I: TERRORIST ATTACKS ON U.S. FACILITIES IN BENGHAZI

"If you guys don't get here, we're all going to f----ing die."[1]

Diplomatic Security Agent in Benghazi during the attacks

"I'm in Benghazi this week, lurking about with my eyes ever-peeled for RPG's hurtling towards my motorcade!"[2]

Ambassador Christopher Stevens, to the U.K. Ambassador on the morning of September 11, 2012

"*We're under attack*."[3]

Ambassador Christopher Stevens, on the evening of September 11, 2012

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[1] Testimony of GRS 1, Central Intelligence Agency, Tr. at 33 (Mar. 1, 2016) [hereinafter GRS 1 Transcript] (on file with the Committee).

[2] Email from J. Christopher Stevens, U.S. Ambassador to Libya, to personal account of Dominic A.G. Asquith, U.K. Ambassador to Libya (Sep. 11, 2012, 5:40 AM) (on file with Committee, C05390150).

[3] Testimony of Gregory Hicks, Deputy Chief of Mission, Libya, U.S. Dep't of State (page 18) (Apr. 11, 2013) [hereinafter Hicks April 2013 Transcript] (on file with the Committee).

BACKGROUND: SEPTEMBER 2012 AND THE AMBASSADOR'S TRIP TO BENGHAZI

Stevens' Decision to Travel to Benghazi

J. Christopher Stevens, a highly and widely respected diplomat, was sworn in as the United States Ambassador to Libya on May 14, 2012.[4] Thirteen months earlier in 2011, while Libya was still in the throes of a civil war, Stevens courageously arrived in Benghazi, Libya on a Greek cargo ship to serve as the United States' Special Representative to the Transitional National Council [TNC].[5]

Stevens remained Special Representative to the TNC for more than six months in 2011 and witnessed both the dictatorship of Muammar Qadhafi topple and the reopening of the U.S. Embassy in Tripoli, which had previously been evacuated at the beginning of the Libyan revolution in February of 2011.[6]

Stevens left Benghazi in November of 2011, to return to the United States, where he would be nominated and confirmed as Ambassador to Libya.[7]

Stevens had a deep affection for the Libyan people in general and the people of Benghazi in particular. He also knew Libya as well as anyone in the U.S. Foreign Service. He would soon learn much had changed in Libya from the time he left as Special Representative in November of 2011 until the time he returned as Ambassador in May of 2012.

The Benghazi Mission compound where Stevens lived for several months in 2011 remained open while he was in the U.S. awaiting confirmation as Ambassador. The Benghazi Mission compound was protect-

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[4] Public Schedule [for the Secretary of State] for May 14, 2012 found at www.State.gov/pa/prs/appt/2012/05/14/189814 htm

[5] U.S. Representative to TNC Stevens provides an update on Libya, DIPNOTE, August 3, 2011 found at https://blogs.state.gov/stories/2011/08/03/us-representative-t-n-c-stevens-provides-update-libya.

[6] A Guide to the United States History of Recognition, Diplomatic, and Consular Relations, by Country, Since 1776: [State Department/Office of the Historian] found at: https://history.state.gov/countries/libya.

[7] Biography of J. Christopher Stevens, Ambassador, Libya, found at: https://state.gov/r/pa/ec/biog/193075.htm.

ed by Diplomatic Security Agents. The compound was staffed by a Principal Officer who provided political reporting on the changes occurring in Benghazi as the country attempted to recover after the revolution.

In August of 2012, three months after Stevens returned to Libya as the newly confirmed Ambassador, the Principal Officer in Benghazi was nearing the end of his assignment. There would be a two-week gap between the Principal Officer's departure date and the arrival of the next Principal Officer.[8] No one was scheduled to fill this vacancy until September 15, 2012, so Ambassador Stevens chose to send Principal Officer 4, to cover the vacancy during the first week in September.[9] Stevens chose himself to cover the second week.[10] According to Gregory N. Hicks, who as the Deputy Chief of Mission was second in command at the time, Stevens "very much wanted to get back to Benghazi … he had not been able to go since his own arrival in Tripoli" in May of 2012.[11]

The timing of Stevens' visit to Benghazi was important for another reason as well. He was spearheading an effort to make Benghazi a permanent post, Hicks testified:

> One of the things he [Stevens] said to me was that, in his exit interview with Secretary Clinton, she expressed the hope that we could make the special mission in Benghazi a permanent constituent post. And Chris said that one of the first things he intended to do after his arrival was develop a proposal to move forward on that project.[12]

A trip to Benghazi would allow Stevens to personally assess the political and security situation and make a recommendation regarding whether the U.S. should have a permanent presence there. Discussions were already under way in Washington D.C. on how to fund a permanent post. Hicks stated:

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[8] *See* Hicks April 2013 Transcript at 9 ("[Principal Officer 3] left at the end of August, and the new Principal Officer was not arriving until scheduled to arrive until September 15th or thereabouts.").
[9] *See id.* at 57 ("And so basically Chris announces at the meeting that [Principal Officer 4] is going to go to Benghazi to cover the first week in the gap, first week in September, and that he would cover the second week.").
[10] *See id.*
[11] *Id.* at 9.
[12] *Id.* at 7.

> [W]e are only a month from the end of the fiscal year, so we have to get a [sic] or, we have to help Washington, the executive director's office of the Near East Bureau to put together a package to get it to [the Undersecretary for Management] Pat Kennedy for a decision by September 30th. Otherwise, we lose the money. Because we had surplus money available from Iraq—I can't remember, Iraq contingency fund I think—that had been notified by Pat Kennedy for transfer from Iraq—it wasn't going to get spent in Iraq, and so we were going to spend it in Libya and in Benghazi. But we had to get the justification forward to do that.[13]

While the end of the fiscal year funding deadline was looming, the Diplomatic Security Agent in charge at the Embassy in Tripoli was, nonetheless, concerned about Stevens' trip to Benghazi. Although his first planned trip to Benghazi in the beginning of August 2012 had to be canceled because of security,[14] Stevens was adamant, however, about going in September.[15] The Diplomatic Security Agent testified:

> Previous to this—to his decisions to going up there, there was—we would meet weekly to discuss the security situation in Libya.…[T]here was a specific meeting regarding what was happening in Benghazi. In that meeting, we reviewed incidents and probable causes, what's initiating it. And a lot of discussion was that it was the conflict or the incidents up there were, you know, local population against local population and that that they weren't specifically targeting Americans … up there. I expressed my concerns about the incidents that did involve us. And the basic response was that they … were anomalies.

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[13] *Id*. at 16-17.
[14] *See* Email from J. Christopher Stevens, U.S. Ambassador to Libya, to Principal Officer 3, Foreign Service Officer, U.S. Dep't of State, (Aug. 2, 2012, 2:45 PM) (on file with the Committee, C05390855).
[15] *See* Testimony of Diplomatic Security Agent 23, U.S. Dep't of State, Tr. at 69-70 (Oct. 10, 2013) [hereinafter Diplomatic Security Agent 23 Transcript] (on file with the Committee).

> It was the persons attending the meeting. I believe it was the Ambassador who actually said its anomalies; we can't account for anomalies. And other members of the group seemed to concur with that. And then this trip was planned because there was a gap in principal officer up there and the opening of the American corner.… I knew he was bound and determined to go.
>
> I've been wracking my memory trying to remember the exact conversations I had with him on this. But I know he knew I didn't—the idea of him traveling there. But I knew he was determined to go. So doing everything I can to make it as safe as possible, given my resources and the environment—safety—compounds—both compounds, all the Americans there.[16]

Not only was the looming funding deadline an impetus for Stevens' trip, an upcoming trip by Hillary R. Clinton, Secretary of State, in the fall of 2012 was also a motivating factor for him to travel to Benghazi. The hope was to establish a permanent consulate in Benghazi for the Secretary to present to the Libyan government during her trip. Hicks discussed this with the Committee:

> Q: Okay. We know that Ambassador Stevens went to Benghazi on September 10th. Was there anything about his trip to Benghazi in September of 2012 that was sort of a precursor for the Secretary's trip?
>
> A: Well, you know, when we have a visit by a major political figure, like the Secretary of State, like the President, you know, we try to make that visit important publicly. And so we generally will create a list of what we call deliverables, items of importance to the bilateral relationship. So we hoped for the Secretary to announce the opening of a permanent consulate in Benghazi during her visit[.]
>
> Q: Was there any reason that—was there anything related to making Benghazi a permanent post that was part of the purpose of Ambassador Stevens going to Benghazi in September?

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[16] *Id.*

> A: Oh, absolutely. And so again, we had begun the process of developing a political rationale for having a permanent post in Benghazi. I sent in that rationale at the end of August to the executive director of the NEA [Near Eastern Affairs] bureau. We had begun a process of identifying locations and drawing plans for such a post.
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> ***
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> And we understood that the situation in eastern Libya was unstable and we wanted to—and Chris Stevens wanted to make sure that what we were doing was going—was the right course of action. And he personally, because he had the contacts in the region, because he had their trust. He was the only person that we felt could go to Benghazi and get a clear picture of the political situation there and the security situation there as well.[17]

The Secretary was planning to travel to Libya in October of 2012.[18]

Benghazi: September 1 - September 10, 2012

Security deficiencies plagued the Benghazi Mission compound in the lead-up to September 2012. With the departure of the Diplomatic Security Agent in charge at the end of August, only two Diplomatic Security Agents remained to secure the compound.[19] A Diplomatic Security Agent from Tripoli was routed to Benghazi to serve temporarily during the month of September putting three agents on the ground as of Sep-

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[17] Testimony of Gregory N. Hicks, Deputy Chief of Mission at U.S. Embassy Tripoli, U.S. Dep't of State, Tr. at 50-51 (Apr. 14, 2016) [hereinafter Hicks April 2016 Transcript] (on file with the Committee).

[18] Email from Huma Abedin, Deputy Chief of Staff for Operations, U.S. Dep't of State, to Philippe Reines, Deputy Ass't Sec'y for Public Affairs, U.S. Dep't of State (Sept. 12, 2012, 9:15 AM) (on file with the Committee, SCB0075710).

[19] *See* Email from Deputy Dir. for Maghreb Affairs, U.S. Dep't of State, to Diplomatic Security Agent 25, U.S. Dep't of State (Aug. 27, 2012 4:47 PM) (on file with the Committee, C05394203) ("Thanks for your call and clarification that DS has had no volunteers for Benghazi for the upcoming few months.").

tember 1, 2012.[20] None of the Diplomatic Security Agents in Benghazi had ever served at a high-threat post.[21]

In addition, the Mission compound's contracted quick reaction force, the February 17 Martyrs Brigade militia, which provided interior armed security at the Benghazi Mission compound, informed the Diplomatic Security Agents two days before the Ambassador was scheduled to arrive it would no longer provide off-compound security.[22] This meant the three Diplomatic Security Agents on the ground would have no security support for any transport or for any meetings held off of the compound during Stevens' visit. The Diplomatic Security Agents attributed the change in policy to an inter-militia power struggle.[23] The next day, however, the Principal Officer in Benghazi, joined a meeting with leading militia officials during which time they told him they could no longer guarantee the safety of the compound. The Principal Officer described the meeting:

> [T]here was a—it was a growing and nascent group of commanders who—militia commanders who were just becoming kind of players on the security scene. And some of the working assumptions were that they were doing this mainly for personal profit; others for religious and ideological reasons. It is trying to understand motivations of groups of people who may or may not become future leaders for the city of Benghazi or the country of Libya.
>
> So these folks were identified as people who fit that billet, essentially, security official officials who may or may not have aspirations for larger roles in Benghazi.
>
> * * *
>
> Libya Shield was a brand new organization at that time that was kind of emerging from the ranks of the [Supreme Security Coun-

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[20] *See* Hicks April 2013 Transcript at 56.
[21] *See id.* at 14. ("Principal Officer 4 is chosen to be Acting Principal Officer for the first week in September. And he goes to Benghazi and is there with three Diplomatic Security special agents, all of whom are brand new to the service and on temporary duty assignment.").
[22] *See* Diplomatic Security Agent 23 Transcript at 44-45.
[23] *See* Email from Diplomatic Security Agent 3, Diplomatic Security Service, U.S. Embassy Tripoli, Libya (Sept. 8, 2012 9:29 PM) (on file with the Committee, C05396013).

cil] and from other official organizations. They had numbers to them. What I characterize in here was what was the most fascinating part of the meeting to me. I was sitting with Wissam bin Hamid and Jumaa and I forget his name al Gha'abi. They were debating which militias they belonged to and who was in control of them and what their ideology was and what their ambitions were. And they weren't you know, they disagreed on many of those things.

And one member was—one of the commanders was a member of the other commander's brigade under that commander, and that commander was a member of that commander's brigade under that commander. So it was really difficult to determine who was in charge, and I think they right there in front of us were, you know, playing that out, which is a great opportunity to really get a sense of what's going on in the rest of the country.

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Q: [I]t looks like it's the second to last sentence or third to last sentence, it begins: They criticized the [U.S. Government] for supporting National Forces Alliance leader and prime minister candidate Mahmoud Jibril. Do you recall what their criticism of the U.S. Government was?

A: Yeah. So "supporting" is in quotations, right, and which is a false accusation against the United States. We don't support candidates in a foreign government's internal domestic election. But the general perception, because Mahmoud Jibril is an American citizen as well as a Libyan, is that the United States Government was backing him. He was a big political player, former prime minister and someone who was gaining it seemed to be at that time someone who may end up with another very high ranking position in the Libyan Government. That did not meet these particular militia commanders' idea of a beneficial Libyan structure for them, and so they were complaining about it.

Q: [Y]ou go on to write: If Jibril won, they said they would not continue to guarantee security in Benghazi, a critical function they asserted they were currently providing. What was your understanding of what they meant when they said they would not continue to guarantee security in Benghazi?

> A: Yeah, I did not take that as a threat against U.S. interests, the U.S. compound, U.S. persons, or anything else. I took that more as a general discussion of Benghazi, the security situation in Benghazi is general deteriorating, if they at least their assertion that the general condition in Benghazi would deteriorate if they withdrew their security support.
>
> Q: Did you understand what did they mean by withdrew their security support?
>
> A: Well, I mean, that's one of the questions I was asking, right. What do you do? Who are you? Why are you Libya 1? Why are you Libya 2? What's your role? How do you fit into the security structure? And, as I said, you know, they didn't really have a very good picture of it themselves, so I couldn't come out with one.[24]

The meeting underscored that the militias in Benghazi controlled what little security environment existed there. Not having off-compound support from a militia would significantly threaten Stevens' safety.

Stevens' Trip to Benghazi: September 10, 2012

Stevens arrived by a commercial airplane in Benghazi on the morning of September 10, 2012.[25] Traveling with him were two of the six Diplomatic Security Agents assigned to the Embassy in Tripoli. Four Diplomatic Security Agents remained behind at the Embassy along with four Department of Defense special operators who had previously served as part of the Site Security Team [SST].[26] In addition, the special operators had previously augmented security at the Benghazi Mission compound, but they were no longer able to do so.[27] Patrick F. Kennedy, the Under Sec-

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[24] Testimony of Principal Officer 4, Foreign Service Officer, U.S. Dep't of State, Tr. at 64-68 (May 8, 2015) (on file with the Committee). *See also* Email from J. Christopher Stevens, U.S. Ambassador to Libya, to Principal Officer 4, Foreign Service Officer, U.S. Dep't of State (Sept. 10, 2012 1:51 AM) (on file with the Committee, C05395344).
[25] Testimony of Diplomatic Security Agent 2, Tr. at 47 (Mar. 19, 2015) [hereinafter Diplomatic Security Agent 2.
[26] Testimony of Gregory N. Hicks, Deputy Chief of Mission at U.S. Embassy Tripoli, U.S. Dep't of State, Tr. at 12-14 (Apr. 11, 2013) [hereinafter Hicks April 2013 Transcript] (on file with the Committee).
[27] Hicks April 2016 Transcript at 17.

retary for Management, State Department, terminated the SST's responsibilities for the Embassy's security in August of 2012.[28] As a result, the SST was no longer able to travel with Stevens or augment security in Benghazi.[29]

In fact, during August 2012, the total number of State Department security agents assigned to the Embassy in Tripoli dropped from 34 individuals to six.[30] Losing 28 security agents reduced not only the security resources available to the Embassy, but also those available to the Benghazi Mission compound. With limited security agents in Tripoli, there were no surplus security agents to send to augment security in Benghazi—without leaving the Embassy in Tripoli at severe risk.

Hicks described the impact of the reduction in personnel on the overall security platform in Libya:

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[28] Hicks April 2016 Transcript at 20, 33-35; *see also,* Email from Patrick Kennedy, Under Sec'y for Management, State Department, to Robert Neller, Lieutenant General, Defense Department (July 15, 2012,) (on file with Committee SCB0076533).

[29] *See* Hicks April 2013 Transcript at 12-13.

> The August 6th attack, or incident, if you will, AFRICOM decided to draw down the SST team from 16 members to 6. Chris concurred in that decision because he didn't really feel like he had, you know, much leverage other than that. And so [the Commander of the Site Security Team] and nine other members of the team left he may have discussed this in mid -August.
>
> Full expectation was that when we, as the embassy, and working with the Defense Attaché, achieved the agreement of the Libyan Government to proceed with the counterterrorism mission under section 1208, and the training team was given diplomatic immunity, they would return and begin the training mission. So they left. So we have at the time, then, six members of the SST left, divided in two different locations, four and two. But they are still under AFRICOM authority.
>
> General Ham issued a letter after the negotiation in Stuttgart over Eid al Fitr describing the relationship of the SST to the embassy going forward. I honestly cannot remember whether the contents of that letter are classified or not. I know it was transmitted to us over classified communications. But it was not Chief of Mission authority, I can tell you that. They were not told that they were under the authority of the Ambassador with respect to security, although they were told to cooperate I believe it told them to cooperate with the RSO for internal defense matters, if I remember correctly.

[30] *Id.* at 13-14.

> [W]hen I arrived on July 31st …we had the 16 members of the SST and we had about 14 or so State security personnel, who were divided between either special agents or MSD, members of the mobile security detail teams.
>
> Through August, the MSD personnel are withdrawn until, by August 31st, … the security complement in Libya at the time was: In Tripoli is an RSO plus 5 assistant regional security officers protecting approximately 28 diplomatic personnel. And in Benghazi we have three DS special agents protecting two State Department personnel in our facilities.
>
> So the answer to your question … we had nine people to draw from when Chris decided you know, [Principal Officer 4] is chosen to be Acting Principal Officer for the first week in September. And he goes to Benghazi and is there with three Diplomatic Security special agents, all of whom are brand new to the service and on temporary duty assignment.
>
> So when Chris goes to Benghazi on the 10th of September, [Diplomatic Security Agent 23], the RSO, assigns two of our personnel in [Tripoli] to go with him. [N]ow we have, on the morning of September 11th, when [Principal Officer 4] flies back to Tripoli, we now have five Diplomatic security special agents protecting the Ambassador and Sean Smith. In Tripoli, we have four we have a Regional Security Officer and three Assistant Regional Security Officers to protect 28 diplomatic personnel.[31]

Publicity about Stevens' trip to Benghazi was reportedly limited. He previously told his staff and contacts on the ground "for security reasons we'll need to be careful about limiting moves off-compound and sched-

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[31] *Id.*

uling as many meetings as possible in the villa."[32] Stevens said he wanted to "avoid the RPG reception that the UK Amb[assador] got …."[33]

Upon arriving in Benghazi on September 10, 2012, Stevens received a security briefing at the nearby Central Intelligence Agency [CIA] annex on the changing threat environment.[34] Due to the worsening security environment in Benghazi, the Diplomatic Security Agents at the compound requested support from the Annex's security team, the Global Response Staff [GRS], to supplement Stevens' movements off-compound in Benghazi.[35]

> Q: You talked during the last hour about the intelligence briefing that you provided to the Ambassador the night before the attack.
>
> What type of reaction did you get from the Ambassador from your briefing?
>
> A: He was interested. He took a lot of notes. It struck me a little bit that he was surprised at how fast the situation had deteriorated in eastern Libya.
>
> Q: And what did he do to give you that impression that he was surprised at how quickly—
>
> A: He was called in to go to his next appointment several times, and he refused to leave before we finished.
>
> Q: Okay, do you know who his next appointment was?
>
> A: Yes.
>
> Q: And what was that?

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[32] Email from J. Christopher Stevens, U.S. Ambassador to Libya, to a Locally Employed Staff, U.S. Dep't of State, and Principal Officer 4, U.S. Dep't of State (Sept. 8, 2012, 4:37 AM) (on file with the Committee, C05390147).
[33] Email from Principal Officer 3, U.S. Dep't of State, to J. Christopher Stevens, U.S. Ambassador to Libya (Aug. 1, 2012 10:49 AM) (on file with the Committee, C05390814).
[34] Diplomatic Security Agent 2 Transcript at 54.
[35] *Id.* at 59.

> A: Benghazi City Council, I believe.
>
> Q: Did the Ambassador ask any questions of you during the briefing?
>
> A: Yes, yeah, he asked a lot of questions.
>
> Q: And what were his questions along the lines of if you can recall?
>
> A: Specifically about the extremist groups that established presence in eastern Libya since the fall of the regime.
>
> Q: Okay, and do you recall at that time approximately how many extremist groups there were that had established a presence?
>
> A: Several.
>
> Q: Several?
>
> A: Yes.
>
> Q: Well, from what you can remember, what are the names to the extent that you can remember?
>
> A: Yes, AQIM; Al Qaeda; and Islamic Brethren; AQAP; Al Qaeda in the Arabian Peninsula; AQ Pakistan; EIJ, Egyptian Islamic Jihad. By that time, Ansar al-Sharia Derna had established a presence.[36]

Later in the evening of September 10th, Stevens—with Diplomatic Security Agents and GRS security—visited the Benghazi Local Council. Media was present upon his arrival.[37] One of the Diplomatic Security Agents testified:

> Q: So, you knew prior to the council meeting that the press was going to show up?

