] The ODNI's

[90] U.S. Senate, Homeland Security and Government Affairs Committee, *A Ticking Time Bomb: Counterterrorism Lessons From the U.S. Government's Failure to Prevent the Fort Hood Attack*, 112th Cong., 1st sess, February 3, 2011, 7,9 .

[91] The White House, *Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States*, December 2011.

[92] "Lieberman, Collins React to Administration's Countering Violent Extremism Strategic Implementation Plan," Homeland Security and Government Affairs Committee, press release, December 8, 2011. http://www.hsgac.senate.gov/media/majority-media/lieberman-collins-react-to-administrations-countering-violent-extremism-strategic-implementation-plan

[93] The National Counterterrorism Center, *Terrorism Definitions*, August 27, 2010. http://www.nctc.gov/site/other/definitions.html

[94] Committee member briefings, November 14, 2012 and November 29, 2012.

spokesman also has publicly said, "The intelligence community assessed from the very beginning that what happened in Benghazi was a terrorist attack." [95]

In short, regardless of questions about whether there had been a demonstration or protest outside the Temporary Mission Facility in advance of the attack, the extent to which the attacks were preplanned, or the role of an anti-Islamic video which had sparked protests at the U.S. embassy in Cairo and elsewhere earlier on September 11th, there was never any doubt among key officials, including officials in the IC and the Department of State, that the attack in Benghazi was an act of terrorism.

For example, two emails from the State Department Diplomatic Security Operations Center on the day of the attack, September 11, and the day after, September 12, 2012, characterized the attack as an "initial terrorism incident" and as a "terrorist event."[96] Agencies and offices responsible for terrorism, including the National Counterterrorism Center (NCTC), the CIA's Office of Terrorism Analysis, and the FBI's Counterterrorism Division, were immediately involved with gathering information about the attack. Indeed, how could there have been any doubt in anyone's mind that, when a large number of armed men break into a U.S. diplomatic facility, set fire to its buildings, and fire mortars at Americans, that it is by definition a terrorist attack?

However, the IC's assessment was not reflected consistently in the public statements made by Administration officials, several of whom cited the ongoing investigation, in the week following the attack:

> On September 12th, Secretary of State Hillary Clinton attributed the attack to "heavily armed militants" who assaulted the compound…" Her suspicion was that the people involved in this "were looking to target Americans from the start." She also noted that we "continue to apply pressure on Al Qaeda and other elements that are affiliated…"[97]
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> Also that September 12th President Obama, referring to the anti-Islamic video, said "we reject all efforts to denigrate the religious beliefs of others. But there is absolutely no justification to this type of senseless violence…" He went on to add, "Of course, yesterday was already a painful day for our nation as we marked the solem memory of the 9/11 attacks," and that "No acts of terror will ever shake the resolve of this great nation, alter that character, or eclipse the light of the values that we stand for."[98]

However, that same day, the President had the following exchanges with Steve Kroft in a taping for the CBS news program *60 Minutes*:

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[95] "Sources: Office of the DNI cut "al Qaeda" reference from Benghazi talking points, and CIA, FBI signed off," *CBS News*, November 20, 2010. http://www.cbsnews.com/8301-505263_162-57552328/sources-office-of-the-dni-cut-al-qaeda-reference-from-benghazi-talking-points-and-cia-fbi-signed-off/

[96] See, for example, REDACTED on behalf of the DS Command Center, email message, "Terrorism Event Notification – Libya," September 12, 2012.

[97] Secretary Hillary Clinton, "Remarks on the Deaths of American Personnel in Benghazi, Libya," Treaty Room, September 12, 2012.

[98] President Barack Obama, "Remarks by the President on the Deaths of U.S. Embassy Staff in Libya," Rose Garden, September 12, 2012.

Mr. Kroft: Do you believe that this was a terrorist attack?
The President: Well, it's too early to know exactly how this came about, what group was involved, but obviously it was an attack on Americans and we are going to be working with the Libyan government to make sure that we bring these folks to justice one way or the other.."

Mr. **Kroft:** That doesn't sound like your normal demonstration.
The President: As I said, we're still investigating exactly what happened, I don't want to jump the gun on this. But – you're right that this is not a situation that was – exactly the same as what happened in Egypt. And – my suspicion is- is that there are folks involved in this who were looking to target Americans from the start. So we're gonna- make sure that our first priority is to get our folks out safe, make sure that our embassies are secured around the world. And then we are gonna go after – those folks who carried this out…

This is also obviously a reminder that for all the progress that we've made in fighting terrorism, that we're living in a volatile world. And, you know, our troops, but also our diplomats and our intelligence officers they're putting their lives on the line every single day in some very dangerous circumstances…

But I think we also also have to understand that, we have to remain vigilant. And that even as we – continue to apply pressure on Al Qaeda and – other elements that are affiliated—that in big chunks of the world, in Northern Africa and the Middle East, you've got – a lot of dangerous characeters. And we've got to make sure that we're continuing to apply pressure on them…[99]

Two days later, during a September 14, 2012, White House press briefing, Press Secretary Jay Carney was asked to respond to senators' characterizations of the incident as a terrorist attack following a briefing by Secretary Panetta and others:

[Unidentified Reporter]: Jay, one last question -- while we were sitting here -- Secretary Panetta and the Vice Chair of the Joint Chiefs briefed the Senate Armed Services Committee. And the senators came out and said their indication was that this, or the attack on Benghazi was a terrorist attack organized and carried out by terrorists, that it was premeditated, a calculated act of terror. Levin said -- Senator Levin -- I think it was a planned, premeditated attack. The kind of equipment that they had used was evidence it was a planned, premeditated attack. Is there anything more you can -- now that the administration is briefing senators on this, is there anything more you can tell us?

Mr. Carney: Well, I think we wait to hear from administration officials. Again, it's actively under investigation, both the Benghazi attack and incidents elsewhere. And my point was that we don't have and did not have concrete evidence to suggest that this was not in reaction to the film. But we're obviously investigating the matter, and I'll certainly -- I'm sure both the Department of Defense and the White House and other places will have more to say about that as more information becomes available.

[99] President Barack Obama, interview by Steve Kroft, *60 Minutes*, CBS, September 12, 2012, transcript.

Then, on September 16th, during one of several similar appearances on the Sunday news programs, Ambassador Susan Rice had the following exchange with David Gregory of *NBC's Meet the Pres*s:

> **Gregory:** Can you say definitively that the attacks on – on our consulate in Libya that killed Ambassador Stevens and others there security personnel, that was spontaneous, was it a planned attack? Was there a terrorist element to it?
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> **Ms. Rice:** Well, let us-- let me tell you the-- the best information we have at present. First of all, there's an FBI investigation which is ongoing. And we look to that investigation to give us the definitive word as to what transpired. But putting together the best information that we have available to us today our current assessment is that what happened in Benghazi was in fact initially a spontaneous reaction to what had just transpired hours before in Cairo, almost a copycat of-- of the demonstrations against our facility in Cairo, which were prompted, of course, by the video. What we think then transpired in Benghazi is that opportunistic extremist elements came to the consulate as this was unfolding. They came with heavy weapons which unfortunately are readily available in post revolutionary Libya. And it escalated into a much more violent episode. Obviously, that's-- that's our best judgment now. We'll await the results of the investigation…[100]

On September 18th, President Obama said on the Late Show with David Letterman that "extremists and terrorists used this (referring again to the anti-Islamist video) as an excuse to attack a variety of our embassies, including the consulate in Libya."

A definitive response to the question of whether Benghazi was a terrorist attack was given by NCTC Director Matthew Olsen during a hearing before this Committee on September 19, 2012. Olsen was asked by the Chairman whether he "would say that Ambassador Stevens and the three other Americans died as a result of a terrorist attack."[101] Director Olsen responded that, "[c]ertainly, on that particular question, I would say yes. They were killed in the course of a terrorist attack" on our diplomatic mission in Benghazi.[102]

After Olsen's September 19th appearance before the Committee, other Administration officials stated with more certainty that Benghazi was a terrorist attack. For example:

> On September 19th, referring to Matthew Olsen's statements that Benghazi was a terrorist attack, Victoria Nuland stated "We stand by comments made by our intelligence

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[100] Benjamin Netanyahu, Susan Rice, Keith Ellison, Peter King, Bob Woodward, Jeffrey Goldberg, Andrea Mitchell, interview by David Gregory, *Meet the Press*, NBC, September 16, 2012, transcript. http://www.msnbc.msn.com/id/49051097/ns/meet_the_press-transcripts/t/september-benjamin-netanyahu-susan-rice-keith-ellison-peter-king-bob-woodward-jeffrey-goldberg-andrea-mitchell/

[101] *Homeland Threats and Agency Responses:* Hearing before the Homeland Security and Governmental Affairs Committee, United States Senate, 112th Cong., September 19, 2012. (Statement of Matthew Olsen, Director, NCTC).

[102] Ibid.

community who has first responsibility for evaluating the intelligence and what they believe we are seeing."[103]

On September 20th, Jay Carney said, "It is, I think, self-evident that what happened in Benghazi was a terrorist attack. Our embassy was attacked violently, and the result was four deaths of American officials. So again, that's self evident..."[104]

On September 21st, Secretary Clinton said, "What happened in Benghazi was a terrorist attack, and we will not rest until we have tracked down and brought to justice the terrorist who murdered four Americans."[105]

On September 24th, however, when one of the co-hosts of the television program *The View* asked the President to clarify what she perceived to be discrepancies in the public record regarding the Administration's position about whether Benghazi attack was an act of terrorism, the President's answer was not as definitive:

Joy Behar: It was reported that people just went crazy and wild because of this anti-Muslim movie, or anti-Muhammad, I guess, movie. But then I heard Hillary Clinton say that it was an act of terrorism. Is it? What do you say?