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[36] Officer A, Central Intelligence Agency, Tr. at 116-118. (Mar 2, 2016) [hereinafter Officer A Transcript] (on file with the Committee).
[37] Diplomatic Security Agent 2 Transcript at 52.

> A: Yes, and we tried to turn that off, but unfortunately, we couldn't. They showed up, but we sent them away.
>
> Q: Okay. Were you surprised to learn that there would be press at the council meeting?
>
> A: I was.[38]

Stevens' visit to Benghazi therefore became public to the extent it was not otherwise known.[39]

Stevens found the meeting with the Local Council fruitful, but noted Council members seemed to feel slighted that no sitting U.S. Ambassador had visited the city since the revolution ended.[40] This was a concern among the leaders in Benghazi at the time, as they feared the Libyan Government's control and power would remain in Tripoli as it had been during the Qadhafi regime, thus marginalizing not just Benghazi, but the whole of Eastern Libya. Stevens noted this concern in his personal diary:

> They're an impressive & sincere group of professionals—proud of their service on committees, all working as volunteers. Their main problem is a lack of budget & authorities. Tripoli still runs the country & its bureaucrats are an uneven quality. There was a little sourness about why it has taken so long to get to Benghazi, and about Ambassadors who came to talk but don't do anything to follow up. But overall it was a positive meeting.[41]

September 10 Phone Call on September 11 Preparedness

On September 10, 2012, the day Stevens arrived in Benghazi, American military forces were reminded to "do everything possible to protect the American people, both at home and abroad."[42] That day the President

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[38] *Id.* at 52-53.
[39] *Id*.
[40] J. Christopher Stevens, U.S. Ambassador to Libya, Personal Diary, Unofficial Transcript prepared by Patrick F. Kennedy, *et al* (Sept. 10, 2012) (on file with the Committee, STATE-SCB0048881).
[41] *Id.*
[42] Readout of the President's Meeting with Senior Administration Officials on Our Preparedness and Security Posture on the Eleventh Anniversary of September 11th, dated September 10, 2012.

conducted a conference call with key national security principals to discuss the steps taken to protect U.S. persons and facilities abroad and force protection. Leon E. Panetta, Secretary of Defense, one of the conference call participants acknowledged they "were already tracking an inflammatory anti-Muslim video that was circulating on the Internet and inciting anger across the Middle East against the United States" and that they "braced for demonstrations in Cairo and elsewhere across the region."[43] Due to the Arab Spring, it was a time of heightened concern for that region in general. In particular, the discussion focused on several areas including Cairo, Tripoli, Tunis, Khartoum, and Sana'a, due to intelligence indicating potential demonstrations could erupt in those areas.[44]

Based on the September 10 conference call with national security principals and the President, the Defense Department placed its forces on "higher alert because of the potential for what could happen."[45] Yet, the intelligence and the call for a "heightened alert" did not cause any actual adjustment in its posture for assets that could respond to a crisis in North Africa.[46] Some assets were in the middle of training exercises, and others were in the middle of inspections. No fighter jets or tankers were placed on a "heightened alert" status.

SEPTEMBER 11, 2012

Morning in Benghazi: "Never Ending Security Threats"

The September 10 visit to Benghazi was Stevens' first since becoming Ambassador, and the city had changed since his departure in the fall of 2011.[47] A growing extremist movement had taken hold within the city limits and Stevens spent part of September 10th being briefed on what

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[43] Testimony of Leon Panetta, Sec'y of Defense, Dep't of Defense, Tr.at 72 (Jan. 8, 2016) [hereinafter Panetta Transcript] (on file with the Committee).
[44] *Id.*
[45] *Id.*
[46] *Id. See also*, letter from Ashton B. Carter, Sec'y of Defense, to Trey Gowdy, Chairman, House Select Committee on Benghazi, April 8, 2015 ("However, it is worth noting that none of the military forces listed above were placed on heightened alert ahead of the attacks on Benghazi on September 11, 2012.").
[47] J. Christopher Stevens, U.S. Ambassador to Libya, Personal Diary, Unofficial Transcript prepared by Patrick F. Kennedy, et al (Sept. 10, 2012) (on file with the committee: STATE-SCB0048881).

was happening from a security standpoint. One CIA officer described the declining security environment in Benghazi at the time:

> It was a really unique and difficult environment to operate in in eastern Libya. It was really a unique environment. It's a country that we have not had—I mean, as you know, it was a closed country and it was a police state, and it's not like it's a country that we had a ton of experience in how to operate in.
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> ***
>
> New groups are forming. New groups are dissolving. Outside groups are interfering and starting to establish presence. So it was an extremely dynamic and fluid situation.
>
> As I said, you know, we had the handicap of not having good SIGINT coverage within the country. And that goes back to the fact that Libya, in general, was a denied area for a long, long time for us, and it's an area that was very difficult to operate in.
>
> Q: Now, [redacted]. And I've noticed you've used the same word three times, "deteriorating." And one would think that a post-revolutionary country probably would be in not the greatest of positions to begin with.
>
> A: Right.
>
> Q: And what you're saying is it deteriorated even from that.
>
> A: That's correct.
>
> Q: And tell me why you have chosen to use that word and what you mean by "deteriorating"?
>
> A: The level of armed conflict and fighting between the various groups increased. The level of assassinations, attacks on foreign entities increased. There were entire towns, specifically Derna and around it, that became very difficult to travel to; checkpoints that were manned by individuals dressed in Afghan garb, jihadi garb; a lot of evidence of foreign fighters coming in from outside the country.
>
> Specifically in June of 2012, right before the elections, the Islamist militia had an overt show of force, where they had a mili-

> tary parade roll in from eastern Libya to downtown Benghazi. I mean, I guess it was a message to the Libyan electorate that we are here and we have a presence and we want to establish Islamic State inside Libya and we want sharia to be the law of the country. So there was, like, a lot of attempts to intimidate the populace in Libya by these extremist groups.[48]

Security concerns and the anniversary of September 11 kept Stevens on the Benghazi Mission compound for his day full of meetings.

According to his prepared agenda Stevens had meetings with the 17th February Brigade, the Arabian Gulf Oil Company, and the head of the al-Marfa Shipping and Maritime Services Company.[49]

Early on the morning of September 11th, one of the Diplomatic Security Agents in Benghazi was notified of an individual dressed in a uniform typically worn by the local police force conducting surveillance of the Mission.[50] The Diplomatic Security Agent in charge reported the incident to the head security officer in country at the Embassy in Tripoli and to staff at both the Benghazi Mission compound and the Annex, including Stevens.[51] The Diplomatic Security Agent described the incident:

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

In Benghazi, the Supreme Security Council was the "most prominent" official police force, "assembled from former members of the various

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[48] Officer A Transcript at 147-49.
[49] Schedule for Ambassador Chris Stevens, Benghazi Libya: September 10-14 (on file with Committee, C05396585).
[50] Email from a Diplomatic Security Agent 2 (Sep. 11, 2012, 5:00 PM) (on file with the Committee, C05271656).
[51] *Id.*; *see also* Diplomatic Security Agent 5 Transcript at 104-105; Diplomatic Security Agent Transcript at 80.
[52] Email from a Diplomatic Security Agent (Sep. 11, 2012, 5:00 PM) (on file with the Committee, C05271656).

militias as an interim security measure."[53] It was "designed to be an interim security measure" following the revolution but had not coalesced into an established force and had little impact on the security incidents in Benghazi.[54]

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

Stevens' last entry in his personal journal, dated September 11, 2012, read: "Never ending security threats…"[56]

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

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

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[53] U.S Dep't of State, Cable, The Guns of August: security in eastern Libya (Aug. 8, 2012) (on file with the Committee, C055782149).
[54] *Id*.
[55] Comprehensive Timeline of Events - Benghazi (on file with the Committee, SCB0047843).
[56] J. Christopher Stevens, U.S. Ambassador to Libya, Personal Diary, Unofficial Transcript prepared by Patrick F. Kennedy, *et al* (Sept. 10, 2012) (on file with the committee: STATE-SCB0048881).
[57] Email to Susan E. Rice, U.S. Ambassador to the U.N. (Sep. 11, 2012, 7:55 PM) (on file with the Committee, C05390691) (re: FOR SER INFO: More on Cairo Embassy Attack).
[58] *See* Larry Bell, *Muslim Brotherhood Fox Was Hired To Protect Our Benghazi Consulate Henhouse*, Forbes (Dec. 2, 2012), http://www forbes.com/sites/larrybell/2012/12/02/muslim-brotherhood-fox-was-hired-to-protect-our-benghazi-consulate-henhouse-interview.
[59] *Id.*

produced in the United States, was posted on YouTube.[60] This trailer caught the attention of Muslims in Egypt and calls were made on television, in newspapers, and on social media, to protest the denigration of the Muslim faith as depicted in the movie trailer at the U.S. Embassy in Cairo on September 11, 2012.[61]

Multiple agencies of the U.S. government were aware of the impending demonstration in Egypt. The U.S. Embassy in Cairo notified the State Department, coordinated with Egyptian leaders, and ordered most of its personnel not to report to work that day.[62] The Department of Homeland Security issued an intelligence report on September 10, 2012 advising that the Cairo Embassy might be targeted as a means to call for the release of the Blind Sheik as well as in response to an anti-Islam film.[63]

Shortly after noon in Cairo [6 a.m. in Washington D.C.] on September 11, 2012, the U.S. Embassy in Cairo posted a tweet condemning those who would "hurt the religious feelings of Muslims."[64] A few hours later,

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[60] The original trailer, in English, was posted in July 2012. *See* Phil Willon and Rebecca Keegan, *Timeline: "Innocence of Muslims" Unrest,* LA Times (Sept. 13, 2012), http://articles.latimes.com/2012/sep/12/entertainment/la-et-mn-antiislam-film-sparks-violence-20120912.

[61] Nancy A. Youssef and Amina Ismail, *Anti-U.S. outrage over video began with Christian activist's phone call to a reporter,* MCCLATCHY NEWSPAPERS (Sept. 15, 2012), http://www mcclatchydc.com/news/nation-world/world/article24737101 html; *see also* , Email from State Department Press Office, U.S. Dep't of State, to State Department Press Office, U.S. Dep't of State (Sept. 13, 2012 4:54 PM) (on file with the Committee, C05580045) (The film trailer "had actually been circulating at a relatively low level for some months out there in cyberspace and that it only caught fire in the region on the day or just before that day that we began to see these various protests.").

[62] *See id.* ("in the day or days prior to the protests that became violent at our Embassy in Cairo, the film had been shown on Egyptian television and was being quite heavily watched, and our social media tracking indicated that … we expected it to be localized to Egypt.").

[63] Catherine Herridge, *DHS report warned last week of call for 'burning the embassy down' in Cairo*, FOX NEWS, (Sept. 19, 2012), http://www foxnews.com/politics/2012/09/19/dhs-report-warned-last-week-call-for-burning-embassy-down-in-cairo.print.html; *see also Intel agencies warned U.S. embassy in Egypt of possible violence over film*, AL ARABIYA NEWS (Sept. 18, 2012), http://www.alarabiya net/articles/2012/09/18/238658 html.

[64] Email from Victoria J. Nuland, Spokesperson, U.S. Dep't of State, to Wendy Sherman, Under Sec'y for Political Affairs, U.S. Dep't of State, *et al.* (Sept. 12, 2012, 6:08 PM) (on file with the Committee, C05580024) (Subject: Today's Benghazi backgrounding points) ("The statement was issued from Embassy Cairo just after noon Cairo time on September 11, well before the incident at the Embassy."); see also Karen Yourish and David A.

demonstrators began gathering outside the perimeter wall of the Embassy in Cairo.[65] The crowd of demonstrators grew to nearly 2,000 people.[66] Armed with spray paint, a handful of demonstrators scaled the walls, tore down the American flag, ripped it to shreds, and replaced it with a black militant Islamic flag.[67] According to Kennedy, there were no weapons shown or used during the protest in Cairo.[68] Within hours, the Egyptian police were able to "move the protesters off the compound peacefully."[69]

United States Africa Command [AFRICOM] was the U.S Combatant Command with responsibility for all of Africa, except Egypt. Despite Egypt not being in its area of responsibility, AFRICOM observed the Cairo protest throughout the day. Vice Admiral Charles J. Leidig, the Deputy Commander for Military Operations at AFRICOM, discussed AFRICOM's actions that day:

> [W]e had been observing the events on that day in Cairo and the protests, and we were concerned that those protests would cause other protests throughout the region, and particularly in North Africa. Even though Egypt is not in our area of responsibility, it surely has an affinity with the other countries that are in Northern Africa. So we were watching that carefully.

Fahrenthold, *Timeline on Libya and Egypt: Attacks and response*, WASH. POST, (Sept. 12, 2012), https://www.washingtonpost.com/politics/decision2012/timeline-on-libya-and-egypt-attacks-and-response/2012/09/12/85288638-fd03-11e1-a31e-804fccb658f9_story.html?hpid=z1.

[65] Email to Susan E. Rice, U.S. Ambassador to the U.N. (Sep. 11, 2012, 7:55 PM) (on file with the Committee, C05390691) (re: FOR SER INFO: More on Cairo Embassy Attack).

[66] *Id.*

[67] *Id*.

[68] Email from Legislative Management Officer, U.S. Dep't of State, to H_Egypt, *et al.* (Sept. 12, 2012 7:55 PM) (on file with the Committee, C05562234) (Subject: Write up of U/S Kennedy Call with Hill re Libya) ("Attack in Cairo was a demonstration. There were no weapons shown or used. A few cans of spray paint.").

[69] Email to Susan E. Rice, U.S. Ambassador to the U.N. (Sep. 11, 2012, 7:55 PM) (on file with the Committee, C05390691) (re: FOR SER INFO: More on Cairo Embassy Attack) ("Egyptian police did finally move the protesters off the compound peacefully.").

> So I actually recall staying at work until almost 1900 [7:00 p.m. in Libya] because we wanted to see if any riots or protests would break out, and they didn't.[70]

Despite the size of the crowd of demonstrators in Cairo and the length of the demonstration, the protest in Cairo prompted no change in force laydown for the forces that might respond to unrest in North Africa. In other words, neither the President's meeting with his Cabinet which included a discussion of the anti-Muslim film nor the anniversary of September 11, 2001, nor the demonstration in Cairo prompted any change in U.S. military posture or asset readiness in the region.

The Anti-Muslim Film was a "Nonevent" in Libya

The protests in Cairo had little to no impact on the Benghazi Mission compound or throughout Libya. While the anti-Muslim film was one of the reasons protests were called for in Egypt, it was virtually unknown in Libya. Hicks testified regarding the reaction in Libya to the film:

> Q: Was it your understanding that the Cairo protest had been planned and called for?
>
> A: I believe I understood that at the time.
>
> Q: Okay. Had there been any similar protest in Libya that were planned and called for prior to that day?
>
> A: No there were not. And so we were interested in monitoring all our contacts, and monitoring social media, news outlets, to see if anything erupted in Libya that was comparable to what was happening in Cairo. And we wanted to do that, but we wanted to do that as safely as possible.
>
> ***
>
> Q: Okay. We have heard reports that the demonstrations in Cairo were at least in part if not solely based on some sort of video or

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[70] Testimony of Vice Admiral Charles J. Leidig, Deputy Commander for Military Operations, United States Africa Command, Tr. at 25-26 (Mar. 20, 2014) [hereinafter Leidig 2014 Transcript] (on file with the Committee).

film trailer that was out that was demeaning to the Prophet Mohammed. Did you have that understanding at the time?

A: Of the Cairo –

Q: Yes.

A: —demonstrations?

Q: Yes.

A: I think maybe I did. I'm not sure.

Q: Okay. Were you monitoring within Libya for any type of reaction to this film?

A: Yes.

Q: Okay. And how long had you been monitoring in Libya for any type of reaction to this film?

A: I think we had begun monitoring since about September 8th.

Q: Okay. And had you had any reaction or hits on your monitoring?

A: Very few, if any.

Q: So it appeared to be a nonevent in the country of Libya?

A: It was a nonevent in the country of Libya.

Q: Did you have any conversations with Ambassador Stevens regarding the demonstrations in Cairo and the actions that you were taking in response to that?

A: I had texted him and said, hey, are you watching TV? Embassy Cairo is under attack.

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Q: And did he respond?

A:He said, really? And I can't remember exactly what he said, but anyway it was, what's going on? And I said, the embassy's

> been breached, the flag's been taken down, the black flag has been raised in its place.
>
> Q: Was that the sum total of your communication back and forth.
>
> A: That was the sum total of our communication.[71]

One of the Diplomatic Security Agents in Benghazi told the Committee what happened after Stevens learned of the Cairo protests:

> Q: Did you hear at any point during the day at some time about a protest in Cairo?
>
> A: Yes. I can't remember exactly when, but I was made aware of the protests in Cairo, and the Ambassador had asked about it.
>
> Q: And were you actually in a conversation with the Ambassador?
>
> A: I was in a conversation with the Ambassador when he said, hey, something's going on in Cairo, and he asked me if I would be able to find out something about it for him.
>
> Q: And were you able to?
>
> A: I made some phone calls to the command center, in D.C. but there was no other information that I received other than that there was a protest, and they were actually in the process of evaluating the situation.[72]

As in Tripoli, the agents in Benghazi monitored social media for any planned or called-for demonstrations. On September 11, there was no indication in Benghazi that any protests over the film trailer were planned.[73] With the film being a virtual nonevent in Libya, the Diplomatic Security Agents saw no reason to change their security posture that day. One Diplomatic Security Agent recounted:

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[71] Hicks April 2016 Transcript at 64-68.
[72] Diplomatic Security Agent 2 Transcript at 82-83.
[73] Email from Agent 5, Diplomatic Security Agent, U.S. Dep't of State, to J. Christopher Stevens, U.S. Ambassador to Libya (Sep. 11, 2012 1:39 AM) (on file with the Committee, C05393199) (Subject: Daily Security Update).

> Q: And do you remember any conversations about whether or not, because of what the Ambassador had been hearing and asked you to follow-up on, or any other reasons, of potentially changing anything about the security setup for that evening?
>
> A: No, no I—no, I can't think of any changes that we talked about making or made based on that.[74]

Evening in Benghazi

On the evening of September 11, 2012, there were a total of seven U.S. personnel, including Stevens, on the ground at the compound at the time of the attack.[75] Sean P. Smith, who prior to working for the State Department served in the United States Air Force, was one of the U.S. personnel there. Smith was serving as the Information Management Officer. He had been in Benghazi on a temporary tour of duty from The Hague for 30 days. He arrived on September 1 and his role was to run the administrative component of the Mission. The other five U.S. personnel at the compound that evening included the two Diplomatic Security Agents who travelled with Stevens from Tripoli to Benghazi, and the three Diplomatic Security Agents assigned to Benghazi.

Stevens' last event of the day was a meeting with the Turkish Consul General, [redacted]. The Consul General departed at 7:39 p.m. local time, and four British security team members departed at 8:27 p.m.[76] No other visitors were on the Mission compound that night. There was no evidence of any group assembled outside the Mission compound gate: large, small, peaceful or otherwise.

THERE WAS NO PROTEST

All five Diplomatic Security Agents on the ground that night in Benghazi were consistent in their testimony—before the attack began, there was no protest.

> One agent testified:

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[74] Diplomatic Security Agent 2 Transcript at 84-85.
[75] Diplomatic Security Agent 3 Transcript at 142.
[76] Video: DVR Footage of the Mission (Sep. 11, 2012, 1940 and 2027, respectively).

> Q. So the intelligence in and around Benghazi was that there was no planned protest?
>
> A. I did not hear of a planned protest, no.
>
> Q. No one communicated that to you.
>
> A: No, I did not hear that.[77]

Another agent testified:

> Q: Do you recall at any time during the day seeing any type of crowd form outside of the mission compound.
>
> A: Other than?
>
> Q: Other than normal activity that would have occurred in Benghazi, just people coming and going.
>
> A: So other than the attack and the attackers, no.
>
> Q: Okay. So there was no protest, to the best of your knowledge, the day of the attack.
>
> A: Not to my knowledge.[78]

Yet another agent testified:

> [redacted]
>
> [redacted].[79]

A fourth agent testified:

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[77] Testimony of Diplomatic Security Agent 1, U.S. Dep't of State, Tr. at 50-51 (Mar. 6, 2015) [hereinafter Diplomatic Security Agent 1 Transcript] (on file with Committee).
[78] Diplomatic Security Agent 2 Transcript at 123-124.
[79] Diplomatic Security Agent 3 at 31-32.

> Q: Prior to the attack occurred [sic], did you hear anything on the outside, such as chanting or any type of sounds [that] would be a protest?
>
> A: No, I never heard any sort of chanting or protest or anything. Would it then be an accurate description to describe the attack as a sort of stealth attack?
>
> A: It was very sudden. As I had mentioned, conditions immediately before the only warning that I had that something was amiss was that—kind of that cry that I heard at assault on the main gate.
>
> Q: So it was very sudden. And the first attackers that you saw enter, were they armed?
>
> A: Yes.[80]

The fifth agent testified:

> Q: If there had been something about a planned protest in Benghazi, would that be the type of information that you would have been interested in?
>
> A: Yes.
>
> Q: Do you recall any such information?
>
> A: No.[81]

Hicks was asked "if there was … a protest [outside the facility], would that have been reported?"[82] In his view:

> [A]bsolutely, I mean, we're talking about both security officers who know their trade, even though they are brand new, and one of the finest political officers in the history of the Foreign Ser-

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[80] Testimony of Diplomatic Security Agent 4, U.S. Dep't of State, Tr. at 144 (Mar. 16, 2015) [hereinafter Diplomatic Security Agent 4 Transcript] (on file with Committee.
[81] Testimony of Diplomatic Security Agent 5, U.S. Dep't of State, Tr. at 105 (Apr. 1, 2015) [hereinafter Diplomatic Security Agent 5 Transcript] (on file with the Committee).
[82] Hicks April 2013 Transcript at 81.

> vice. You know, for there to have been a demonstration on Chris Stevens' front door and him not to have reported it is unbelievable. And secondly, if he had reported it, he would have been out the back door within minutes of any demonstration appearing anywhere near that facility. And there was a back gate to the facility, and, you know, it worked.[83]

THE MISSION'S EMERGENCY ACTION PLAN

The Mission's emergency action plan relied on the Diplomatic Security Agents as well as the two contracted internal security support entities: The Blue Mountain Guard Force and the February 17 Martyrs Brigade. The Blue Mountain Guard Force consisted of unarmed guards whose primary role was static surveillance of the three entrance gates as well as the interior of the compound. These guards had access to an alarm should any danger present itself. According to one Diplomatic Security Agent:

> The primary purpose of a local guard force is to man the perimeter and the gates in order to delay and deter potential security risks and to afford us additional notice…if there were to be a security risk. In addition, they were in charge of access control, so screening people as they were coming in the compound, screening vehicles as there were coming in the compound.[84]

The February 17 Martyrs Brigade consisted of a rotating set of three to four armed guards who lived on compound to operate as a quick reaction force to respond to any security incidents against the Mission. Their role was to augment security provided by the Diplomatic Security Agents. In addition, the February 17 Martyrs Brigade was supposed to send additional armed guards if an event occurred at the Mission compound. According to one Diplomatic Security Agent:

> Q: And [how] did their role and responsibility differ from the local guard force [Blue Mountain Group]?
>
> A: Well, they were armed primarily. But really what we counted on them to do was make a phone call to the 17th February Mar-

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[83] *Id.* at 81-82.
[84] Diplomatic Security Agent 4 Transcript at 16.

> tyrs Brigade so that we could receive backup in case something happened.
>
> Q: Okay. So you were aware that they had a larger contingent of people that was to be available to—
>
> A: Right. Right.[85]

One Diplomatic Security Agent provided a description of the emergency action plan at the compound and how the local guards were expected to supplement this plan:

[redacted]

[redacted].

[redacted]

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[85] Diplomatic Security Agent 5 Transcript at 22.

[redacted].[86]

The unarmed Blue Mountain Guard Force was fully staffed the evening of September 11, 2012, with five guards. Two of those guards were assigned to the main entrance of the Benghazi Mission compound.[87] Three of the four armed February 17 Martyrs Brigade guards were at the compound at the time of the attack. One of the guards left early for a reported "family obligation" with no replacement. The three remaining guards were within the vicinity of the main gate just prior to the attack.[88]

ALL IS QUIET AT THE FRONT GATE

The Diplomatic Security Agents at the compound did not observe any activity at the main gate during the hour leading up to the attack.[89] The only movement of note was the arrival of a local police vehicle at the main gate at approximately 9:02 p.m. [3:02 p.m. in Washington D.C.].[90] According to one of the Diplomatic Security Agents, the one security component consistently lacking at the compound on a regular basis "was the police support on the exterior of the compound."[91] On September 6, 2012, in the lead-up to Stevens' visit, the Mission requested the Libyan Ministry of Foreign Affairs provide one vehicle at each gate of the Mission "round the clock (24 hours/day) from Sept 10, 2012 to September

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[86] *See* Diplomatic Security Agent 3 Transcript at 46-47 (for additional details on the reaction plans); *see also* Diplomatic Security Agent 4 Transcript at 20 and 82, and Diplomatic Security Agent 5 Transcript, at 88 and 90.

[87] Letter from U.S. Dep't of State, to Blue Mountain Group, (Feb. 17, 2012) (on file with the Committee, C05395135) (Subject: Notice of Contract Award Contract No. SAQ-MMA-12-C-0092 Local Guard Services Benghazi, Libya).

[88] Diplomatic Security Agent 3 Transcript at 147.

[89] Diplomatic Security Agent 4 Transcript at 127; *see also* Diplomatic Security Agent 5 Transcript at 113-114); Diplomatic Security Agent 2 Transcript at 85; Diplomatic Security Agent 4 Transcript at 36 ("We did have visibility issues, especially at night with our CCTV system. For that reason one of the efforts that I tried to lead was having the ESO, Engineering Security Office, come out to install new CCTV cameras that we had received. Unfortunately, it wasn't to be. They were scheduled to arrive I believe the week after the attack.").

[90] DVR: Footage of the Mission. (Sep. 11, 2012) (on file with the FBI).

[91] Diplomatic Security Agent 3 Transcript at 109.

15, 2012" to supplement security during Stevens' visit.[92] As the morning began on September 11, no police vehicle was located at any of the compound gates.[93]

> Q: Who was—what was your understanding of who the SSC was?
>
> A: The Supreme Security Council. I knew that it was a pseudo militia/police force/military elements, of, again, different militia groups.
>
> Q: And do you know what the request had been for increased security?
>
> A: For at least two vehicles, I believe at each gate.
>
> Q: And how—had that request been granted?
>
> A: They told me the request went in. I don't know specifics of whether it was granted. The first day [September 10] I do remember two vehicles outside, though.
>
> Q: And did they express to you any concerns about the status of their request, that it hadn't been granted and that had caused concern for them?
>
> A: That day, no, but the next day, there were—two vehicles weren't on—on stations, at the mission, so yeah, that was a concern.
>
> Q: Okay. So that would have been on 9/11—
>
> A: Yes.[94]

That evening, however, a vehicle arrived outside of the Mission compound's front gate at 9:02 p.m.

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[92] Department of State, Diplomatic Note #59 prepared for the Ministry of Foreign Affairs and International Cooperation, Director of General Protocol Department Branch, Benghazi Office (Sept. 6, 2012) (on file with Committee, C05389670).
[93] Diplomatic Security Agent 1 Transcript at 7.
[94] *Id.*

WARNINGS AND INDICATORS PRIOR TO THE ATTACKS

Shortly before the attacks began, a [redacted] extremist indicated [redacted] on their way to attack the [Mission compound's front gate] in Benghazi.[95]

The Committee also found evidence that a former TNC security official also claimed he attempted to pass threat information directly to the CIA Benghazi Annex prior to the attack. A few days after the attacks, on September 15, 2012, the [redacted][97] [redacted][98] [redacted] the former TNC official tried to relay the information to the Director of the Libyan Intelligence Service and his assistant, who were both out of the country. [redacted].[99]

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[95] [redacted]

[96] [redacted].

[97] *Id.*

[98] *Id.*

[99] *Id.*

[redacted], however—but what the Committee has uncovered and verified—was the former TNC security official also claimed he attempted to pass this threat information directly to the CIA Benghazi Annex prior to the attack. This claim was acknowledged by both the Chief of Base in Benghazi and another CIA officer:[100]

Prior to the attacks, [redacted][101] [redacted][102] [redacted][103]

[redacted], the CIA was unable to confirm whether or not the former TNC security official's claim is true. A [redacted][104] [redacted][105]

The CIA also reviewed [redacted][106]

A third person also claimed he tried to contact the U.S. government prior to the attack. A Libyan Special Advisor on Security "claimed he had tried to warn the U.S. government of the potential for an attack on the

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[100] Officer A Transcript at 100; *see also,* Testimony of Chief of Base, Central Intelligence Agency, Tr. at 130 (July 16, 2015) [hereinafter Chief of Base Transcript] (on file with the Committee).
[101] Officer A Transcript at 57, 59-60.
[102] Officer A Transcript at 85.
[103] *See* Officer A Transcript at 86. *But see*, Chief of Base Transcript at 139 [redacted].").
[104] Officer A Transcript at 63-64.
[105] Officer A Transcript at 64.
[106] Attestation regarding [redacted].

Consulate prior to the attack taking place."[107] This individual "left Libya immediately after the attack" and "was afraid of potential threats against him, based in part on his assumption that there were documents in the Consulate likely found by the attackers, that they might interpret as him sympathizing with the U.S. Government."[108]

THE FIRST ATTACK ON THE BENGHAZI MISSION BEGINS

At 9:42 p.m., the Libyan police vehicle at the front gate of the Benghazi Mission compound rapidly departed at the same time attackers advanced toward the main entrance.[109] Prior to that, the Libyan police did not warn the Diplomatic Security Agents at the compound, the unarmed Blue Mountain Guards, or the armed February 17 Martyrs Brigade members of the surging attackers or of their own departure.[110]

As the police vehicle fled, dozens of armed men rushed the compound and an explosion occurred near the main gate.[111] It was the beginning of what would be not one, but several attacks on the Benghazi Mission compound.

The Diplomatic Security Agents recalled first hearing taunts and chants when the attackers rushed the compound and then a loud explosion. They knew they were in imminent danger. According to one Diplomatic Security Agent:

> Q: And how did you find out about the attack?
>
> A: I heard a loud explosion and chanting outside.
>
> Q: When you say chanting, what would be—

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[107] See Email to [Tripoli Station], Sep. 21, 2012 [REQUEST 1000790 to REQUEST 1000795].
[108] *Id.*
[109] Diplomatic Security Agent 3 at 140 ("I can say within 30 seconds to a minute, before the attack started the single police car that was out there was a truck and it departed the scene."); *see also*, DVR Footage of the Mission (Sep. 11, 2012, 9:42 PM).
[110] *Id.* at 141.
[111] *See* Diplomatic Security Agent 4 Transcript at 144. *See also*, Diplomatic Security Agent 2 at 85-86; DVR Footage of the Mission (Sep. 11, 2012, 2142.53).

A: Yelling, screaming.[112]

Attackers quickly breached the main gate pouring onto the compound.[113] One Diplomatic Security Agent described his reaction:

[redacted].[114]

The Diplomatic Security Agent immediately activated the alarm in accordance with the Compound's Emergency Action Plan calling for shelter in place.[115] He stated: "The react plan is exactly what happened: shelter in place, contact your support elements, and wait for their arrival."[116]

As the alarm was sounding, two unarmed Blue Mountain Guards fled through the main gate.[117] Immediately upon the initial breach of the main gate, the attackers were engaged briefly by gunfire by one or more February 17 Martyrs Brigade guards. According to one Diplomatic Security Agent, one of the guards was shot during this engagement:

[redacted].[118]

With minimal resistance at the main entrance, the attackers quickly pushed onto the compound and cornered the armed February 17 Martyrs Brigade guards inside their barracks and set fire to the barracks.[119] The guards incurred no fatalities that evening. Besides the initial exchange of gunfire at the main entrance, no additional gunfire was directed toward the attackers on the compound prior to the end of the first wave of attacks at the Benghazi Mission compound.

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[112] Diplomatic Security Agent 1 Transcript at 55.
[113] DVR Footage of the Mission (Sep. 11, 2012, 2143.50).
[114] Diplomatic Security Agent 3 Transcript at 137.
[115] *Id.*
[116] *Id.* at 142.
[117] DVR Footage of the Mission (Sep. 11, 2012, 2142).
[118] Diplomatic Security Agent 3 Transcript at 147.
[119] *Id.*

After the alarm was initiated, the Diplomatic Security Agent in the Tactical Operations Center [TOC] immediately called the GRS personnel at the Annex, located approximately one mile from the Benghazi Mission compound.[120]

The Diplomatic Security Agents were able to establish an open line of communication through a shared radio [redacted] with the Annex during the attack allowing the two locations to have continuous communication.[121]

At the same time, another Diplomatic Security Agent relocated to the TOC and tried to call the 17th February guards on the Mission compound for help.[122] After this attempt failed, the Diplomatic Security Agent called the Annex compound and asked them to contact the headquarters of the February 17 Martyrs Brigade to request support.[123] The Diplomatic Security Agent also called the Libyan Ministry of Foreign Affairs for support.[124] The agents in the TOC then notified the lead security officer in Tripoli.[125] One Diplomatic Security Agent described their actions:

[redacted].[126]

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[120] Diplomatic Security Agent 3 Transcript at 141.
[121] *Id.*
[122] Diplomatic Security Agent 4 Transcript at 129.
[123] *Id.*
[124] Diplomatic Security Agent 4 Transcript at 148; Diplomatic Security Agent 3 Transcript at 141.
[125] Diplomatic Security Agent 3 Transcript at 141; *see also*, email to Principal Officer 4, Dep't of State (Sept. 14, 2012, 8:07 AM). (Subject: Re: Log of events on 9/11/12-9/12/12) (on file with the Committee, SCB00472640).
[126] Diplomatic Security Agent 3 Transcript at 141; Diplomatic Security Agent 4 Transcript at 128-29.

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

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

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

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

Because of this concern, the agents chose to return to Villa B, which also served as the cantina or cafeteria for the Mission compound.[133] After seeking refuge, one of the agents in Villa B then contacted the TOC in

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[127] Diplomatic Security Agent 3 Transcript at 141; *see also* Diplomatic Security Agent 5 Transcript at 114.
[128] Diplomatic Security Agent 5 Transcript at 114.
[129] Diplomatic Security Agent 3 Transcript at 142.
[130] Diplomatic Security Agent 1 Transcript at 58.
[131] *Id.*
[132] Diplomatic Security Agent 3 Transcript at 142.
[133] Diplomatic Security Agent 3 Transcript at 141-142.

Tripoli and the other agent contacted the State Department's Diplomatic Security Command Center [DSCC] in Washington D.C. at 9:49 p.m. Benghazi time [3:49 p.m. in Washington, DC].[134]

Unknown to the Diplomatic Security Agents on the Mission compound, the attackers were a mix of local extremist groups, including the Benghazi-based Ansar al-Sharia, al-Qaida in the Lands of the Islamic Maghreb, and the Muhammad Jamal Network out of Egypt. Members of al-Qaida in the Arabian Peninsula, al-Qaida in Iraq and Abu Ubaydah Ibn Jarah Battalion also participated.[135]

The Diplomatic Security Agent located in the safe haven with Stevens and Smith described the weapons he saw during a direct encounter with the attackers:

> I could hear outside explosions, yelling, chanting, screaming, gunfire, and I reported all of this on the radio just saying, this is what my senses are telling me. Then people started banging on

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[134] Diplomatic Security Agent 2 Transcript at 86; *see also*, Email the Diplomatic Security Command Center to the Special Assistants for the Secretary, *et al* (page 1) (Subject: Benghazi—Attack on Compound—09112012) (Sep. 11, 2012, 1834 EST) (on file with the committee: Doc# C05578314).

[135] *See* The committee found no evidence of involvement by the Iranian government, specifically the Iranian Revolutionary Guard-Quds Force (IRGC-QF) as has been reported. Email from the State Department Operations Center (Sep. 11, 2012, 6:06 PM) (on file with the Committee, C05272001). At the time, there were two Ansar al-Sharia (AAS) branches in Libya, the one in Benghazi that was involved in the attack, and one in Darnah that was led by former Guantanamo detainee Abu Sufyian bin Qumo. There is no evidence that Qumo had any direct involvement in the attacks on the Mission or the Annex on 11 and 12 September 2012. *See Terrorist Attack in Benghazi: The Secretary of State's View*, hearing before H. Comm. on Foreign Affairs, 113th Cong. 35 (2013). The other Ansar al-Sharia, the Abu Ubaydah Ibn Jarah Battalion, was led at the time by Ahmed Abu Khattalah, the lone person charged in connection with the attack. NCTC: Libya: Terrorists and Extremists Reportedly Associates with the Benghazi Attacks (Sept 9, 2013); NCTC Current: Libya: Update on Benghazi Suspects (September 11, 2013); CIA WIRe: Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks (Jan 28, 2013); CIA WIRe: Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks (Feb 26, 2013); CIA WIRe: Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks (August 12, 2013); CIA WIRe: Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks (September 9, 2013); CIA WIRe Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks, (March 24, 2014); CIA WIRe: Libya: Terrorists and Extremists Reportedly Associated with the Benghazi Attacks (July 24, 2014).

> the doors of the building, so I reported that. Hey, there is banging on the doors. They are trying to come in, you know, we need immediate assistance. And there wasn't any response on the radio. Shortly after that, to my recollection, the doors were blown open. And about 70 individuals, you know, rushed into the building, all of them carrying AK-47s, grenades, RPGs, you know, a mixture throughout everyone.[136]

The attackers were unable to gain access to the safe haven because the access point had been fortified by the Diplomatic Security Agent inside. Instead the attackers started a diesel fire just outside the safe haven at approximately 10 p.m.[137] At that time, the agents in the TOC reported to the Diplomatic Security Command Center that Stevens and Smith were located in the safe room.[138] Meanwhile notice of the attack was disseminated in Washington D.C. at 4:05 p.m. [10:05 p.m. in Benghazi] through an "Ops Alert" by the State Department Operations Center, which notified senior Department officials, the White House Situation Room, and others the Benghazi Mission compound was under attack.[139]

As news of the attack spread in Washington D.C., Villa C, the main diplomatic building, was quickly engrossed in flames and heavy smoke.[140] Within minutes, Diplomatic Security Agents reported to the lead security agent in Tripoli that contact with Stevens had been lost.[141] A Diplomatic Security Agent described what happened next inside the Villa:

> And then slowly, people started to kind of trickle out. And then the lights started to kind of dim. My initial response or my initial thought was, well, they just knocked out the generators. You know, we have regular city power, but we also have backup gen-

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[136] Diplomatic Security Agent 5 Transcript at 115.
[137] DVR Footage of the Mission (Sep. 11, 2012, 2202.07 and 2202.25, respectively).
[138] Dep't of State, DSCC's Timeline for Benghazi and Tripoli Events [hereinafter DSCC Timeline] (on file with the Committee, C05391498) ("Ambassador Stevens, who is currently in Benghazi, and for [sic] COM personnel are in the compound safe room.").
[139] Email from the State Department Operations Center (Sep. 11, 2012, 4:05 PM) (on file with the Committee, C05272001).
[140] DVR Footage of the Mission (Sep. 11, 2012, 2201-2207); *see also*, email to Principal Officer 4, Dep't of State (Sept. 14, 2012, 8:07 AM). (Subject: Re: Log of events on 9/11/12-9/12/12) (on file with the Committee, SCB00472640).
[141] Email to Principal Officer 4, Dep't of State (Sept. 14, 2012, 8:07 AM). (Subject: Re: Log of events on 9/11/12-9/12/12) (on file with the Committee, SCB00472640).

> erators. So flickering would be a likely, you know, cause of this. But in reality, it was smoke. And it took me about, you know, 2 or 3 seconds after that to determine that it was smoke. As soon as I realized it was smoke, I turned to the Ambassador and Sean Smith and I said, we are moving to the bathroom.[142]

As Villa C filled with smoke, the two Diplomatic Security Agents in the TOC also realized it was on fire:[143]

> Q: At what point did you notice that there was also—buildings had been put on fire, and how did that come to your attention?
>
> A: Well, as—it seemed like a long time. Of course, I can't say exactly how much time elapsed between when we began our call for help and to when help finally arrived. I can't say certainly. But monitoring what was going on on the ground via the security cameras, I could see that Villa C—I could see flames starting to lick out of the windows and black smoke started to pour out of the windows, and that's when I became aware that they were in very big trouble over there.[144]

The Diplomatic Security Agent inside Villa C with Stevens and Smith attempted to lead them to the bathroom in the safe haven.[145] Once in the bathroom he realized Stevens and Smith had not followed him. Due to the thick toxic smoke, he was unable to see them and did not hear a response from them when he called out.[146] Because of the flames, the Agent became weak and overcome with smoke and heat. He left the bathroom and crawled to his bedroom where he eventually escaped through a window. After catching his breath, over and over again he crawled back through the bedroom window of Villa C to search for Stevens and Smith. [147]

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[142] Diplomatic Security Agent 5 Transcript at 117.
[143] Diplomatic Security Agent 4 Transcript at 131-132.
[144] *Id.*
[145] Diplomatic Security Agent 5 Transcript at 117.
[146] Diplomatic Security Agent 5 Transcript at 114; Diplomatic Security Agent 3 Transcript at 147. *See also*, Comprehensive Timeline of Events—Benghazi, produced by the US State Department (Last Edit Nov 01, 2012) (on file with the Committee, SCB0047845); Hicks April 2013 Transcript at 25-26.
[147] Diplomatic Security Agent 5 Transcript at 117-120.

> The last time I went out, you know, I decided that if I went back into the building that I wasn't going to come back out. The smoke and the heat were way too powerful, and way too strong, and it was extremely confusing feeling my way in a smoke-filled building. And I didn't want to get lost, and so I decided to climb up the ladder to the roof. I climbed up the ladder, and pulled up the ladder behind me and that's the moment that I knew the Ambassador Stevens and Sean Smith were probably dead.[148]

As the agent retreated to the rooftop of Villa C, he began taking gunfire.[149] At 10:14 p.m. [4:14 p.m. in Washington D.C.], he reported to the agent located in the TOC that Stevens and Smith were missing and unaccounted for.[150]

While some of the attackers were trying to break into Villa C's safe haven, other attackers broke through Villa B's main door.[151] The attackers were unable to gain access to the Diplomatic Security Agents and local guard seeking refuge in the back because they had successfully barricaded the doors.[152]

> Q: So you said that the attackers who tried to come into the room were unsuccessful?
>
> A: Yes, they tried to breach it one time.[153]

THE MISSION CALLS THE ANNEX FOR SUPPORT

When the attack started at 9:42 p.m. [3:42 p.m. in Washington D.C.], the Diplomatic Security Agent in the TOC immediately called the Annex for backup. [154] The agent testified:

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[148] Diplomatic Security Agent 5 Transcript at 121.
[149] *Id.* at 122; *see also*, Comprehensive Timeline of Events—Benghazi, produced by the US State Department (Last Edit Nov 01, 2012) (on file with the Committee, SCB0047845).
[150] Diplomatic Security Agent 3 Transcript at 147.
[151] Diplomatic Security Agent 1 Transcript at 61-62.
[152] *Id.*
[153] *Id.*
[154] Diplomatic Security Agent 3 Transcript at 141.

[redacted]

[redacted]

[redacted]

[redacted].[155]

Once the request for assistance was made to the Annex, the security team there immediately began packing up and preparing to respond.

The GRS Team Lead described what happened after the Diplomatic Security Agent called and requested their help.