The President: Well, we're still doing an investigation. There's no doubt that the kind of weapons that were used, the ongoing assault, that it wasn't just a mob action. Now, we don't have all the information yet, so we're still gathering it. But what's clear is that around the world, there's still a lot of threats out there. And that's why we have to maintain the strongest military in the world. That's why we can't let down our guard when it comes to the intelligence work that we do, and staying on top of not just al Qaeda – the traditional al Qaeda in Pakistan and Afghanistan – but all these various fringe groups that have started to develop…[106]

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Director Olsen's statement on September 19, 2012 before this Committee was also significant because he mentioned ties to al Qaeda. He said:

At this point, what I would say is that a number of different elements appear to have been involved in the attack, including individuals connected to militant groups that are prevalent in eastern Libya, particularly in the Benghazi area. As well, we are looking at

[103] Department of State Spokesperson Victoria Nuland, Press Briefing, September 19, 2012, transcript.
[104] Press Secretary Carney, press briefing, The White House, September 20, 2012, transcript.
[105] Secretary of State Hillary Clinton, "Remarks With Pakistani Foreign Minister Hina Rabbani Khar Before Their Meeting," Treaty Room, September 21, 2012.
[106] President Obama, interview by Joy Behar, *The View*, September 24, 2012. http://www.youtube.com/watch?v=Hdn1iX1a528

> indications that individuals involved in the attack may have had connections to al Qaeda or al Qaeda's affiliates, in particular al Qaeda in Islamic Maghreb.[107]

Olsen's acknowledgement was important because, in talking points that were prepared the previous week by the IC for Congress, a line saying "we know" that individuals associated with al Qaeda or its affiliates participated in the attacks had been changed to say: "There are *indications* that *extremists* participated," dropping the reference to al Qaeda and its affiliates altogether.[108] Members of the IC differed over whether or not this information should remain classified. It is nevertheless noteworthy that the analyst who drafted the original talking points – a veteran career analyst in the intelligence community believed it was appropriate to include a reference to al Qaeda in the unclassified talking points. The senior analyst concluded that the information could be made public because of the claims of responsibility made by Ansar al-Sharia, which has been publicly linked to al Qaeda. [109]

In addition to the change deleting al-Qaeda, a reference to "attacks" in Benghazi was changed to "demonstrations." [110] Director of National Intelligence (DNI) James Clapper and representatives from the CIA, the State Department, NCTC and the FBI told this Committee that the changes characterizing the attacks as "demonstrations" and removing references to al-Qaeda or its affiliates were made within the CIA and the IC, while the change from "we know" to "indications" was made in response to an FBI request. They also testified that no changes were made for political reasons, that there was no attempt to mislead the American people about what happened in Benghazi, and that the only change made by the White House was to change a reference of "consulate" to "mission."[111]

To provide a full account of the changes made to the talking points, by whom they were made and why, DNI Clapper offered to provide the Committee with a detailed timeline regarding the development of the talking points. At the time of writing this report, despite repeated requests, the Committee had yet to receive this timeline. According to a senior IC official, the timeline has not been delivered as promised because the Administration has spent weeks debating internally whether or not it should turn over information considered "deliberative" to the Congress. The September 28, 2012 public statement from the ODNI confirmed the IC's judgment "that some of those involved were linked to groups affiliated with, or sympathetic to al Qa'ida."[112]

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[107] Homeland Threats and Agency Responses: Hearing before the Homeland Security and Governmental Affairs Committee, United States Senate, 112th Cong., September 19, 2012. (Statement of Matthew Olsen, Director, NCTC). The ODNI also released a statement on September 28, 2012 which confirmed that the IC had "assess[ed] that some of those involved were linked to groups affiliated with, or sympathetic to al-Qa'ida." *See* Statement by the Director of Public Affairs for the Director of National Intelligence, Shawn Turner, on the intelligence related to the terrorist attack on the U.S. Consulate in Benghazi, Libya, September 28, 2012.

[108] Committee member briefing, November 29, 2012.

[109] Committee member briefing, November 29, 2012.

[110] Sources: Office of the DNI cut "al Qaeda" reference from Benghazi talking points, and CIA, FBI signed off, CBS News, November 20, 2010

[111] Committee member briefing, November 29, 2012.

[112] "Statement by the Director of Public Affairs for the Director of National Intelligence, Shawn Turner, on the intelligence related to the terrorist attack on the U.S. Consulate in Benghazi, Libya," Office of the Director of National Intelligence, press release, September 28, 2012.