> [A]pproximately 20 [minutes] to 10:00 [p.m.], I got a cell phone call on my phone from one of the ARSOs, State Department Regional Security Officers.
>
> Give or take a few minutes or whatever it was, I'd get that phone call from [Diplomatic Security Agent 3], and he's obviously a bit worked up, and he says: Hey, we're under attack. And he tells me he's sitting in the TOC, their Tactical Operations Center,

[155] Diplomatic Security Agent 3 Transcript at 143-44.

which is a separate building at the facility. And he says: I can see approximately 20 guys have come through the front gate, they are armed, and they are amassing on the soccer field, which is, you know, just in front of their—one of the living quarters buildings.

And I said: Okay. Gotcha. I said: Look, do me a favor, before you hang up or before I lose you on the cell phone network—we had previously given them one of our secure [redacted] radios. I said: Pick up that radio in the TOC and just start giving me a play by play, just keep transmitting, and you know, once you get that radio, hang up the phone, and you know, we'll deal with it.

So once he hung up, I called—I made a radio call to all the guys, the GRS guys to return to the team room, and then, you know, within a few minutes guys start trickling in. Some guys kind of, you know—you know, it's in the evening, so some guys in shorts and T-shirt, other guys, you know, clearly just, you know, thrown pants, T-shirt or whatever on, you know, just asking: Hey, what's going on? Hey, I don't know. I don't have a lot of specifics other than I just got a call from [Diplomatic Security Agent 3]. He said the facility is under attack. So at that point, you know, I don't need to tell anybody what to do. As the guys trickle in, it's, you know, word of mouth, hey, start, you know, gathering gear, start getting your kit, you know, your helmet, night vision gear, ballistic armor, you know, weapons, all that good stuff.

And you know, shortly thereafter, the deputy chief of base walks in, and he says: Hey, what's going on. I heard you say call the guys to the team room. I said: Hey, Chief, not exactly sure, but the State facility, I just got a call and they're under attack.

And he asked me, he said: Well, did you tell chief of base yet?

I said: No, I'm just getting—he said: All right. Don't worry about it. I'll go tell him.

So we continue to kit up. The guys, you know, are doing their

> thing, start bringing our heavier weapons, equipment out to the car. We get the linguist, kind of get him—you know, get him some body armor, get him a helmet, and you know, kind of give him a quick brief. We kind of gravitate out to the vehicles.[156]

Once the Chief of Base was alerted, he met with the Team Lead and the Deputy Chief of Base to determine if they had received any additional information about what was happening at the Mission. The Chief of Base then began calling partner militia organizations for assistance.

> So he starts working phones. I can hear him. You know, sometimes he's able to get through to people, and you know, I remember one conversation where he's given a quick data dump, and the guys says: All right. Hey, you know, call me back in 2 minutes.
>
> So when he hangs up, he says: Hey, while—you know, I don't remember who he said it was, but while that person is making some phone calls, I'm going to call, you know, the other guy and just—you know, I said: Hey, look, Chief, what we want is technicals. So what we want is, you know, the trucks with bigger guns than what we have because I don't know what we're going into. So whether it be Dishka-type weapons or some type of heavy machine gun mounted on a truck, that's what I definitely want.[157]

While the Chief of Base was trying to generate assistance for the Annex team, the team members finished loading up their gear into two vehicles. The Team Lead was standing outside of the vehicles while the Chief of Base contacted their partner organizations. Meanwhile, the Annex team members became anxious to depart.

> So while this is going on, one of my—like I said, the guys there are pretty much just kind of wrapping up, getting, you know, the ammo, and you know, first aid kits, all that stuff, and then they're basically standing by loading in front of the building. And one of the officers, my officers comes out, and he says:

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[156] Testimony of GRS-Team Lead, Central Intelligence Agency, Tr. at 20-23 (Apr. 19, 2016) [hereinafter Team Lead Transcript] (on file with the Committee).
[157] *Id.* at 23-24.

Hey, look, you know, we got to get going. We got to go. We got to go.

I said: Yeah, I know that, but I don't know what we're getting into, and the chief's trying to make some phone calls. I want to get some technicals to go with us because I don't know what we're—what we're going to get into.

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So he goes back into the car. Chief continues to, you know, work the phones. He makes contact with maybe another two or three guys, and then he circles back with that first person he made the phone call to, and the phone is shut off. And he tells me: Hey, it's not going through. It's shut off. I said: All right. Can you try the other guys back?

So he proceeds to, you know, try to make follow up phone calls. You know, [one Team Member] pops out again, and he's like, hey, we got to go, we got to go, and at that point Chief is like, hey. Yeah, I know. I'm just trying—like, hang on. I'm trying to make some—we're trying to get the technicals. We're trying to, you know, get you guys some weapons.

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And then one of the other officers,[] came out. He's like, hey, you know, what do we got? I said: Look, Chief's trying to make phone calls. I really want to get some technicals.

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So at some point, you know, whatever, couple of minutes, it becomes kind of clear that there's nothing readily coming, or there's—like Chief isn't making positive coms with anybody who's saying, hey, I've got, you know, two, three, four, five technicals, they're going to meet you at whatever location. That's not happening. So I tell the chief, I say: Hey, Chief, look, we're going.

And to be honest with you, I don't recall Chief saying anything. Deputy chief, you know, kind of looks at me, and he's like, well, he's like, you know, [GRS-Team Lead], God speed, hopefully

> we'll see you guys back here shortly.
>
> So at that point, we roll out. I can tell you between, you know, the time stamp on our CCTV, like I said roughly, I think my phone call came at like 21:43, depending on what timestamp you look at, we roll out at like 22:04, so 21, 23, 24 minutes, whatever.[158]

The Chief of Base described his actions after he learned about the attacks.

> I was calling everybody I could think of. I think I called the police, LIS, other militia groups that—we were, you know, in an information-gathering mode, and trying to see who might be able to respond quickly to the Consulate, to the mission.
>
> Q: How much success were you having in actually getting through to people at the police, at Libyan intel with other militias?
>
> A: I didn't get through to Libyan intel, I don't think. They weren't actually very helpful to us in Benghazi at all.
>
> Q: Okay.
>
> A: But otherwise, I was getting through to the people.
>
> Q: Okay. And what kind of response were you getting on the other end?
>
> A: Well, there was a lot of disbelief and confusion, and trying to understand what was happening, what—basically, it was, as what you might, expect when something like that happens.[159]

Despite multiple attempts, the Chief of Base found his phone calls unfruitful. He was unable to generate any additional assistance from the partner organizations he called. He described his conversations with the

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[158] *Id.* at 24-26.
[159] Testimony of the Chief of Base, Central Intelligence Agency, Tr. at 24-25 (Nov. 19, 2105) [hereinafter Chief of Base Transcript] (on file with the Committee).

organizations.

> A: Well, there was a lot of disbelief and confusion, and trying to understand what was happening, what—basically, it was, as you might, expect when something like that happens.
>
> Q: Did you hear anything that would give you any pause or reason for concern?
>
> A. Well, I was already concerned, to be honest with you. I mean, you know, we could hear the gunfire. There were even some tracer bullets flying overhead so we were, again, I was trying to get as much information as possible.[160]

The Chief of Base described what happened after the Annex team members finished loading their gear and were ready to depart.

> Q: So at some point, the GRS folks were kitted up, and what happened at that point that you can recall? Do you recall seeing them all kitted up?
>
> A: I was standing right in the area that they were getting their stuff. It took them, I would say, about 15 minutes to get ready. It was a very—to me, the time passed by very quickly.
>
> A: And people were going to CONEXes and getting ammunition and water, and getting batteries and MPGs and such. At one point, [the Team Lead] came to me, I would say maybe 15 minutes into it and said that he wanted to see if I could arrange a technical, or a gun truck, from 17th February. So I called back to 17th February and was working on getting that gun truck. So I was in contact with [the Team Lead].[161]
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>
> Well, their response was, okay, but I don't have one, or it's going to be difficult. I have got to check. It was—it was not like immediately we are going to be able to—the person who I was

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[160] *Id.* at 25.

> talking to, who was one of their commanders whose name I don't remember.
>
> Q: And did you relay that back to [the Team Lead]?
>
> A: Yes.
>
> Q: What was his response?
>
> A: That's when they left to go on the rescue.[162]

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

> You said that you let them go. Did you give them an affirmative order for them to go?
>
> A: I think I was working with [the Team Lead] the whole time –
>
> Q: Okay.
>
> A: —in an effort to get them to get them gone, to have them go. So whether or not I gave an affirmative order, but I wanted them to go. They were cleared to go. And they went.
>
> Q: When you say they were cleared to go, is that you giving the clearance?
>
> A: Yes.
>
> Q: Did you have any discussions—do you recall having any discussions with the deputy chief of base about allowing the guys to go?
>
> A: I don't recall any. It was never—I never had any doubt about the GRS people going to the State Department compound. I had great concerns and great worry about it but I did not, I did not tell anybody to stand down.[163]

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[162] *Id.* at 29.
[163] *Id.* at 31-32.

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

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

He further added:

> People were coming and going the entire time. But I did not issue a stand-down order. And if there was a delay, there was a very short delay, basically the team lead we have to try to get this gun truck.
>
> ***
>
> I was doing everything, and to my knowledge, everybody on that base was doing everything. I think I carried an ammo can at one time to get those guys out the door.
>
> So it's, you know, our GRS folks were very brave that night. But I, everything that I saw from during the kitting up of the team, to their departure till their return and heard in between, very much [the Team Lead] was in charge of it. Listening to the radio, he was in charge of it. So when [the Team Lead] was satisfied, I think, that we weren't going to get the support that we—that he wanted to get this gun truck to try to link it up—although I think they did link up at some point—that he left. He took the team and left.[165]

One GRS agent did not recall the Chief of Base telling the team to "stand down" but he did recall the Chief of Base telling them to

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[164] *Id.* at 58-59.
[165] *Id.* at 59-60.

"wait."[166]

> Q: And what did you think when he told you to wait?
>
> A: I believe at first I just said, okay, maybe he's talking to somebody that can help, and, you know, I respected the fact that he wanted us to wait and see if he can gather additional fire power to help. At some point, though, the wait was too long, and we decided, you know, we couldn't wait any longer and we left. We didn't know if that wait was going to be an indefinite wait and you're-not-going wait or a real wait or—but nothing was happening for several minutes.
>
> And so we can hear the State Department's cries for help on the radio, and we just reached a point where we decided to leave on our own.[167]

The agent also acknowledged during the time the team was "kitting up" and after they loaded into the vehicles, the Chief of Base and the Team Lead attempted to obtain additional support from the Libyan partner organizations.

> Q: When you said nothing happened—nothing was happening for several minutes, you're referring to what exactly? There were individuals on the phone?
>
> A: Yes.
>
> Q: So that was occurring, but for your purposes—
>
> A: For our purposes, we were getting in and out of the vehicles, ready to go. We were just waiting for someone to say go. My understanding is they were trying to get us to link up with 17 Feb or have 17 Feb go there first, something to do with 17 Feb helping out. But there was never a clear, definitive, this is what's go-

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[166] Testimony of GRS 3, Central Intelligence Agency, Tr. at 52 (May 29, 2015) [hereinafter GRS 3 Transcript] (on file with the Committee).
[167] *Id*. at 50.

> ing on. Everything was chaotic.…[168]

Another Annex Team Member also recalled that the team was told to wait while the Chief of Base and the Team Lead were making phone calls. This member testified that once the team was ready to depart he approached the Chief of Base and the Team Lead, who were both making phone calls at the time. He explained what happened.

> A: Yep. Grab my machine gun, grab my night vision, grab my helmet and get back outside, and everybody else is doing their job. Cars are already staged. Looked at Ty. His car was up. He gave me a thumbs up. Had [GRS 3] and [GRS 1] in the car. And I went up to our chief of base and team leader, and they're standing in the courtyard, and I said, hey, we're ready to go.
>
> Q: Now the team leader at this point, you said you saw him on the way into the team room. He was not geared up. You saw him with his phone. You didn't see him on the phone?
>
> A: Not at first. When I came back out they were both on their phones.
>
> Q: Now, team leader and—
>
> A: And [the Chief of Base] were both on their phones. I looked at [the Chief of Base] and the team leader and said, hey, we're ready to go. [The Chief of Base] looked at the team leader, and he said tell these guys they need to wait. The team leader looks at me and says you guys need to wait. It's about 9:37. It's no more than 5 minutes if that.
>
> ***
>
> So at this point in time, the chief told the team leader to wait.
>
> Q: Team leader told you to wait?
>
> A: Yes.

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[168] *Id*. at 50-51.

> Q: All right. What did you do next?
>
> A: Waited. Went back to the car and just radioed, hey, we got to wait guys. Just because the guys needed to know the information.
>
> ***
>
> Q: All right. So you go back in the car. You're in the second car, in the SUV. You're with [GRS 5], and go to the radio and say we got to wait?
>
> A: And everybody is pretty cool about it. Nobody is getting upset.[169]

The team member was able to see what the Chief of Base and the Team Lead were doing when he returned to the vehicle.

> What I'm seeing, and I'm looking at [the Chief of Base and the Team Lead] off and on and they're just talking on their phones. And all I can see, as time goes on and we start getting calls, from [Diplomatic Security Agent 3] on the radio, saying, hey, the Consulate has been overrun. GRS, where the bleep are you? We do start getting a little bit more agitated.[170]

The team member continued:

> Q: All right. So you said you heard [Diplomatic Security Agent 3] on the radio, and what did he say?
>
> A: [Diplomatic Security Agent 3], and I can't recall his exact words. It's been 3 years, but I can recall the gist of it, and I can recall the emotions of it. It was, GRS, where are you? Consulate's been overrun. Where are you? Where are you? Get your asses over here. We need your help. Where are you? Another 10 minutes go by, and that's when I see [GRS 1] get out of his car. He goes to the driver's side. And I have my door closed, and I

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[169] Testimony of GRS 4, Central Intelligence Agency, Tr. at 26-29 (March 1, 2016) [hereinafter GRS 4 Transcript] (on file with the Committee).
[170] *Id*. at 30.

> see him yelling at [the Chief of Base]. He's going like this. Now, I didn't hear it, but I asked him after what he said to him. He was just there. Him and [the Chief of Base] are jaw jacking.
>
> He gets in the car. I said what's going on, dude? He said he's telling us to stand down. Now [GRS 1] told me that on the radio, but I said my vehicle was doors were closed, armored vehicle, but I remember seeing him go to the driver's side and just—
>
> Q: So it was just you and [GRS 5] in your vehicle?
>
> A: Yeah. And then I also reconfirmed that when I asked [GRS 1] later. He wasn't happy.
>
> ***
>
> We waited another 10 minutes, so it's been about 25 minutes.
>
> Q: The first time you said you were ready to go in 5 minutes. Then you said there was 10 minutes. Then you waited another 10 minutes?
>
> A Close to 25 minutes.[171]

Although this team member's testimony regarding the amount of time that elapsed between the Mission's request for help and the team's departure was consistent with the testimony of other witnesses and the time indicated by the surveillance footage of the Annex, his testimony about when the attack began, and thus when the Mission called for help, differed. The witness, one of the co-authors of the book "13 Hours: The Inside Account of What Really Happened in Benghazi," testified that the attack began at 9:32 p.m., ten minutes earlier than other witnesses, documents and the surveillance footage indicates. He was asked why he believed the attack began at 9:32 p.m. and provided this explanation:

> A: I remember hearing a call on the radio that all GRS needed to muster in the team room. I remember there was not a sense of urgency in the voice. I remember looking at my watch. I remem-

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[171] *Id.* at 30-32.

ber it saying 9:32. And I have said that many times. I know it differs, but I know that's what it said.

Q: So let me stop you there. I know you said it many times. I've read that in the book. Everywhere else I've seen it's 9:42. How do you account for the difference?

A: Differences of what people want to hear, want to know. I was on the ground. I was looking. I was pissed off because somebody was bothering me at 9:32 at night because I wanted to go home.

Q: You were home.

A: I wanted to get the day over with. Nothing comes good, when you get bothered at night, especially if you're in the military, and you're getting called by your leadership at 9:00 at night, nothing good comes of it. The difference, you'd have to ask the person that says it's 9:42. I don't know. I didn't see anybody else with me on that report there that night, though. We get a call 30 seconds later, roughly.

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Q: And I don't mean to pick apart your statement. So the book I believe—let me just quote you from the book. It says: At 9:02 p.m. an unexpected vehicle drove down the gravel road outside the compound. And a little bit later the SSC vehicle pulled away 40 minutes after it arrived. A little while later. Almost the moment the SSC pickup pulled away from the compound, shots and an explosion rang out?

A: Sure. And what Mitchell was doing with that is he was pulling stuff off the report. We had to get the book cleared.

Q: Okay.

A: So if you read it, too, he also says that [GRS 4] looked at his watch, and he has assured that it was 9:32 that he was called. So we're getting both what other people were saying. That's what we were trying to do, and [GRS 2] can help me out with the book here if I get too far into it. But we're trying to show that there are differences in what people saw. I know what I saw. I'm not going to say what other people saw, and what those other

> nine reports that went through, but I know what I saw on my watch.[172]

Another Annex Team member described his recollection of what happened between the time the Mission called for help and the Annex team departed. After the Team Lead told him the Mission was under attack he got dressed, packed his gear, and loaded into a vehicle.

> [I] Ran back in, told [Annex Team Member], we got all of our clothes on, ran out of the team room, got the big weapons … and we loaded up in the vehicles. It was probably about 5 minutes or so after we learned of the ongoing attack. And we're probably sitting there for a little while. We're sitting in the car, you know, just going over, double checking our weapons, double checking our gear, you know, kind of saying, hey, you know, what's going on, what's taking so long.
>
> We're probably sitting there a good 15 minutes, and I get out of the car. I have the Chief of Base, the Deputy Chief of Base, and the team leader on the front porch. They're all three on the phone doing something.
>
> And I just say: Hey, you know, we've got to get over there. We're losing the initiative. The Chief of Base looks at me, he says: Stand down, you need to wait. You need to come up with a plan.
>
> And I say: No, it's too late to come up with a plan. We need to get over in the area, get eyes on, and then we can come up with a plan.
>
> And that's kind of where I left it because they left it at that, and I got back in the car.[173]

The Annex Team Member's testimony was consistent with the other witnesses that while the team was "kitting up" and loading their gear into the vehicles, the Chief of Base and the Team Lead were making

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[172] *Id.* at 22-24.
[173] GRS 1 Transcript at 73.

phone calls.

Q: So you were the only one out of the lead vehicle. And you got out of the vehicle and you said you saw the chief of base, the deputy chief of base, and the team lead. And where were they?

A: On the front porch of the building 3

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Q: And what were each of them doing?

A: They were on the phone.

Q: Okay. They were all on the phone?

A: Yes.

Q: Okay. And you said that—I'm just paraphrasing: We've got to get over there. We're losing the initiative. Did you say that? Does that sound right?

A: Yes.

Q: And did you say that to anybody in particular or all three of them?

A: Pretty much all three of them because I was looking directly at them.

Q: Okay. And what was the response that you got from all of them or any of them?

A: "Stand down. You need to wait." That was from the chief of base.

Q: Okay. Do you remember exactly what the chief—is that a paraphrase? Did he use those exact words? Do you remember?

> A: He used those exact words.[174]

When asked why the team member had not disclosed the "stand down" order during previous testimony to Congress, he stated:

> A: At the time, because a lot of it was that no—I mean, I didn't know why the stand down order was given. I mean, I guess [GRS team member] got told to wait, you know, that's what he says. I just know when we got told to stand down and when [the Team Lead] kind of gave the brief of kind of like why we're told to stand down, it was kind of understandable, you know.
>
> But, yes, it shouldn't take you 23 minutes or 50 minutes to link up with the QRF, because even after we left there was still no link up. There was no communication between us and the 17 Feb. that I knew of. Because when we rolled in, we didn't know who we were going to be meeting.[175]

The team member believed that no matter what phrase the Chief of Base conveyed that night to direct the team, they would not have left unless they made the decision on their own to leave at the moment they did.

> A: I mean, just like for the stand down. I don't think it came from anywhere else but [the Chief of Base].…
>
> So my biggest thing, I think, it was—I don't believe, you know, stand down. I think it was just like a heat-of-the-moment kind of thing. But to me, no matter what, when he said stand down, or wait, or don't go, whatever, he still—I believe if we didn't leave on our own, we would have never left.[176]

The Deputy Chief of Base also described what happened between the time the Annex was notified of the attack, and the time the GRS Team departed.

> I was sitting in my—I was sitting at my desk in the SCIF and I was working on—I was working on a cable I was writing regard-

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[174] *Id.* at 78-79.
[175] *Id.* at 80.
[176] *Id.* 130-31.

> ing a meeting I had been to earlier in the day with the chief of base, and I remember looking at the clock that was in the lower corner of the computer screen noting that—for some reason it just stuck out—that it was 9:40 or 9:42. I remember looking at the time. And the GRS team leader, [redacted], came in, and grabbed me and pulled me out into the GRS room and said—said he had just received communication from [Agent 3] at the special mission that they had people inside the wire there. They had people inside the compound. And he said: We are going to go, we are going to go over there, you know, and get those guys, get them out of there. And I said: Okay, you know, got that, but we got to let the boss know about this and he needs to make the call before we do that. And he said, "yeah." So I went back in.
>
> I got the Chief of Base, brought the Chief of Base out into the GRS team room where we were. The GRS team leader advised the chief of base what the situation was and said: We got to go get those guys. And the chief of base responded, "Absolutely." "Absolutely." Not, "I got to go call the chief of station." Not, "I got to go check with somebody in Washington." All he said was, "Absolutely." So I want to make that very clear because I know there's conflicting accounts about that discussion. There were three people in that discussion: myself, the GRS team leader, and the chief of base. And anybody writing any books or making movies, or whatever else, I can tell you none of those guys were in the room when that discussion occurred.[177]

The Deputy Chief of Base indicated the GRS team was loaded and ready to depart approximately 10 minutes after the Team Lead told them what was happening at the Mission.

> So [the Team Lead] advised me that he had just gotten the call from [Diplomatic Security Agent 3] and then I—and then I told him, we got to, you know, we got to check with the chief of base on this. And I went and got him, and then we had that short discussion. And then, shortly thereafter, he advised the GRS team members to start gathering their equipment that they were going

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[177] Testimony of Deputy Chief of Base, Central Intelligence Agency, Tr. at 101-02 (June 4, 2015) [hereinafter Deputy Chief of Base Transcript] (on file with the Committee).

> over there.
>
> ***
>
> And that took—that took about 10 minutes for them to get everything together.[178]

The Deputy Chief of Base raised a concern with the Chief of Base that they needed to attempt to confirm whether 17th February or any other friendly militia was at the base or would be arrive shortly in order to prevent that force from attacking the GRS team or vice versa. The Deputy Chief noted because one GRS team member was away from the base at the time, and the remaining were preparing to go to the Mission compound, the Annex effectively was without any defensive capability.

> But what happened was, I said to the chief of base: Look it, you know, we got a real issue here with potential green-on-blue because we were still operating under the assumption that 17th February was going to show up.
>
> And, in fact, a bunch of them about did, although it appears to be an uncoordinated response. They did, in fact, show up. So you got to remember that these guys that went over there, the GRS guys, the six of them, [redacted]. And I was really worried about that. If the city is blowing up, I got to make sure we get them back safely because what we were doing in making this decision, again, which the chief of base made instantly on the spot, without equivocation, was we were giving up all of our shooters to go over there and rescue the State Department people, as well as any QRF capability we would have had to rescue the case officer and the lone GRS guy [redacted] if they got into an in extremis situation.
>
> Now, on top of that, what the GRS guys took with them when they responded over there was every piece of heavy automatic weapons, and every really solid defensive weaponry capability

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[178] *Id.* at 103.

> that we had on the base. So while the chief of base agreed to do this right away, this was not a light—a decision taken lightly.
>
> And, again, I feel like the narrative that I have seen in public does not account for this and does not account for the consideration that there was a green-on-blue situation that could have wiped all of those guys out. And then where would we have been? We wouldn't have had the ability to do anything to help the State Department people, and we wouldn't have had the ability to evacuate ourselves or defend ourselves if we came under attack.[179]

One GRS Agent explained it is not unusual for people to have a different recollection of what happened during the time the Diplomatic Security Agents called the Annex to request help.[180]

> Q: Is it unusual in your perspective to have individuals with different accounts?
>
> A: It's not—of course it's not unusual to have people have different accounts.[181]

The Annex Team departed at 10:05 p.m., twenty-three minutes after the Diplomatic Security Agent at the Mission called and asked for their help.[182]

After departing the Annex, the Annex Team faced a roadblock at the intersection of the main road leading to the Benghazi Mission compound. A militia was blocking the most direct route to the Mission compound. One GRS Team Member described what they encountered:

> When we arrived, to the corner of the street that leads to the front gate, there was at least a couple vehicles there and some Libyans standing around outside. We slowly approached. We didn't know if they were friendly or hostile. They didn't appear to be a threat to us. They didn't raise their weapons at us, so we got out

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[179] *Id.* at 104-05.
[180] GRS 4 Transcript at 95.
[181] *Id.*
[182] DVR Footage of the CIA Annex (Sep. 11, 2012, 2005).

> of the vehicles.
>
> And at that time, the interpreter and [the Team Lead], I believe, started talking to somebody. We were receiving ineffective, sporadic fire. We returned fire and moved up the street. At that point, that's when our group split up.[183]

The Team Lead also described the roadblock:

> Q: And describe what happened when you left the base?
>
> A: So we roll out, and at this point there obviously was no communication via telephone that's got us anything. So my plan now is the route that we're going to take to get to the mission facility, I know there's two—three militia and/or proper Army compounds the way. So my intentions are to basically stop into one of those facilities along the way, get the technicals that we were trying to get for support, and then roll to the mission facility.
>
> So we come out to one of the main roads. One of the gates, back gates to one of the militia compounds, which is always sealed up and closed, is wide open, and there's militia guys moving all over the place.
>
> I look up the street, and there is—I can see, you know, a bunch of other movement and what have you, personnel, militia guys, whatever, and we have to go north anyways, so I said: Hey, push on to, at that corner, there is what used to be a Libyan National Army base or compound right at the corner. I said: Hey, we're going to go to that compound because that's the direction we have to travel.
>
> We get to that corner, and as I'm looking to pull in—and there's guys, you know, standing out in front. And as I'm looking there, and then I look at—essentially the path of the travel is across the main intersection and across the street, and generally speaking, where we would—the access road to the State facility is kind of up a couple of 100 yards or so on the right, and as I look up, there is—I can see a couple of technicals and a bunch of dis-

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[183] GRS 3 Transcript at 53-54.

> mounted personnel with AKs or some type of rifle on them.
>
> So I said: All right. You know what, guys, we're pushing to—through the intersection to that corner. Because there was already some type of force where we need to be, so I figured with the linguist there, roger that, we can try to utilize these guys to assist us.[184]

At the same time, the Diplomatic Security Agents at the compound were working to clear it. After they cleared Villa B, the Diplomatic Security Agents began searching Villa C, which was still on fire, for Stevens and Smith.[185] One Diplomatic Security Agent described the smoke in Villa C as so thick it prevented him "[redacted]."[186] Because the toxic smoke and heat were so overwhelming, the Diplomatic Security Agents retrieved gas masks, which were ineffective:

> [redacted].[187]

As the agents are making their second round of attempts in and out of Villa C to locate Stevens, at 10:38 p.m. [4:38 p.m. in Washington D.C.], a local force, arrived at the Mission.[188] A few minutes later, the Annex Team arrived on the compound. After three of the Annex Team members cleared the main road and the main gate they entered the compound.[189] Two minutes later, the Annex Team Lead and the CIA linguist arrived through the main gate of the Mission.[190]

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[184] GRS Team Lead Transcript at 32-34.
[185] Diplomatic Security Agent 2 Transcript at 98.
[186] Diplomatic Security Agent 3 Transcript at 150.
[187] *Id.* at 155.
[188] Comprehensive Timeline of Events—Benghazi, produced by the US State Department. (Last Edit Nov 01, 2012) (on file with the committee: State-SCB0047843); *see also*, Video: DVR Footage of the Mission (Sep. 11, 2012, 2239-2240).
[189] Video: DVR Footage of the Mission (Sep. 11, 2012, 2245)
[190] Video: DVR Footage of the Mission (Sep. 11, 2012, 2247)

Over the course of the next 20 minutes, members of the Annex Team continued to clear portions of the compound while other Annex Team members joined the Diplomatic Security Agents in searching for Stevens and Smith.[191] One of the Diplomatic Security Agents described his attempts to find them:

[redacted]

[redacted]

[redacted]

[redacted]

[redacted].[192]

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[191] Diplomatic Security Agent 3 Transcript at 155.
[192] *Id.* at 155-156.

Diplomatic Security Agent 4 found Smith unresponsive inside Villa C.[193]

> I go into the safe haven with the intention of recovering Smith and Stevens
>
> Immediately upon entering the safe haven, it becomes very clear to me that it would be a very—that would be very difficult. The smoke is extremely thick and acrid. From what I understand now, that was a result of the accelerants used to start the fire. But open flame is not so much an issue; it's the volume and the toxic nature of the smoke that made it very difficult. Even immediately entering the room, I became very disoriented.
>
> But using my internal map, my memory of the layout of the safe-haven area, I make my way along the wall searching and feeling my way. I make my way into the safe-haven close, the safe room, where, according to our plan, everyone would've been staged. And I don't find anybody there. I go and make sure that—I go and work my way around the wall to the gate, the locked gate of the safe haven itself. And I'm able to confirm that the gate is still locked, it was locked by padlock from the inside. So I can make the assumption that nobody has entered the safe haven and nobody has left. So that limits the search area.
>
> So I continue to search. I just kind of follow along the walls, calling out to the Ambassador and Smith and doing my best to feel around for them.
>
> Q: So, at this point, you have zero visual visibility and you're feeling along the walls?
>
> A: Uh-huh.
>
> Q: And so did that mean that you were just necessarily a little limited in the surface area you could cover in terms of –
>
> A: Right. Yeah. You're right; there was no visibility. So I was just trying to feel with my limbs, my hands and feet, and still maintain contract with the wall so that I wouldn't lose myself.

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[193] Diplomatic Security Agent 4 Transcript at 136.

> But, nevertheless, I started to feel very disoriented myself. I started to be worried that, you know, I was really craving oxygen by that point, and I eventually found myself in the bathroom. I broke a window out to try and ventilate the space and to get some fresh air for myself. And I cleared my head a little bit.
>
> I was able to get lower to the ground, and then I worked my way back out the way that I had come. And it was at that point in the hallway that I came across the body of Sean Smith. He was unresponsive. So I grabbed him and dragged him back down the hallway to the safe-haven window and then handed him off to the people waiting outside. It was when we had him outside in the clear air that—and we had a brief check of him, he had—he was unresponsive, not breathing, no pulse, and so felt that at that point he was already expired.[194]

At 11:01 p.m. [5:01 p.m. in Washington D.C.], Smith was reported as killed in action.[195] He was an only child, a husband and father of two. He was posthumously awarded the Thomas Jefferson Star for Foreign Service on May 3, 2013.

Embassy Tripoli

At the U.S. Embassy in Tripoli, the Deputy Chief of Mission, the most senior member of the State Department team in Tripoli, and the Chief of Station, the most senior member of the CIA team in Libya, learned of the attack soon after it began.[196] At 9:45 p.m., three minutes after the attacks began, the senior Diplomatic Security Agent notified Hicks of the attack. After realizing he had a few missed calls on his cell phone, Hicks attempted to redial the number and reached Stevens:

> I jumped up and reached into my phone at the same time I tried to connect with John which I did not do, he ran out immediately.

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[194] *Id.* at 136-137.
[195] Comprehensive Timeline of Events—Benghazi, produced by the US State Department. (Last Edit Nov 01, 2012) (State-SCB0047843) (on file with the Committee).
[196] Hicks April 2013 Transcript at 18.

> And I looked at my phone, and I saw two missed phone calls, one from a number I did not recognize, and the second from the Ambassador's telephone.
>
> I punched the number that I did not recognize and called it back, to call it back, and I got Chris on the line. And he said, "Greg, we are under attack."[197]

The line went dead. Hicks was unable to reach Stevens again.

Individuals in the tactical operations center, the command center at the Embassy in Tripoli, quickly alerted other relevant Embassy staff when the attack was first reported.[198] Within minutes, the individuals in Tripoli took quick and decisive actions to execute two steps in response to the attacks that night. First, they submitted a request to divert an intelligence, surveillance, and reconnaissance asset– colloquially referred to as a "drone"—flying over another location in eastern Libya to Benghazi to provide tactical awareness of the situation on the ground. Second, the Chief of Station of the Annex in Tripoli prepared a rescue team, called "Team Tripoli," to respond forthwith to the attacks in Benghazi.

Team Tripoli Response

In Tripoli, when word of the attacks reached the Embassy and the CIA Station, a team consisting of four Tripoli Station GRS members, one of whom was Glen Doherty, two Defense Department special operators, and a CIA linguist sprang into action. Using their initiative coupled with previously established contacts, in less than an hour, they managed to assemble a response team and acquire an aircraft for transport. The Chief of Station authorized this team, dubbed Team Tripoli, to respond to the attacks in Benghazi:

> [M]y specific direction to Team Tripoli was to provide quick reaction force to shore up base and to assist the [Benghazi Mission compound], the consulate there, and in so doing render any assistance to the Ambassador. So that was all kind of—they were a complementary set of objectives.

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[197] *Id.*
[198] *See* Hicks April 2016 Transcript at 72.

> One of the things, on a more tactical level, was the entire GRS contingent in Benghazi, save one officer, was forward deployed to the temporary mission facility. So they were, in my opinion, very vulnerable.
>
> At that time, I made the decision to deploy all except one of our GRS officers to Benghazi. That gave me certainly a sense of trepidation because that left us vulnerable to any sort of attack or follow on things. So that was part of my thought calculus doing that. I didn't hesitate, but I certainly thought about that and the ensuing consequences of leaving one GRS.[199]

While the mission of Team Tripoli was supported by the Department of State at Embassy Tripoli and supported by AFRICOM, it was a mission orchestrated solely by the CIA Chief of Station in Tripoli. As reported by one of the military members of Team Tripoli to the Committee:

> Q: Did AFRICOM headquarters or SOCAFRICA have any role in planning your deployment from Tripoli to Benghazi?
>
> A: No, sir.
>
> * * *
>
> Q: How about the Embassy itself there in Tripoli, were they directing the deployment from Tripoli to Benghazi?
>
> A: Not that I recall, sir.[200]

Earlier that day, and fortuitously, a CIA member of the team had brokered an initial agreement with the owner of an aircraft to charter the aircraft as needed.[201] During the morning meeting the CIA officer had queried the operator of the aircraft as to "How fast can you respond" and the [redacted] owner replied, "I am not sure; probably within 24 hours."[202]

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[199] Testimony of Chief of Station, Central Intelligence Agency, Tr. at 112-13 (July 16, 2015) [hereinafter Chief of Station Transcript] (on file with the Committee).
[200] Testimony of Special Operator, Defense Department, Tr., at 44-45 (Sep. 22, 2015) [hereinafter Special Operator Transcript] (on file with the Committee).
[201] *Id.* at 37.
[202] *Id.*

Because of this, Team Tripoli was able to quickly secure the aircraft for transport from Tripoli to Benghazi that night.

> A: Called back again that night and said, "We need you right now," and he was there. He showed up.
>
> Q: That was good timing, wasn't it?
>
> A: It was good timing, sir, convenient. [203]
>
> * * *
>
> Q: And how long did it take from the time that call was made to the aircraft owner, what did he say about his ability to take off from Tripoli to Benghazi? How long a timeframe do you recall?
>
> A: I don't remember what time he said, but I know we had got there around 11:30 or midnight, but he was ready to go when we had gotten there. And they actually had expedited us through the airport. We didn't go through any—the actual airport procedures. We had weapons and ammo, obviously.
>
> * * *
>
> Q: And was there no limitation on daylight only flight ops with this [redacted], as I understand was the limitation on the Libyan military C-130?
>
> A: I don't think they could fly at night, but he could because he was a privately owned company. The [redacted] was privately owned.
>
> Q: But your understanding was, at least with respect to the Libya C-130—
>
> A: Daytime, sir.
>
> Q: That was limited to daytime ops?

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[203] *Id.*

A: Yes, sir.[204]

At 12:30 a.m. [6:30 p.m. in Washington D.C.], the Team Tripoli departed the Tripoli Mitiga Airport with four GRS officers, including former U.S. Navy Seal Glen A. Doherty, two military personnel, and a CIA officer acting as a linguist.[205]

The Defense Department is Alerted of the Attack

News of the attack traveled at varying speeds within the Defense Department. AFRICOM was the first combatant command to receive an alert about the attacks. By 4:32 p.m. in Washington D.C. [10:32 p.m. in Benghazi], news of the attack reached the Pentagon.

AFRICOM ALERTED OF THE ATTACK

Members within the AFRICOM command structure learned of the attack just more than 30 minutes after it began. At AFRICOM headquarters in Stuttgart, Germany, Vice Admiral Charles J. Leidig Jr., the second in command for military operations, learned of the attack just over a half hour after it began.[206] He testified:

> The night of the attack, when I received the initial report at my quarters that night that there had been—I remember it exactly. I got a report at [10:15]. I tell people I saw the same Indiglo watch, and I was asleep in my bed. I went to bed, got up early, and it was my routine. So at [10:15], I rolled over and got a report that … the facility in Benghazi [had been overrun], but that the Ambassador was in a safe room and was safe. And that was the initial report I got at [10:15].[207]

Following notification, Admiral Leidig recalled his command center staff and returned to work.[208] Although the initial reports he received were that

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[204] *Id.* at 47-48.
[205] *See* Dep't of Defense, Timeline of the Department of Defense Actions on September 11-12, 2012 (May 1, 2013) (on file with the Committee) [hereinafter Dep't of Defense Timeline] ("A six-man security team from U.S. Embassy Tripoli, including two DoD personnel, departs for Benghazi"); *see also,* Special Operator Transcript at 41.
[206] Leidig 2014 Transcript at 20.
[207] *Id.*
[208] *Id.* at 26.

Stevens had been secured in a safe haven, he learned shortly upon returning to work that Stevens was missing.[209]

> When I got to the command center, the focus was on where is the Ambassador and trying to locate him. At that point I didn't know where the location that folks had went to. I didn't know who they were. I would later learn over the intervening hours that that was some folks from [the annex] who had come to move State Department personnel to the other facility. Again, it was several hours before I knew what the facility was, or the location, or where they were at. I just knew that they had moved to another location, and the reports we were getting from –most of our reporting at that point were coming from the defense attaché', our defense attaché' in Tripoli—was that they were safe, and they were fine, and that they were at this other facility. Our focus was trying to help gather information to see if we could locate where the Ambassador was.[210]

PENTAGON ALERTED OF ATTACK

Almost an hour after the attacks started, at 4:32 p.m. in Washington D.C. [10:32 p.m. in Benghazi], nearly the same time the Diplomatic Security Agents and the Annex security team members began clearing the Mission compound in Benghazi half a world away, word of the attack finally reached the Pentagon.[211] Although the Embassy in Tripoli and the Diplomatic Command Center at the State Department in Washington received word almost immediately that the Benghazi Mission compound was under attack, that notice did not make its way to the National Military Command Center, the operations center at the Pentagon, until 4:32 p.m. local time in Washington D.C.[212] Vice Admiral Kurt W. Tidd, the Director of Operations for the Joint Chiefs of Staff at the time of the attacks, testified his staff immediately alerted him about the attacks.[213] His

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[209] *Id.*
[210] *Id.* at 28.
[211] Dep't of Defense Timeline.
[212] Dep't of Defense Timeline; *see* SCC Timeline (indicating the Diplomatic Security Command Center received notification of the attack at 3:49 PM EDT).
[213] Testimony of Vice Admiral Kurt Tidd, Assistant to the Chairman of the Joint Chiefs of Staff, Director for Operations (J3), Defense Department, Tr. at 8 (April 4, 2016) [hereinafter Tidd Transcript] (on file with the Committee).

staff simultaneously contacted AFRICOM to obtain additional information regarding the situation on the ground, while he notified members of the Secretary of Defense's staff.[214]

ASSETS IDENTIFIED TO DEPLOY

As officials in Washington D.C. began to react to the attacks in Benghazi, it is important to describe and understand the assets available to respond, the state of those assets, and the military's policies and planning in force that applied to the assets' use and deployment.

AFRICOM'S Posture and Force Laydown on September 11

In the days leading up to September 11, 2012, General Carter F. Ham, the Commander of the United States Africa Command [AFRICOM] conducted a "deep dive" into intelligence reports to guide their decision regarding whether any adjustment to the force posture needed to be made.[215] Leidig testified:

> [B]ased on General Ham's guidance, we actually did—we had been—the military always does planning for September 11th. We always know that there's a potential for, you know, some sort of terrorist activity on September 11th since its anniversary. General Ham had actually directed in the days running up to it that we do what we call a deep dive or a deep look at the intelligence to see if there was anything to indicated that there might be anything in our [area of responsibility]. We found nothing in any intelligence that would indicate that there was an attack or an incident being planned by terrorists in our [area of responsibility].[216]

Although AFRICOM's area of responsibility consists of the continent of Africa, with the exception of Egypt, its headquarters are based in Stuttgart, Germany. With the exception of a contingent stationed in Djibouti, a country on the Horn of Africa approximately 2,000 miles from

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[214] *Id*. at 8-9.
[215] Leidig 2014 Transcript at 22.
[216] *Id.* at 22-23.

Libya, AFRICOM did not have assigned forces.[217] As a result, AFRICOM had to use United States European Command troops, aircraft, and bases in Europe including Ramstein, Germany, Sigonella and Aviano, Italy, and Rota, Spain to respond to events occurring on the African continent.[218]

Planned Assets

FAST PLATOONS

The assets AFRICOM would mostly likely call upon in response to a crisis situation were the Fleet Antiterrorism Security Team [FAST] platoons stationed in Rota, Spain. Those platoons were required to be ready to deploy within a certain time frame. FAST platoons, as of September 2012, were typically used to reinforce embassy security and operated from a fixed location within an embassy. FAST platoons did not deploy with their own vehicles, so they were dependent on other means for ground mobility. That reality made the FAST platoon less capable to rapidly respond as a quick-reaction force. Moreover, the FAST platoon's ability to move on a given timeline required the allocation of aircraft for deployment in a timely manner.

At the time, FAST platoons did not have dedicated airlift. This meant prior to being able to deploy, airlift would need to arrive from some other location, most likely Ramstein, Germany, to pick up the platoon for an onward deployment. The air base in Ramstein, Germany housed C-130s, large transport airframes that typically would be used to move the FAST platoons and associated equipment. In the days leading up to the attack, none of the C-130s in Ramstein were on any heightened alert. To effectuate movement, the Commander of United States Air Forces in Europe would need to take a series of steps to generate aircraft and prepare an air crew for deployment.[219]

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[217] Panetta Transcript at 13.
[218] *Id.* at 14-15.
[219]Testimony of General Philip G. Breedlove, Commander, United States European Command, Tr. at 21-22 (April 7, 2016) [hereinafter Breedlove Transcript] (on file with the Committee).

COMMANDER'S IN EXTREMIS FORCE

Another asset AFRICOM could call upon when circumstances warranted was the Commander's in Extremis Force [CIF] owned by European Command; it is one of the most capable quick response forces. General Ham described this force as "the force of first choice should there be an emergent situation."[220] It is a special operations response team that offers capabilities for emergency action in missions such as hostage rescue, noncombatant evacuation when the security situation is uncertain, or convoy security. The CIF can and does work with the U.S.-based Special Operations Force that also ultimately deployed the night of the attacks in Benghazi. Theoretically, since any deployment from the U.S. to the Middle East or North Africa will require significant time for the U.S.-based force to reach its destination, the CIF provides a more responsive capability when an emergency arises. It has dedicated aircraft for transportation. The CIF is tasked to be airborne in a set number of hours once alerted, and the military's air traffic management system is supposed to provide two aircraft to ensure the CIF is airborne on the specified timeline. Unlike other assets deployed that night the CIF deploys with its own vehicles giving it the ability to drive from an airfield where deposited to a crisis site.