We anticipate that the ongoing investigation into these attacks by the FBI will provide important new details about exactly which violent Islamist extremists carried out the attack, the extent to which it was planned, and their precise motivations. But as everyone now acknowledges, there is no doubt that Benghazi was indeed a deliberate and organized terrorist attack on our nation. If the fact that Benghazi was indeed a terrorist attack had been made clear from the outset by all Administration and Executive Branch spokespeople, there would have been much less confusion and division in the public response to what happened there on September 11, 2012.

Much of the public discussion about the Benghazi attack has focused on whether a protest took place in Benghazi prior to the attack. While the IC worked feverishly in the days after the attack to identify the perpetrators of the attack, they did not place a high priority on determining with certainty whether a protest had in fact occurred. The IC's preliminary conclusion was that there had been a protest outside of the mission prior to the attack, making this assessment based on open source news reports and on other information available to intelligence agencies. The IC later revised its assessment and the Accountability Review Board has since "concluded that no protest took place before the Special Mission and Annex attacks."[113]

The unnecessary confusion in public statements about what happened that night with regards to an alleged protest should have ended much earlier than it did. Key evidence suggesting the absence of a protest was not widely shared as early as it could have been, creating or contributing to confusion over whether this was a peaceful protest that evolved into something more violent or a terrorist attack by an opportunistic enemy looking for the most advantageous moments to strike.

As early as September 15th, the Annex team that had been in Benghazi during the attack reported there had been no protest.[114] This information was apparently not shared broadly, and to the extent that it was shared, it apparently did not outweigh the evidence decribed above that there was a protest. The next day, the President of Libya's General National Congress, Mohamed Yousef el-Magariaf, also stated on the CBS News show *Face the Nation* that the attack was planned and involved Al Qaeda elements.

On September 15th and 16th, officials from the FBI conducted face-to-face interviews in Germany of the U.S. personnel who had been on the compound in Benghazi during the attack. The U.S. personnel who were interviewed saw no indications that there had been a protest prior to the attack. Information from those interviews was shared on a secure video teleconference on the afternoon of the 16th with FBI and other IC officials in Washington; it is unclear whether the question of whether a protest took place was discussed during this video conference.[115]

Information from those interviews was written into FBI FD-302 interrogation reports and sent back to the FBI headquarters. Nearly a week later, on or around September 22nd, key information from those interrogation reports was disseminated by the FBI in Intelligence Information Reports (IIRs) to other agencies within the IC.[116] By that date, however, the IC had

[113] Accountability Review Board, Department of State, December 19, 2012, 4.
[114] Acting Director Michael Morell, briefing Senator Collins, November 28, 2012.
[115] Committee member briefing, November 29, 2012.
[116] Ibid.

already received conclusive proof via other means that there had been no protest prior to the attack, in the form of video evidence from the facility's CCTV cameras.

We also found documentation that one DS agent apparently concluded there had been no protest as early as September 18th.[117] On that date, a State Department DS agent who had seen national press reporting about the attacks asked an agent at the DS Command Center in an email, "Was there any rioting in Benghazi reported prior to the attack?" The reply from the Command Center agent: "Zip, nothing, nada."

Recommendation: When terrorists attack our country, either at home or abroad, Administration officials should speak clearly and consistently about what has happened. While specific details and a full accounting cannot be provided until the government has completed its investigation, the fact that a terrorist attack occurred must be communicated with clarity.

Finding 10. As discussed earlier, the talking points about the September 11th attack in Benghazi which were issued by the Intelligence Community on September 14th in response to a request by the House Permanent Select Committee on Intelligence, were the subject of much of the confusion and division in the discussion of the attack. That confusion and division were intensified by the fact that the talking points were issued before the IC had a high degree of confidence about what happened in Benghazi and in the midst of a national political campaign.

Recommendation: While the Intelligence Community's primary mission is to inform the appropriate officials of the executive and legislative branches of our government about events that affect our security, it is not the responsibility of the IC to draft talking points for public consumption – especially in the heat of a political campaign – and we therefore recommend that the IC decline to do so in the future.

Conclusion

The deaths of Ambassador Stevens and three other Americans at the hands of terrorists is a tragic reminder that the fight our country is engaged in with Islamist extremists and terrorists is not over. U.S. and Western diplomats, and other personnel operating in the Middle East and other countries where these terrorists use violence to further their extremist agenda and thwart democratic reforms are increasingly at risk.

We hope this report will help contribute to the ongoing discussion that our nation must have about how best to protect the brave men and women who serve our country abroad and how to win this war that will continue for years to come. We owe it to our public servants abroad to protect them as they work to protect us. The government of the U.S. failed tragically to fulfill that responsibility in Benghazi on September 11, 2012. We hope the findings and recommendations we have made in this Special Report will help ensure that such a failure never happens again.

[117] REDACTED, e-mail message on September 18, 2012.