Typically stationed in Germany, in the days leading up to September 11 the CIF was actually deployed to Croatia to perform a joint exercise.[221] This training exercise had been planned for over a year.[222]

U.S.—BASED SPECIAL OPERATIONS FORCE

One other asset that can be used in events similar to the attacks in Benghazi is a U.S. -based Special Operations Force [U.S. SOF]. That force offers capabilities that complement and expand upon the assets brought by the CIF.[223] Secretary of Defense Leon E. Panetta described the U.S.

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[220] Testimony of General Carter F. Ham, Commander, U.S. Africa Command, Tr. at 28 (June 8, 2016) [hereinafter Ham 2016 Transcript] (on file with the Committee).
[221] Testimony of Army Major General Michael S. Repass, Commander, Special Operations Command Europe, Tr. at 18 (April 15, 2016) [hereinafter Repass Transcript] (on file with the Committee).
[222] *Id.*
[223] *Id.*

SOF as a "hostage rescue unit from our special operations team."[224] [redacted].[225] By design, the CIF would typically be able to reach an overseas target first, due to the distance required to deploy from the U.S.[226] If required, the CIF can assault a target immediately. If time permits, the preferred option is to hand the target over to the U.S. SOF, given its more robust capabilities.[227] Since the U.S. SOF deploys from the U.S., however, to respond to the attacks in Benghazi it must travel much farther than the CIF and other assets closer to Libya.

Other Assets

F-16S AT AVIANO AIR BASE

Aviano Air Base—situated in Aviano, Italy, approximately 50 miles north of Venice—is home to the 31st Fighter Wing of the United States Air Forces Europe. At the time of the attack, two squadrons each consisting of 21 F-16s were stationed at Aviano.[228] No tankers to provide air refueling for these F-16s were stationed at Aviano.[229] The assigned tankers were stationed in Mildenhall, England.[230]

On September 11, 2012, the air squadrons in Aviano were not on any heightened alert status, despite the call for a "heightened alert" during the President's call with Cabinet members—an alert sequence that would require the pilots and the aircraft to be ready in a short amount of time. Rather, they were in a training posture.[231] In fact, on that day, the 31st Fighter Wing was in the middle of a two-week inspection to ensure the Fighter Wing met Air Force requirements.[232] The aircraft were in a "true

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[224] Leon E. Panetta, *Worthy Fights: A Memoir of Leadership in War and Peace* 225 (2014).
[225] Repass Transcript at 8.
[226] Repass Transcript at 8-9.
[227] Repass Transcript 9.
[228] Testimony of Brigadier General Scott Zobrist, Commander, 31st Fighter Air Wing, United States Air Forces Europe, Tr. at 15 (March 12, 2014) [hereinafter Zobrist Transcript] (on file with the Committee).
[229] *Id.* at 20.
[230] *Id.* at 21.
[231] *Id.* at 25.
[232] *Id.* at 32.

training configuration" which meant nothing was pre-loaded on the aircraft.[233] This also meant any live ordnances available at Aviano were not assembled, thus, prior to loading onto an F-16, the bomb had to be put together piece by piece.[234]

In addition to the fact that none of the F-16s was on any alert status but rather in a true training configuration on the anniversary of September 11, the distance between Aviano and Libya is approximately 1,000 miles or the equivalent of two-hour's flight time.[235] Because of that distance, an F-16 would have needed two air refuelings by the tankers that were stationed nearly 700 miles away in Mildenhall, England at the time.[236]

These impediments to any fighter aircraft response from Aviano to North Africa were well known prior to September 11. Yet the alert posture of the aircraft at Aviano did not change in advance of that date, nor did the alert posture change after the protests in Cairo, Egypt.

General Ham testified he had not ordered any fighter aircraft at Aviano to be placed on alert in the days leading up to September 11 based on his assessment of the threat intelligence and the probability the type of attacks that would most likely occur would be small scale attacks.[237] Because of this, he believed if any attack were to occur, fighter aircraft would not be the right tool to respond.[238] Some other military officials agreed with General Ham's assessment that fighter aircraft would likely not be the right tool to respond to potential events in North Africa.

REMOTELY PILOTED AIRCRAFT "DRONES"

At the time of the attacks, the Air Force operated four remotely-piloted aircraft—colloquially referred to as "drones"—from a base in southern Europe, approximately four hours from Benghazi. These drones were flown by a United States Air Force squadron located in the continental United States, and conducted missions over several countries including

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[233] *Id.* at 36.
[234] *Id.* at 29-30.
[235] *Id.* at 56.
[236] *Id.*
[237] Ham Testimony at 28.
[238] *Id.*

Libya.[239] None of the drones were armed, [redacted].[240] A pilot operating a drone on the night of the attack explained why:

> Q: Was the aircraft armed?
>
> A: No, the aircraft did not have Hellfires on it.
>
> Q: Could it have been armed?
>
> A: I guess "could" is a very subjective term in this case. So the aircraft had pylons which you could put Hellfires on, yes.
>
> Q: If it was capable of being armed. Why wasn't it armed?
>
> A: So as far as, like, the details of that decision, they're above my level as to why that wasn't armed. But from my understanding, the two reasons were—one is the political environment between Libya, Italy, America, and Europe was that we no longer needed missiles on our aircraft in Libya because it had stabilized from the Qadhafi regime, post-Qadhafi regime.
>
> The second reason is, whenever we don't need missiles on the aircraft, we want to pull them off as soon as we can, because it provides an opportunity to put more gas on board, and with more gas on board, we can fly longer missions and we can provide more intelligence, surveillance, and reconnaissance to the Combined Air Operations Center.[241]

Armed drones had not been flown out of southern Europe since the fall of the Qadhafi regime. Another pilot who operated the drone that night added:

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[239] Testimony of Remotely Piloted Aircraft Pilot 1, United States Air Force, Tr. at 10-11 (May 25, 2016) [hereinafter Drone Pilot 1 Transcript] (on file with the Committee).

[240] [redacted].

[241] Drone Pilot 1 Transcript at 24-25.

> A: [W]e hadn't been armed in Libya since at some point after the Qadhafi stuff had happened. So at some point after that, it was—we knew we were no longer going to be armed in that theater.
>
> Q: How did you know that?
>
> A: I don't remember who mentioned it, but I remember hearing at some point that the—my understanding of it was that the [government hosting the drone base] did not want us flying an unmanned aircraft that was armed over their country, so therefore they restricted us from having armed unmanned aircraft.
>
> Q: And did you ever hear anything like—was that through your chain of command or that was a fellow pilot?
>
> A: My best guess would be that it was probably our operations supervisor who basically runs the mass brief at the beginning of each shift, you know, would have just mentioned one day: Hey, due to, you know, the [government hosting the drone base] not wanting us to have armed unmanned aircraft over their country, we're no longer going to be armed in Libya.[242]

One of the pilots added:

> To the best of my knowledge, that is my understanding for what the trigger was for no longer arming the remote-piloted aircraft flying over Libya, was the takedown of Qadhafi.[243]

To utilize armed drones in a close air support environment, such as in Benghazi, a pilot would typically receive targeting instructions and clearance from a Joint Terminal Attack Controller [JTAC] on the ground.[244] One of the drone pilots explained:

> In a close air support environment, which is more akin to what [Benghazi] would be, that's where we would coordinate with a joint terminal attack controller, JTAC, on the ground, and he

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[242] Testimony of Remotely Piloted Aircraft Pilot 2, United States Air Force, Tr. at 15 (May 25, 2016) [hereinafter Drone Pilot 2 Transcript] (on file with the Committee).
[243] Drone Pilot 2 Transcript at 27.
[244] Drone Pilot 2 Transcript at 25-26.

> would give us what is called a nine-line in order to strike in that close air support environment. And that would be the clearance.
>
> And then the only other option would be to get a nine-line, which is equivalent to a strike clearance, from the actual Combined Air Operations Center via a chariot directed straight from the Combined Forces Air Component commander.[245]

Although there were no JTAC's on the ground in Benghazi that night, several of the GRS agents possessed the skillset from their prior military experience.[246] One agent testified:

> Q: And so how many of you had that, what [do] you call it again? What did you call it again?
>
> A: A nine line.
>
> Q: Nine line?
>
> A: Yes, sir. It's just calling for fire. Now they call them JTACs. When most of us were in the military it wasn't as specialized, but everyone on that team could have called in, called for fire.
>
> Q: Anybody—
>
> A: On our team, yes.
>
> Q:—could have called it?
>
> A: Yes, sir.
>
> Q: So how were you able to—I guess your capabilities—I'm talking about you personally, you were able to provide a nine line?
>
> A: Sure.
>
> Q: And how did you know how to do that?

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[245] Drone Pilot 1 Transcript at 23.
[246] GRS 5 Transcript at 43-45; *see also*, Drone Pilot 1 Transcript at 67 ("there were no JTACs in all of Libya.").

A: From the military. From prior training in the military.

Q: Okay. Would you have had any way to communicate with the pilot if a pilot—

A: We could have, yes.

Q: All right. How could that have—

A: Through radio.

Q: Through radio. When you say we were all able to provide precision fire, are you talking about the GRS individuals?

A: Only the GRS individuals, yes.

Q: Okay. Do you know if everybody was able to do that or—

A: Yes, I do.[247]

When asked whether former military personnel were capable of serving as a JTAC, one of the drone pilots acknowledged such a person could possess the skills necessary to direct a strike.[248] According to the witness from his perspective, the problem would be whether the military, without approval from the President, would have the authority to launch a missile toward a target at the direction of a skilled civilian.[249] However, as the pilot pointed out, authority to strike without a military JTAC on the ground could also have been provided by the Combined Forces Air Component Commander.[250]

The year before the attacks in Benghazi, the Defense Department had operated drones over Libya during Operation Odyssey Dawn, the U.S. led campaign against Qadhafi troops, and Operation Unified Protector, the NATO mission against Qadhafi troops. During both of those operations, the drones had been used to launch missiles toward targets in Lib-

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[247] GRS 5 Transcript at 43-45.
[248] Drone Pilot 1 Transcript at 65-66.
[249] *Id.* This appears to be a concise statement from his perspective of more complex legal and operational constraints.
[250] Drone Pilot 1 Transcript at 30-31.

ya.[251] During these operations, the drones were pre-loaded with missiles while stationed in southern Europe and always carried weapons during missions over Libya. At some point after the fall of Qadhafi, the drones operating over Libya no longer carried missiles.

After the fall of Qadhafi, the Defense Department continued to use drones and other ISR assets to gather intelligence information in Libya, especially regarding the growing number of Islamic extremist in country.

In August of 2012, the Libyan government restricted the types of missions that could be flow in Libyan air space, primarily over Benghazi. General Ham explained:

> Q: General, in the summer of 2012, August timeframe, ISR missions over Benghazi and Tripoli were suspended due to complaints from Libyans. I believe those ISR assets were Predators and they were under your command. Is that correct?
>
> A: Yes.
>
> Q: And what do you recall about the suspension or the complaints from the Libyans about those ISR assets operating in Libya?
>
> A: There were complaints by the Libyan Government to the Embassy about overflights. [redacted].
>
> Q: Did those complaints impact your ability to operate those Predator assets at all during that time?
>
> A: I do not recall the complaints about the unmanned systems. I do recall complaints about the manned systems. And the manned

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[251] Testimony of Remotely Piloted Aircraft Sensor Operator, United States Air Force, Tr. at 26 (June 9, 2016) [hereinafter Sensor Operator 1] (on file with the Committee).

> systems, we would have to very carefully manage the time slots and when they could fly.
>
> Q: Were those P-3s?
>
> A: Yes.

General Ham described his assessment of the Libyan's request:

> Sir, I think there were some honest Libyans who didn't like the noise. I mean, they're just kind of a constant buzz. They're low, and they're intrusive.
>
> I think there were some Libyans who voiced concern to their government about a foreign power being intrusive.
>
> And I believe there were Islamic terrorist organizations who were influencing members of the Libyan Government, because they knew what those aircraft were doing.[252]

ASSETS AT SOUDA BAY, CRETE

While conducting oversight in Souda Bay, Members of the Committee received a briefing regarding special operations aircraft that were stationed at Souda Bay on the night of the attacks in Benghazi and could have been utilized in response to the attacks. The Committee sought confirmation of this information through interviews and requests for information from the Defense Department. The Defense Department has not denied the presence of these assets.

MILITARY PERSONNEL IN LIBYA

The only Defense Department asset in Libya—not considered that night were the military members of Team Tripoli. This was true because the Secretary was not even aware of their presence in Libya. At the time of his meeting with the President and for a period subsequent to that, the Secretary was not informed military personnel were making their way to Benghazi. In fact, he did not learn of this until the next day.[253] This

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[252] Ham 2016 Transcript at 168.
[253] Panetta Transcript at 45.

means the only U.S. military asset to actually reach Benghazi during the attacks was an asset the Secretary did not know about, was not told about by his subordinates, and did not learn about until after the fact.

FOREIGN EMERGENCY SUPPORT TEAM

The Foreign Emergency Support Team [FEST] is "the U.S. government's only interagency, on-call, short-notice team poised to respond to terrorist incidents worldwide."[254] Consisting of representatives from the Defense Department and other agencies, FEST deploys overseas at the request of the Chief of Mission or the State Department, and can augment both U.S. and host nation capabilities with specialized crisis response expertise.[255] Historically, it has deployed overseas in response to attacks on U.S. interests. For example, in 2000, after the USS Cole was attacked, a FEST team was deployed to Aden, Yemen.[256] Two years earlier, two FEST teams were deployed to Kenya and Tanzania. FEST has also been deployed in response to a hostage-taking crisis and abductions of Americans.[257] Typically, the State Department requests deployment of the FEST in conjunction with the Joint Staff. Once that decision is made, the FEST is capable of launching within four hours.[258]

Despite all of these capabilities, the Secretary recalls no discussion of a potential FEST deployment in response to the Benghazi attacks.[259] Mark I. Thompson, the person in charge of the FEST, contacted Kennedy about deploying the FEST on the night of the attacks. According to an email response sent to Thompson that evening, Kennedy "did not feel the dispatch of such a team to Libya is the appropriate response to the current situation."[260] Charlene R. Lamb, Deputy Assistant Secretary for Diplomatic Security, State Department also did not believe the FEST was an appropriate asset to be deployed that evening. Although in direct contrast

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[254] Foreign Emergency Support Team (FEST) found at www.state.gov/j/ct/programs/fest/index.htm.
[255] *See id*.
[256] Foreign Emergency Support Team (FEST), http://2001-2009.state.gov/s/ct/about/c16664 htm.
[257] *Id*.
[258] Email from Mark I. Thompson (Sep. 11, 2012 9:58 PM) (on file with Committee, C05562162) ("The team can launch within 4 hours of Deputies Committee decision.").
[259] Panetta Transcript at 182.
[260] Email to Mark I. Thompson (Sep. 11, 2012 10:43) (on file with Committee, C05562162).

to the State Department's own description and the historical record of prior deployments of the unit, Lamb described the FEST as "primarily focus[ing] on providing a strong communications package, policy experts, and investigative abilities."[261]

David H. Petraeus, Director, CIA, viewed the FEST as a "support element for the conduct of an operation to do a counter-terrorism or hostage rescue operation."[262] [redacted].[263] Yet with Stevens considered missing for hours in Libya after the death of Smith, FEST expertise could have augmented the capabilities of the U.S. Embassy in Libya.

Tidd stated a FEST deployment was discussed briefly during the 7:30 meeting with the White House, but dismissed.[264] Kennedy and others at the State Department did not want to deploy the FEST in response to the attacks in Benghazi. Tidd indicated the State Department was concerned about putting individuals in country who were not "trigger pullers" and would potentially need rescuing.[265]

The Practical and Policy Implications Associated with Deploying Assets

Throughout the course of the investigation, Defense Department witnesses provided insight into how various assets might have been employed to respond to the events in Benghazi, and the constraints—whether imposed by policy or imposed by capability—of employing such assets.

TIME AND DISTANCE

Given that the attacks occurred in Libya, military officials repeatedly emphasized any asset that would respond to the events would be neces-

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[261] Transcript of Charlene Lamb, Deputy Ass't Sec'y for Diplomatic Security, U.S. Dep't of State, Tr. at 26 (Jan. 7, 2016) (on file with the Committee).
[262] Petraeus Transcript at 49
[263] *Id.*
[264] Tidd Transcript at 22.
[265] Tidd Transcript at 23.

sarily constrained by the "tyranny of time and distance." The CIF commander described the difficulties of responding to events in Africa:

> So a lot of people that deploy to Africa or work on AFRICOM—work for AFRICOM—use the term "tyranny of distance" because it takes so long to move what could seemingly look like smaller distances. And there's not a robust network of airfields and staging points that there are, say, in a more developed area of the world, like Europe. So Europe is a much smaller area, and there's many developed airfields, fueling sites. Whereas, when you have Africa, it's, relatively speaking, much more undeveloped and exponentially times larger; so you are limited in your ability to move around with fuel, with time. And we call it the "tyranny of distance" because it's hard to get from point A to point B, and it takes a while.[266]

With respect to the response to Benghazi, the Secretary explained:

> I knew it was going to take some time [to move an asset into Libya], just because of the preparedness for the units and then the time and distance involved. You know, you've heard the term "tyranny of time and distance," and it's tough in this area.[267]

Tidd discussed the challenges faced to move forces as quickly as possible that night:

> Q: Admiral, one of the lingering questions that we have been trying to get a handle on is why it seemed to take so long to get the response forces off the ground. The FAST team was in Rota on a [specific] timeline. They were ready to move prior to that. They sat on the tarmac for about 6 hours before the planes got there.
>
> A: That is because we had no alert aircraft in Ramstein. So, literally, it was the middle of the night there. And I don't know all of the exact actions that they had to go to, but at Ramstein, they had to go and generate the airplanes, get the air crews, wake them up,

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[266] Testimony of CIF Commander, Special Operations Command Europe, Tr. at 98 (Aug. 26, 2015) [hereinafter CIF Commander Transcript] (on file with the Committee).
[267] Panetta Transcript at 47.

> brief them, tell them what we knew, and have the planes ready to go. We did not have an alert posture set for the aircraft.[268]
>
> ***
>
> Everybody wanted them there instantaneously. And we were getting a lot of questions . . Are they mov[ing] yet, are they moving yet? It was just taking a long time.[269]

Dr. James Miller, the Under Secretary of Defense for Policy at the time provided a civilian's perspective on the logistical challenges faced by the Defense Department that night in response to the attacks:

> The logistical issues were the tyranny of distance and time, first and foremost. So moving an asset from the [U.S.], the longest move, moving the FAST team, getting it prepared to deploy—the FAST teams, I should say, both from Rota—and then the EUCOM [CIF].
>
> So there is, first, the distance to be traveled, the fact that it takes time. Second, they need time to spin up. And I later became deeply familiar with the various postures and so forth, but it is challenging to sustain a very short timeline for an extended period of time. And so each of the individual units we're talking about had a specific timeline for readiness. My impression was they were all working to shorten that timeline and to get prepared and to deploy even more rapidly than their timelines. But that I would consider a matter of logistics as well.[270]

Several witnesses also talked about the logistical obstacles to deploying F-16s in response to the attacks in Benghazi. Being able to deploy an aircraft and being able to actually utilize an aircraft in response to the events are separate questions. From the Defense Department's perspective, even if a F-16 was activated quickly and was able to fly to Benghazi before the final mortar attack, logistical constraints would still have impacted the capability to actually utilize the F-16s that night. Admiral

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[268] Tidd Transcript at 16.
[269] *Id.*
[270] Testimony of Dr. James N. Miller, Under Sec'y of Defense for Policy, Tr. at 71-72 (May 10, 2016) [hereinafter Miller Transcript] (on file with the Committee).

James A. Winnefeld, the Vice Chairman of the Joint Chiefs of Staff discussed those constraints:

> But let's say you could just snap your fingers and there were F-16s suddenly over Benghazi immediately. It's the middle of the night; there's no joint tactical air controller on the ground. You don't even have any communications with the people on the ground. You don't even know where this is happening. If you're lucky and you've got a latitude and a longitude to point your systems at, you might be able to see the action going on on the ground, if there was action going on on the ground, but for most of the night there wasn't.[271]

Rear Admiral Richard B. Landolt, the Director of Operations for AFRICOM also explained the logistical and policy constraints of employing F-16s in response to the attack:

> A: You still have 3 to 4 hours of the flight time to get to, say, Benghazi. And then you need to spin up tanker aircraft because it can't do a round trip without them. And Admiral Leidig talked to General Franklin on that, so there was nothing on strip alert there in Aviano.
>
> And tankers I believed were up in England, Mildenhall, I believe
>
> ***
>
> Q: Were the F-16s—perhaps "dismissed" isn't the right word, but—pick a better word if you have one—but were they dismissed because of the [time it would take to activate] issue, or were they dismissed because there wasn't a viable mission for you to employ them?
>
> A: I would almost say both reasons, because—yeah. So we spin it up, what are we going to do with it? I mean, you've got to put ordnance on it, you've got to refuel it, you've got to brief a mission. We don't know what the mission is. You know, this is an

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[271] Testimony of Vice Admiral James A. Winnefeld, Vice Chairman, Joint Chiefs of Staff, Tr. at 35-36 (March 3, 2016) [hereinafter Winnefeld Transcript] (on file with the Committee).

> urban environment so—and we don't have people on the ground that can direct targeting. There were not tactical action controllers in Benghazi, as far as I know.[272]

Even if F-16s were generated in a timely manner and were able to arrive in Benghazi before the attacks ended, policy restrictions would have impacted their utility that night. As Winnefeld explained:

> No Air Force or Navy pilot will ever drop a bomb into an area where they are not certain who's there and what's going on unless there's communications with people on the ground and a JTAC or what we call a forward air controller airborne.
>
> So I mean, it was highly unlikely that we were going to be able to make a difference, even if we could get there in time with air power, so we chose not to do it.[273]

As mentioned previously, many of the GRS agents on the ground had the JTAC capabilities from prior military experience. Of course all of what is laid out above was well known beforehand. There was nothing new about the time and distance concerns in Africa or the positioning of U.S. assets that might be called upon to respond.

Not only did the Defense Department know any response to events in North Africa would be hampered by distance, the State Department also knew the military had such concerns because they were constantly reminded. Winnefeld testified he repeatedly warned the State Department of this issue:

> The tyranny of distance, in particularly North Africa, as I'm sure you've probably seen a picture of the U.S. imposed upon—you know, the entire continental U.S. fits neatly into North Africa. It's a big place. We've constantly reminded State while I was the Vice Chairman and also, you know, National Security Council staff, gently, politely, that if you're counting on reactive forces from DOD to pull your fat out of the fire, basically, when there's

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[272] Testimony of Rear Admiral Richard B. Landolt, Director of Operations for United States Africa Command, Tr. at 38 (May 5, 2016) [hereinafter Landolt Transcript] (on file with the Committee).
[273] Winnefeld Transcript at 36.

> an event going on, you're kidding yourselves. It's just too hard to get there. Usually, an event is over fairly quickly, and even in the best alert posture we can be in, it's going to be a couple of hours, two or three hours, before we can be someplace.
>
> So what you should really be counting on is using these forces to either preemptively reinforce an area, like an embassy, or preemptively evacuate an area, like an embassy. Don't count on us to drop in in the middle of the night and stop a situation that's going on.
>
> Now that won't prevent us from trying, certainly. If there's an event in a place that—you know, like a Benghazi and if we're postured in order to get there, we'll certainly try, we'll always try, but I've made it very clear to them—and they understand this—that they need to be very careful in their risk assessments. And it's a lot easier to reinforce and get out early than it is to save something that's under fire. And that has a lot to do not only with the tyranny of distance and how long it takes to get there, but you know, it's not easy to take a force and just drop it into the middle of an unknown area at night, and it's even harder when you're under fire. You know, V-22s don't like to fly when they're under fire, that sort of thing. So we've tried to make it very, very clear to [State], try, please, please, to do good risk assessment and evacuate or reinforce so that we don't have to rescue you in the middle of a firefight.[274]

The President's Directive and
The Secretary's Order

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

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[274] Winnefeld Transcript at 74-75.
[275] Panetta Transcript at 22.
[276] *Id.* at 22-23

the evolving situation in Benghazi, Libya, the Secretary recalls the following guidance:

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

Immediately following the meeting with the President, at roughly 6:00 p.m., the Secretary and Dempsey returned to the Pentagon and convened a meeting that included Ham who was in Washington D.C. at the time, and relevant members of the Secretary's staff and the Joint Staff.[278]

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

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

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[277] *Id.* at 24.
[278] *Id.* at 22.
[279] *Id.* at 24-25
[280] *See* Winnefeld Transcript at 45.

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

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

By 7:00 p.m. in Washington [1:00 a.m. in Benghazi], nearly three hours after the attacks began, the Secretary issued what he believed, then and now, to be the only order needed to move the FAST platoons, the CIF, and the U.S. SOF.[286] Yet nearly two more hours elapsed before the Secretary's orders were relayed to those forces. Several more hours elapsed before any of those forces moved. During those crucial hours between the Secretary's order and the actual movement of forces, no one stood watch to steer the Defense Department's bureaucratic behemoth forward to ensure the Secretary's orders were carried out with the urgency demanded by the lives at stake in Benghazi. For much of the evening of September 11, principals in Washington D.C. considered Stevens to be missing and reliable information about his whereabouts was difficult to come by. For those on the ground and in the fight in Libya, the reality of a second American death was sinking in.

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[281] Panetta Transcript at 25-26.
[282] *Id.* at 23.
[283] *Id.* at 49.
[284] Panetta Transcript at 26.
[285] *Id.*
[286] *Id.* at 49.

THE SECOND ATTACK ON THE COMPOUND

Evacuation to Annex

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

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

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

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

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[287] Diplomatic Security Agent 4 Transcript at 137-138.
[288] *Id.*
[289] Video: DVR Footage of the Mission (Sep. 11, 2012, 2310)
[290] *See* Dep't of Defense Timeline ("[At 11:10 PM EET t]he diverted surveillance aircraft arrives on station over the Benghazi facility.").
[291] Committee analysis of DVR Footage of the Mission (Sep. 11, 2012, 2210 to 2216).
[292] Diplomatic Security Agent 2 Transcript at 156.

> As we were turning left to go outside the compound, we could see at the end of that access road a lot of cars and lights and people milling about. I ascertained that was probably a checkpoint or a blockade. And so we turned around and went the other way. It was at that point the attacking force kind of crossed paths with us, had then they opened fire on our vehicle, and we continued out.[293]

Another Diplomatic Security Agent provided further detail about the extensive attacks they encountered as they fled the Mission compound.[294]

[redacted]

[redacted]

[redacted]

[redacted].

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[293] Diplomatic Security Agent 4 Transcript at 138.
[294] Diplomatic Security Agent 3 Transcript at 158-162; *See also*, Comprehensive Timeline of Events—Benghazi, produced by the US State Department. (Last Edit Nov 01, 2012) (State-SCB0047846).

[redacted].

***

[redacted].

[redacted].

[redacted].

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[redacted].

[redacted]

[redacted].

[redacted].[295]

As the Diplomatic Security Agents drove away from the Mission compound toward the Annex, they noticed they were being followed.[296] The individuals following the agents detoured to a warehouse in the vicinity of the Annex near the parking area where attackers later staged the first attack on the Annex.[297] One Diplomatic Security Agent described what happened when the team arrived at the Annex:

> Finally, we were able to turn, kind of get off the main road there where it was a lot quieter, and then we made our way to the Annex. Upon arrival at the Annex, you know, we pulled in, and immediately people came out and I parked the car, got out of the car, and you know, their eyeballs were about the size of saucers, just seeing the car, and seeing us. And immediately, they brought me into kind of a, you know, the kitchen area, which is where the med area was. And they just started pumping me, you know, with fluids, just chugging water, eating fruit, and my goal was just to get back up on my feet, get back out and keep fighting.[298]

The team of five Diplomatic Security Agents arrived with Smith's body at the Annex at 11:23 p.m. [5:23 p.m. in Washington].[299]

Back at the Benghazi Mission compound, the GRS team were no longer facing direct fire. The GRS departed through the compound's main gate and followed a different route to ensure no attackers were tailing them.[300]

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[295] Diplomatic Security Agent 3 Transcript at 158-163.
[296] *Id.*
[297] *Id. See also,* Diplomatic Security Agent 1 Transcript at 74-75; Diplomatic Security Agent 4 Transcript at 138; Diplomatic Security Agent 5 Transcript at 125.
[298] Diplomatic Security Agent 5 Transcript at 127.
[299] Video: DVR Footage of the CIA Annex (Sep. 11, 2012, 2338).
[300] Video: DVR Footage of the Mission (Sep. 11, 2012, 2219).

They arrived at the Annex approximately 20 minutes later and quickly took up fighting positions on the roofs of the Annex buildings.[301]

After the agents and the GRS departed the compound, attacks continued on the Mission compound with RPGs, small arms fire, and unknown explosions.[302] A mix of armed and unarmed individuals re-entered the compound through the back gate and subsequently looted the armored vehicles, removed paper and gear from the TOC, reset fires, and stole an armored Land Cruiser.[303]

The First Attack on the Annex

As the situation continued to unfold in Benghazi, the Diplomatic Security Agents on the ground were periodically reporting back to the tactical operations center in Tripoli about the events on the ground. The Tripoli Chief of Station discussed requests for a medical evacuation:

> So the initial question that I asked for our GRS team lead: Do they need a Medevac, and what Medevac assistance do they need? At that time they didn't know, so that was one of our communications to AFRICOM was to put a warning order or we may be needing Medevac assistance.
>
> At that time also the location of—we had no indication—our main priority was the personnel at the—at the temporary mission facility and the whereabouts of the Ambassador.[304]
>
> ***
>
> A: I think there was a—and some of the decisions were an ongoing conversation that I had with our rep in Stuttgart was about do we need Medevac and where that Medevac would go. So initially in that, when we were still looking for the Ambassador and our team was at the airport, they just got—I didn't say we want-

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[301] GRS 2 Transcript at 53.
[302] Committee analysis of DVR Footage of the Mission (Sep. 11, 2012, 2219).
[303] Committee analysis of DVR Footage of the Mission (Sep. 11, 2012, 2219); *see also* Email to the DSCC Watch Team and the DSCC Management Team (Sep. 11, 2012, 7:59 PM) (on file with the committee: C05409685). The Twitter account with handle @hadeelaish belonged to Hadeel al-Shalchi, a journalist for Reuters news.
[304] Chief of Station Transcript at 101.

> ed a medical—a Medevac at that point because we didn't have any—I did have conversations with the GRS team lead in Benghazi: What is the status of your personnel? Do you need Medevac? And that answer was no at that time, and the Ambassador was unlocated.
>
> But what played into some of my calculus at that time was I didn't want to send a U.S. aircraft in Benghazi and maybe have the same dynamic of getting off the airport and not knowing what were going to be the parameters of that situation.
>
> So that was—and the Defense Attaché was in that same conversation with elements in AFRICOM.[305]

Just before 12:30 a.m. [6:30 p.m. in Washington D.C.], individuals congregated and staged gun trucks at the far east intersection near the Annex. It was unclear to the agents at the Annex if these individuals were friend or foe. The GRS agents on the roof asked Annex management whether they were able to determine who was congregating outside of the Annex.[306] The next wave of attackers then used the east field as cover and concealment to advance toward the Annex wall.

> [B]y that time, we had started to see people massing on that east side parking lot and starting to utilize that little house that had the family in it. They were coming through that front door. They would disappear where the front door was, and you could see them coming out the back door, and that's when we're trying to get our lights turned off, all the lights, get them off.
>
> Q: So were there floodlights looking out or lighting the base?
> A: Both. We were trying to get the ones looking in. We were trying to get those floodlights turned off. And the ones looking out, let them stay on. In the meantime, I'm calling on the radio going are we expecting friendlies from chief of base and our team leader. Are we expecting any friendlies? Are we expecting any friendlies? And I'm getting, I don't know, maybe, I don't know. In the meantime, they're coming towards us, and I'm asking [redacted],

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[305] *Id*. at 109.
[306] GRS 1 Transcript at 94.

> I said do you see any weapons? Because we're not going to shoot anybody unless we see a weapon. And you could tell they're moving tactically. They're moving sideways. They're playing hide and go seek. They don't realize we have night vision. Eventually, I'm not going to call that we got bad guys coming.[307]

The first assault on the Annex itself began at 12:34 a.m. [6:34 p.m in Washington D.C.], when attackers directed small arms fire at the Annex hitting the northeast portion of the property, where Annex Building 2 was located.[308] An IED was thrown over the wall near the Annex north recreation area in the vicinity of a GRS officer on the ground.[309] One GRS officer described the beginning of the first attack.

> But then you could hear, like there's a mass of cars that is forming. We're trying to figure out if it's 17 Feb. or if it was the police or who was it, you know. Of course, we got nothing back from the TL or the Chief of Base.
>
> But as I was walking the water back, something flew over the wall, exploded about 15 feet or so away from me. And at the same time, an RPG came up over the wall, and that's when the first assault on our compound happened.[310]

For the next ten minutes, rounds of small arms fire, RPG fire and IED explosions impacted the Annex near the northeast corner.[311] Concurrently, starting at 12:41 a.m. [6:41 p.m. in Washington D.C.] the Annex took small arms and likely IED attacks from the east wall also aimed at Annex Building 2.[312] Over the next 10 minutes there were attackers visible along

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[307] GRS 4 Transcript at 106-107.
[308] Video: DVR Footage of the CIA Annex (Sep. 11, 2012, 0034)
[309] GRS 1 Transcript at 94. *See also*, Video: DVR Footage of the CIA Annex (Sep. 11, 2012, 0036).
[310] GRS 1 Transcript at 94.
[311] Committee analysis of DVR Footage of the CIA Annex (Sep. 11, 2012, from approximately 0034 to 0045).
[312] Video: DVR Footage of the CIA Annex (Sep. 11, 2012, 0036 and 0041, respectively).

the east wall and unknown explosive impacts against the east side of the Annex.[313]

After being repelled from the first assault, at 12:59 a.m. attackers were still visible in the east field; however, GRS refused to fire on their location at this time because their position was too close to a residence where a local family lived including children.[314]

The Second Attack on the Annex

After being overwhelmed in the first attack, the attackers regrouped with a more aggressive second attack. At 1:10 a.m., this second attack was directed at the Annex with a RPG striking Building 2.[315] The second attack included even heavier sustained fire and a larger number of attackers.

Over the next five minutes, there was sustained and heavy small arms fire from the east perimeter wall, small arms fire from the northeast corner, RPG strikes from the east field, and sustained fire.[316] The attackers retreated after taking heavy return fire from the Annex. One GRS agent described this attack:[317]

> Q: Okay. So the second attack, what happened?
>
> A: It was a lot more force, lasted probably twice as long as the first one. I got a little bit of shrapnel from something. I got a bunch of shrapnel from the light. That was pretty much it. We just repelled that one. And that was it until 5:15 when the mortars came in.[318]

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[313] Committee analysis of DVR Footage of the CIA Annex (Sep. 11, 2012, from approximately 0040 to 0052).
[314] GRS 4 Transcript at 119-120.
[315] Video: DVR Footage of the CIA Annex (Sep. 11, 2012, 0110).
[316] Committee analysis of DVR Footage of the CIA Annex (Sep. 11, 2012, from approximately 0110 to 0115).
[317] Committee analysis of DVR Footage of the CIA Annex (Sep. 11, 2012, from approximately 0110 to 0200).
[318] GRS 1 at 97- 98.

Local Libyans Find Stevens

Shortly before the second attack on the Annex began, at approximately 1:00 a.m. [7:00 p.m. in Washington] local Libyans found the remains of Stevens in a bedroom in the main diplomatic building at the Benghazi Mission. One of the Libyans asked a member of the Libyan Army to help pull Stevens out of Villa C. A neighbor from a nearby compound who knew Stevens interceded and transported Stevens to the hospital.

The Libyan Army officer who helped pull out Stevens' remains kept the phone that had been with Stevens and began calling the numbers listed in the phone to report that an American was located at the hospital. These calls started around 2:03 a.m [8:03 p.m. in Washington D.C.].[319]

> I started receiving calls from somebody who claimed to have the Ambassador's—well, he didn't know that it was the Ambassador's phone, but he was calling from the Ambassador's phone, claiming that, you know, he had come in contact with some, what he suspected, Americans and found their phone, and he wanted to return the phone. So, at that point, I was also involved in trying to find out about the Ambassador's fate at this point and how this individual was in possession of his telephone.
>
> Q: All right. So you said you received a call from somebody who allegedly had the Ambassador—
>
> A: A Libyan, yes.
>
> Q: Okay. And how did that person reach out to you? How did they know to reach out to you?
>
> A: He used the Ambassador's phone and dialed a phone number that was stored on the phone. And that phone on the other end belonged to one of the Diplomatic Security--
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>
> So how did that first conversation go with the individual on the other end of the line?

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[319] Officer A Transcript at 36-37.

> A: I tried to get as much information from him as possible. Initially, he was coy, and he said several Americans, and I said, okay, well, put them on the phone. And he said, well, they're not around me right now. And that was kind of odd. And I asked him if they were injured or why can't you put them on the phone. And eventually he said that, yeah, they are in the hospital, and they cannot talk right now.[320]

The Chief of Station described learning about Stevens' location.

> Q: So at some point in the evening you learned the Ambassador is probably not being held hostage, is probably deceased. Do you remember about when that was and what—how you learned that?
>
> A: I learned that—so I had two telephones for the two different Libyan cellular services. So I learned that from the Prime Minister's office representative who I was in contact with. He previously said: Oh, we believe the Ambassador is at a hospital, we believe he's unconscious, we believe—you know, can I speak with him? Oh, no. I'll try to get someone to speak with him. That was that line.
>
> And then I got indications from the Libyan intelligence service, the President's office, and the charge or the DCM at about the same time. We got indications at the same time base was getting someone to go to identify a person because we had a base officer in telephonic communication with someone that had the Ambassador's phone.
>
> Q: Yeah.
>
> A: So during that whole time we were—knew the Ambassador's phone was located at that hospital. We had people telling us the Ambassador's at that hospital. We didn't know the status of the Ambassador, so—but all of those things happened within a relatively narrow timeframe. [321]

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[320] *Id.*
[321] Chief of Station Transcript at 122.

Team Tripoli Arrives at Benghazi Airport

At 1:30 a.m. [7:30 p.m. in Washington D.C.], Glen Doherty and the other members of Team Tripoli landed at the Benghazi Benina International Airport.[322] Meanwhile at the Annex there was a lull in the fighting.[323] One of the Team Tripoli members explained to the Committee the steps taken to obtain transportation from the Benghazi airport to the Annex:

> Q: Was anyone present from the Libyan armed forces or local militia that you could liaison with upon arrival in Benghazi?
>
> A: Not as soon as we landed sir.
>
> Q: Okay. And you arrived at Benina airport?
>
> A: We did.
>
> Q: And what was the nature of activity going on at Benina at 02 in the morning?
>
> A: It was completely dead. We were the only plane that had landed in quite some time, it looked like, and the guard actually came out in his pajamas and asked us what was going on.
>
> Q: Okay. So there was no airport personnel. This was not a 24/7 airport?
>
> A: I don't think so, sir. It didn't appear to be. Only one individual came out to meet us once we had landed, and it was clear that he had been sleeping before that.[324]

When Team Tripoli arrived at the airport, "the Ambassador was still missing."[325] While trying to secure transport at the airport, Team Tripoli was receiving information Stevens was located at a hospital in Benghazi. One Team Tripoli member said, "One of the local militia had told us that he—they thought he was at the hospital. Reporting had indicated he was

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[322] Dep't of Defense Timeline.
[323] Special Operator Transcript at 52-53. *See also*, Video: DVR Footage of the CIA Annex (Sep. 11, 2012, 0158).
[324] Special Operator Transcript at 52-53.
[325] *Id.* at 55.

at the hospital."[326] The Chief of Station added details about their concern regarding the information they were receiving:

> That whole atmosphere of getting drawn into that correspondence that our officer had with that individual who had the Ambassador's phone had a lot of the hallmarks of some type of entrapment. It wasn't straight up. It didn't—it wasn't: We have the Ambassador here, you want to come and get him. It was much more convoluted than that. So we were very leery of—that was just a very high security posture as we were going through. [327]

Based on their coordination and planning prior to leaving Tripoli, the Team expected to be met at the airport by elements of the Libyan Shield militia. When they arrived, however, no one was present at the airport.[328] One of the Team Tripoli special operators described what they encountered:

> We didn't have a mode of transportation that was ours, so we were depending on those local militias. So it took us that long to find one that was capable of taking us into town. Again, initially we were trying to go to the hospital, which we were all being told, "No, we can't take you to the hospital. We can take you to the annex."
>
> So that fight went on for a little while, with us thinking that he could possibly be at the hospital needing medical care. So we were pushing hard enough to go there that it prolonged our time at the airport. Then once we found out he was deceased, we had obviously gave that up, and they had no problem taking us to the annex.[329]

While at the airport, Team Tripoli was alerted that Stevens' [redacted] personal tracking device—was pinging "within 25 meters of their current location on the airfield."[330]

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[326] *Id.* at 55-56.
[327] Chief of Station Transcript at 125.
[328] Special Operator Transcript at 52.
[329] *Id.* at 58-59.
[330] Request 1-004067 IntBook 6-044.

Q: Okay. So I want to direct your attention to the first page of exhibit 1, the last bullet?

A: Okay.

Q: It reads: "Note: TF Green member informed [redacted] that the AMBOs [redacted]"—does that mean [personal tracking device]?

A: Correct.

Q: "It was pinging, and its location was within 25 meters of their current location on the airfield. Several militia members and vehicles were on the airfield and vehicles at the time." So just to be clear, how did you learn about that [personal tracking device] pinging?

A: My TL told me at the time because when that militia drove up, [redacted] and I were unpacking gear, and we were situating. And I was checking my gear and that's when our TL came up and advised us what was going on in reference to the ping.

Q: So the TF Green individual would have informed the TL and he told you?

A: Could have been.

Q: What was your assessment at the time of the significance of that attack?

A: That someone was near the Ambassador, or at least recovered some of his gear or his phone or his [personal tracking device] system. Somehow they had his belongings.

Q: And they were standing very close to your team?

A: Correct.

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Q: So obviously, you talked about how one of your primary missions was to locate the Ambassador. And then you learned while you were at the airport that the Ambassador's [personal tracking device] is pinging within 25 meters of your current location. Did you or the other team members find that odd?

> A: Yes.
>
> Q: Can you elaborate on that?
>
> A: It was unusual that somebody had some of the Ambassador's belongings.
>
> Q: Okay.
>
> A: Especially his [personal tracking device]. I don't know if it was his cell phone pinging, how they got the ping, or his personal [tracking device], but it was odd that they had some of his equipment.[331]

For the next three-plus hours after their arrival in Benghazi, Team Tripoli attempted to secure transportation from the airport to the hospital. Because Team Tripoli did not have full awareness of the local militias operating in Benghazi, nor relationships with local militias to contact for assistance, they relied on a Libya Shield official in Tripoli to vet the local militia elements that showed up at the airport offering assistance. Much of their time at the airport was spent identifying the "least of several bad options" as it related to choosing a militia for transport.[332] The Team's Tripoli contact recommended seeking transport with another branch of the Libya Shield as the branch prearranged to transport them never arrived.[333] One Team Tripoli member stated:

> Q: Did you have any sense during the 2 and-a-half hours that you spent at Benina airport that you were being prevented from departing the airport? Could you have left at any time from 02 to 0430?
>
> A: We didn't have a mode of transportation that was ours, so we were depending on those local militias. So it took us that long to find one that was capable of taking us unto town. Again, initially we were trying to go to the hospital, which we were all being told, "No, we can't take you to the hospital. We can take you to

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[331] Testimony of GRS Tripoli, Central Intelligence Agency, Tr. at 32-35 (June 23, 2015) [hereinafter GRS Tripoli Transcript] (on file with the Committee).
[332] Special Operator Transcript at 56-57.
[333] *Id.* at 57.

> the Annex." So that fight went on for a little while, with us thinking that he [the Ambassador] could possibly be at the hospital needing medical care. So we were pushing hard enough to go there that it prolonged our time at the airport. Then once we found out he was deceased, we had obviously gave that up, and they had no problem taking us to the Annex.[334]

The group that escorted Team Tripoli to the Annex was a branch of Libyan Shield operating that night under [redacted].[335] According to a member of Team Tripoli, this was their "less bad" option for transport that night given the difficulty of trusting militias in a city where many have Islamist leanings and an anti-Western sentiment post the involvement of NATO in the Libya Revolution.[336]

> Q: And how were you going to proceed? What was the nature of your transport from Benina to the Annex?
>
> A: The Libya Shield commander had several gun trucks that we were using, as well as some Land Cruisers, to get us to the Annex.
>
> Q: And this again, Libya Shield 2, the less bad element of the militia?
>
> A: Less bad, yes.[337]

Team Tripoli left the airport at approximately 4:30 a.m.[338] A team member provided the Committee the following background information for their intended mission at the time, as it had transitioned from locating and potentially rescuing Stevens to an effort to start evacuating nonessential personnel from Benghazi back to Tripoli.

> Q: [W]hat did you understand about your mission as you were heading from Benina airport to the Annex? Was your mission then evacuation of nonessential personnel?

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[334] *Id.* at 62-63.
[335] *Id.* at 55.
[336] *Id.*
[337] *Id.*
[338] *Id.* at 51.

> A: It was nonessential personnel only prior to the mortar attack happening…we were going to take 14 personnel back with us to the airport, let the jet take off, take them back to Tripoli. We were going to come back to the Annex and help hold up with the GRS guys until further notice….the majority of those people [the GRS would have stayed there. Shooters, if you will.[339] … [W]e did not make the decisions for that [airplane] to come back. We didn't know how long we were going to have to stay at the Annex. We were under the understanding they wanted to stay. They did not want to leave. So we were just trying to get the nonessential personnel out to get further direction from Chief of Station back in Tripoli on what he wanted them to do…I believe it was the Chief of Base that wanted to keep some individuals there.[340]

THE WHITE HOUSE CONVENES A MEETING

While Team Tripoli was urgently seeking transportation from the Benghazi airport to either the hospital or the Annex, Denis McDonough, the Deputy Assistant to the President for National Security Affairs convened a secure video teleconference meeting at 7:30 p.m. in Washington with the State Department and the Department of Defense.[341] The State Department attendees included Cheryl D. Mills, Chief of Staff, Jacob J. Sullivan, Deputy Chief of Staff for Policy and Planning, Stephen D. Mull, Executive Secretary, Wendy R. Sherman, Under Secretary for Political Affairs, and Kennedy and the Secretary.[342]

The Defense Department was represented by Jeremy B. Bash, Chief of Staff to the Secretary of Defense and Tidd.[343] The two representatives who normally would have participated in the meeting—the Vice Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Policy—did not do so that night.

In the four hours since the initial attack on the Benghazi Mission compound, the Diplomatic Security Agents in Benghazi, with help from the

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[339] *Id.* 69-70.
[340] *Id.* at 70.
[341] *See* Email from Cheryl D. Mills to Beth E. Jones *et al.* (Sep. 11, 2012 7:03 PM) (on file with Committee, SCB0066272) ("SVTC AT 7:30PM WITH WHITE HOUSE").
[342] *See id*.
[343] *See id*.

team from the Annex, survived the initial onslaught, located the remains of their fallen colleague Smith, franticly searched for Stevens, escaped under heavy gunfire from the Mission compound to the Annex, avoided an ambush along the route, and arrived at the Annex only to withstand and repel additional attacks there.[344]

Team Tripoli, after learning of the attack in Benghazi, quickly developed a plan to render assistance, secured private aircraft in Tripoli, packed gear, planned a mission, flew from Tripoli to Benghazi, and urgently negotiated with unknown militias seeking transportation to either the hospital or the Annex.

By stark contrast, in those same four hours, principals in Washington had merely managed to identify forces that could potentially deploy to Libya and convened a meeting to discuss those forces.

Despite the Secretary of Defense's clear directive and his intention that forces would move and move quickly, no forces had yet moved. Over 13 hours after the attack began, the first force—the farthest away—deployed. It would take nearly 18 hours for the FAST team to move, and over 20 hours from the beginning of the attack before the CIF moved.

Forces are "Spinning Up As We Speak."

Moments before the White House meeting began, Bash emailed several people including Mills and Sullivan, notifying them of the assets the Secretary had ordered to respond to the attacks. He wrote:

> After Consulting with General Dempsey, General Ham and the Joint Staff, we have identified the forces that could move to Benghazi. They are spinning up as we speak. They include a SOF element that was in Croatia (which can fly to Suda [sic] Bay, Crete) and a Marine FAST team out of Roda [sic], Spain.
>
> Assuming Principals agree to deploy these elements, we will ask State to secure the approval from host nation. Please advise how

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[344] Email to Victoria Nuland, *et al.* (Sep. 11, 2012 5:32 PM) (on file with Committee, SCB0068365-67) (forwarding chain of emails regarding updates on the events in Libya).

> you wish to convey that approval to us. Burns/Nides/Sherman to Miller/Winnefeld would be my recommended course.[345]

Even though the Secretary had already issued the order to deploy the identified forces and testified he fully expected his order was being carried out at the time, the plan was to "work through this issue" during the White House meeting.[346] As the Secretary reinforced: "I had the authority to deploy those forces. And I didn't have to ask anyone's permission to get those forces into place."[347] The Secretary further said his approach was "we need to move them and move them as fast as we can in order to respond. So I wanted no interference with those orders to get them deployed."[348] In fact, the Secretary added that during the meeting at the Pentagon, his orders were simultaneously being conveyed to those forces.[349] He noted: "these are elite units, and the purpose of these units is to move when I give the order to move, and that's what I expected."[350]

Curiously, the two members of the Defense Department Bash identified in his "spinning up" email as the proper persons to "convey" "approval from the host nation"—Winnefeld and Miller—were not part of the White House meeting. In fact, Winnefeld was not even at the Pentagon. He had left to return to his residence to host a dinner party for foreign dignitaries and testified he received one update on the events during the dinner. After the dinner concluded around 10 p.m., he went to the secure communications facility in his home. An hour later, the mortar attacks began. Likewise, Miller was not at the Pentagon due to an unexpected family emergency. He asked Bash to participate in the White House meeting in his stead.[351]

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[345] Email from Jeremy Bash to Jacob J. Sullivan (Sep. 11, 2012 7:19 PM) (on file with Committee, STATE-SCB0060705).
[346] Email from Jacob J. Sullivan to Jeremy Bash, *et al*. (Sep. 11, 2012 7:21 PM) (on file with Committee, SCB0075439).
[347] Panetta Transcript at 32.
[348] *Id.* at 33.
[349] *Id.* at 34.
[350] *Id.* at 37.
[351] Miller Transcript at 63-64. Miller testified he attempted to participate in the meeting from his home, but was unable to connect to the call.

Purpose of Meeting

Despite the Secretary's expectation the assets he ordered to deploy would move as fast as possible in order to respond, the individuals who participated in the White House meeting, nevertheless, felt the need to "work through" the assets the Secretary had already ordered to deploy.[352] At the time of the White House meeting, the final decision about which assets to deploy had apparently not been made, according to them, despite the Secretary's recollection and testimony to the contrary. Tidd testified:

> Q: And at the time of the meeting, what was the status of the assets that you all discussed? Were they preparing to deploy?
>
> A: They were alerted. The final decision had not yet been made definitively, as I recall, but we came out of that meeting basically: send everything.[353]

Tidd described the purpose of the meeting convened by the White House as an opportunity to share information across the interagency.

> It was an information exchange to cross-level what does everybody know, is there any new information. The intelligence community was obviously providing information on other things that were going on, other locations that State was providing information on, other embassies where they had concerns. FBI. It was a general kind of a roundtable and round robin of everybody going around and passing out what information they had, what did they know. And then what were the asks. And then an opportunity for us to be able to say --- when we got to the military, we talked about these are the type of forces that we can deploy, and here's what we know, here's what we think, and here's what our recommendations are.[354]

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[352] Email from Jacob J. Sullivan to Jeremy Bash, *et al*. (Sep. 11, 2012 7:21 PM) (on file with the Committee, SCB0075439).
[353] Tidd Transcript at 23-24; *see also*, Email from Jacob J. Sullivan to Jeremy Bash, *et al.* (Sep. 11, 2012 7:21 PM) (on file with the Committee, SCB0075439) ("We should work through this issue in that venue.").
[354] Tidd Transcript at 21-22.

Mills said essentially the same thing: "[T]he [White House meeting] was called because everyone was seeking both to exchange information and figure out how to coordinate resources to support our team."[355] Kennedy said this about the White House meeting:

> The [meeting] was mainly, to the best of my recollection, simply a conforming of information, a sharing of information. Make sure everybody had the same understanding and everyone was doing whatever they could in their lane of responsibility to proceed.[356]

He elaborated:

> Conforming, conforming means, in effect, reconciling. That I have heard this, you have heard that, what have you heard? Trying to make sure that we all, meaning across the entire U.S. Government, had the clearest coherent understanding of what was going on in the fog of war.[357]

Winnefeld typically would have participated in the meeting that night. However, after being notified of the attacks, he departed the Pentagon that night to attend a dinner engagement. Despite not participating in the discussion, Winnefeld explained why the White House meeting would be called:

> [W]henever something like this happens, whether it's a hostage rescue, or you name it, particularly an emergent event, there's always a [meeting] like this, and there are a lot of really good points brought up by interagency partners about considerations and—in stream. They're very useful events, and we can very quickly resolve questions, like, does anybody have any objections if we sent forces into Tripoli? My supposition here is that that was a very quickly resolved; nobody has objections.[358]

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[355] Mills Transcript at 47.
[356] Testimony of Patrick F. Kennedy, Under Sec'y for Management, State Dep't, Tr. at 112 (Feb. 3, 2016) [hereinafter Kennedy Transcript] (on file with the Committee).
[357] *Id.* at 155.
[358] Winnefeld Transcript at 80-81.

From the Defense Department's perspective, it was an opportunity to notify the State Department and the White House of the assets it could deploy in response to the attacks as ordered by the Secretary and to seek concurrence.[359] Winnefeld explained:

> [M]y sense is that the deputies sort of coordinated on what DOD intended to do. So the Secretary has decided he wanted to deploy the CIF and the [U.S. Based SOF] and the FAST platoons. That was exposed to the deputies in the deputies SVTC, and they all concurred with that.…[360]

Of course Winnefeld did not participate in this particular White House meeting. Witnesses who actually were present and appeared before the Committee were surprisingly unable to recall details regarding the various issues and discussions during the White House meeting.

The Committee was, however, able to uncover several emails from participants summarizing the meeting. In striking contrast to the Secretary's testimony, one summary of the White House Meeting listed the theme of the meeting, not as deploying forces in an active tense, but as "getting forces ready to deploy" in a future tense.[361] Another summary described the deployment of assets in response to Benghazi as "likely" and "possibly" that evening.[362] According to these summaries, the conclusion from the meeting was that forces were not going to deploy "until order comes, to go to either Tripoli or Benghazi."[363]

But the Secretary was unequivocal the order had already come: President Obama, as the Commander in Chief, said do everything you can to help

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[359] *See* Email from Jeremy Bash to Jacob J. Sullivan (Sep. 11, 2012 7:19 PM) (on file with the Committee, STATE-SCB0060705).
[360] Winnefeld Transcript at 84. Winnefeld further explained that had there been a disagreement "the Secretary probably would have said: Look, get them moving anyway. And then he would be on the phone with the White House." *Id.* at 79-80.
[361] Email from State Dep't Operations Ctr. Watch Officer, to P_StaffAssistants & D(N)_StaffAssistants (Sep. 11, 2012 9:46 PM) (on file with Committee, C05562037).
[362] Email to Harold Hongju Koh, *et al.* (Sep. 11, 2012 10:40 PM) (on file with Committee, C05528017) ("There is likely to be a deployment very quickly, possibly this evening.").
[363] Email from State Dep't Operations Ctr. Watch Officer, to P_StaffAssistants & D(N)_StaffAssistants (Sep. 11, 2012 9:46 PM) (on file with Committee, C05562037).

our people in Libya.[364] As the Secretary of Defense, he ordered assets to deploy—active tense with no further explanation, amplification, or instruction needed.

The two-hour "meeting"—in which neither the Commander in Chief nor the Secretary of Defense participated—was in fact much more detailed and involved than witnesses suggested and presents a new perspective on what was happening and being discussed in Washington D.C. even while an Ambassador was missing and a second U.S. facility was under attack half a world away.

Discussions During the 7:30 White House Meeting

DIPLOMATIC CLEARANCE

The issue of securing host nation approval, the last aspect of Bash's email, was discussed during the 7:30 White House meeting. According to a write-up of notes taken by Mull, the State Department emphasized any deployment of U.S. Forces into Libya needed approval from the Government of Libya.

> Overall theme: getting forces ready to deploy in case the crisis expands and a real threat materializes against Embassy Tripoli. DOD will send the details to U/S/ Kennedy (i.e. plane numbers, troop numbers, airfield support needs, etc.) for us to make request to government of Libya (GOL).
>
> * * *
>
> Congressional angle: If any deployment is made, Congress will need to be notified under the War Powers Act … Libya must agree to any deployment.[365]

On the ground in Tripoli, the Defense Attaché had already begun working to obtain flight clearances from the Libyan government before the

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[364] Panetta Transcript at 23.
[365] Email from State Dep't Operations Ctr. Watch Officer, to P_StaffAssistants & D(N)_StaffAssistants (Sep. 11, 2012 9:46 PM) (on file with Committee, C05562037).

White House meeting even began.[366] Initially, he notified the Libyan government of a potential request for flight clearances as the night progressed.[367] Because he had given advance notice to the Libyan government that potential flight clearances would be needed, he fully expected the Libyan government to approve any formal request when it was made. He noted, however, that to submit a formal request, specific information about the tail numbers, expected arrival of the aircraft, the number of personnel, and types of weapons had to be conveyed to the Libyan government.[368] Not only did a formal request have to be made, a representative of the Libyan government had to be available to receive the paperwork for that request. There was no Libyan representative on duty overnight.[369] As to when formal approval was received, the Defense Attaché testified:

> Q: Can you recall when the actual—the relevant information that was needed, like tail numbers and things, when was that transmitted to the Government of Libya?
>
> A: I don't. But I would also come back to the fact that we had a green light from the Government of Libya to bring it in. It was just a question of when we were going to know the specific information that goes into a standard flight clearance request. So it had to have been, I would say, sometime midmorning to noon on the 12th. It could have been, I would say, sometime midmorning to noon on the 12th. It could have been a little bit after that.
>
> Q: And that's when you received the relevant information you need to pass on, or what happened?
>
> A: Probably both. In the course of the morning, leading up to the afternoon, we got the information we required, and then we were able to subsequently transmit it to the Libyans.[370]

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[366] Testimony of Defense Attaché, U.S. Embassy Tripoli, Dep't of Defense, Tr. at 113-114 (Jan. 31, 2014) [hereinafter Defense Attaché 2014 Transcript] (on file with the Committee).
[367] *Id.*
[368] *Id.*
[369] *Id.* at 114.
[370] Defense Attaché Transcript at 159-160.

CIVILIAN CLOTHES

A request for the FAST Platoon to wear civilian attire appears to have generated from Kennedy during the White House meeting.[371] Kennedy, during his interview with the Committee was unable to recall when the discussion regarding civilian attire was held that evening, but provided the following information about the substance of the discussion:

> [Y]ou wanted to make sure that the steps we were taking would enhance the security of our personnel, not potentially diminish the security of our personnel. Our personnel had been consolidated in Tripoli in one location, and all of them were there with the multiplied security forces of both the prime building and the Annex building. And I recall this discussion, generally speaking, and it was determined that the delay was not going to be significant and it was better to have the forces arrive in civilian clothes[.][372]

Tidd elaborated on the State Department's request for the FAST platoon to arrive in Libya in civilian clothing. He testified:

> Again, like I said, they wanted to minimize the signature that looked like a big military invasion, a big military arrival there. And the reason that I remember the discussion was I had to go back and find and make sure, as the FAST had moved out and was waiting for lift, and the question that I had to go back and ask AFRICOM was: in their rucksacks did they have civilian clothes that they could put on, or was this going to entail having to go back to their barracks and draw that equipment. They had what they needed, and so they didn't have to go anyplace.
>
> At the [White House] meeting, I couldn't speak for them. And I wanted to go back and verify that. Because what I wanted to know is: is it more important to get them there or to have the

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[371] *See* Email from Benjamin I. Fishman, National Security Council (Sep. 11, 2012 9:19 PM) (on file with Committee, SCB 000029-30).
[372] Kennedy Transcript at 173.

> signature in civilian clothes? As it turned out, it didn't matter, because they had the civilian clothes with them already.[373]

Tidd did not agree that requiring the FAST platoon to wear civilian clothes was a step that would enhance security.[374] The Defense Department assessed the impact of the requirement as quite the opposite: it created an increased risk to the FAST platoon members as they traveled through Tripoli.[375]

Summaries of the White House meeting did not, in fact, highlight the potential security-enhancing benefit of the FAST platoon wearing civilian clothes. Instead, the benefit of having the FAST platoon wear civilian clothing was to cater to unexpressed Libyan Government concerns about military appearances and to avoid "any impression of a U.S. invasion of Libya."[376] As Benjamin J. Rhodes, Deputy National Security Advisor for Strategic Communications stated in an email to his colleague at the end of the meeting: "the time for being overly sensitive to Libyan concerns about military appearances seems to be over."[377]

The Plan from the Meeting

Although the Secretary told the Committee he fully expected his order to deploy was the only step needed to move forces in response to the at-

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[373] Tidd Transcript at 28.
[374] *See* State Dep't Email (Sep. 11, 2012 10:40 PM) (on file with Committee, C05528017) ("[T]here was discussion of the option of entering in plainclothes ….").
[375] *See id*. ("[The Joint Chiefs of Staff] explained … that the risks to the forces [] remaining in plainclothes increased as they transited from point of entry to the relevant location of action").
[376] Email from State Dep't Operations Ctr. Watch Officer, to P_StaffAssistants & D(N)_StaffAssistants (Sep. 11, 2012 9:46 PM) (on file with Committee, C05562037) ("We made a request that any deployments should be in plain clothes to avoid any impression of a U.S. invasion of Libya."); *see also* State Dep't Email (Sep. 11, 2012 10:40 PM) (on file with Committee, C05528017) ("Apparently Pat K expressed concern on the SVTC about Libyan reaction if uniformed US forces arrived in country in military aircraft"); Email from Benjamin I. Fishman (Sep. 11, 2012 9:19 PM) (on file with Committee, SCB 000029-30) ("I don't know why Pat Kennedy is so concerned about what extra securit y [sic] folks are wearing. Does that come from Greg [Hicks]? The time for being overly sensitive to Libyan concerns about military appearances seems to be over.").
[377] Email from Benjamin I. Fishman (Sep. 11, 2012 9:19 PM) (on file with Committee, SCB 000029).

tacks, records obtained by the Committee reflect a different understanding by others on the night of the attacks.

One email that seems to indicate others may not have viewed the order as being as clear and immediate as the Secretary recalled. It read in relevant part:

> Per Amb. Mull, ROUGH notes from the 1930 [7:30 p.m.] EDT SVTC meeting:
>
> Overall theme: getting forces ready to deploy in case the crisis expands and a real threat materializes against Embassy Tripoli. DOD will send the details to U/S Kennedy (i.e. plane numbers, troop numbers, airfield support needs, etc.) for us to make requests to government of Libya (GOL).[378]
>
> There were 10 Action items from the White House meeting:

The first two action items in that email were redacted and not provided to the Committee. The next three items read as follows:

> 3) Fleet Antiterrorism Security Team (FAST): about [redacted] Marines, they need six hours to prepare. They're currently at the Rota Air Base in Spain and will wait to deploy. Will not deploy until order comes to go to either Tripoli or Benghazi. We made a request that any deployments should be in plain clothes to avoid any impression of a U.S. invasion of Libya.
>
> 4) Congressional angle: If any deployment is made, Congress would need to be notified under the War Powers Act. Counselor Mills is working with L and H on this and it may come through Ops. Libya must agree to any deployment.
>
> 5) Efforts are continuing to locate Ambassador Stevens. A/S Beth Jones will work to reach out to the hospital to confirm the identity of the patient….[379]

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[378] Email from State Dep't Operations Ctr. Watch Officer, to P_StaffAssistants & D(N)_StaffAssistants (Sep. 11, 2012 9:46 PM) (on file with Committee, C05562037).
[379] *Id.*

Phrases such as "getting forces ready to deploy" and forces "will not deploy until order comes to go to either Tripoli or Benghazi" do not reflect an imminent deployment of the assets as ordered by the Secretary and as he testified before the Committee.

The declarative "Libya must agree to any deployment" is also inconsistent with what the Secretary testified to and similarly inconsistent with what the Secretary recalled President Obama telling him. At no point, according the Secretary of Defense, did a U.S. response to the attacks in Benghazi hinge on Libya agreeing with the actions ordered.[380]

Mull's summary of the White House meeting is, however, more consistent with Tidd's recollection of the meeting.[381]

Another email regarding the meeting with the White House reads in relevant part:

> All, I just got off a conference call with [State Department employee] who reported on a [White House meeting] this evening concerning the violence against USG facilities and personnel in Libya and Egypt, of which you likely have gotten separate notice. S[ecretary Clinton], Pat K[ennedy], and Beth Jones (possibly among others) attended for State. In short, there was a significant attack in Benghazi on the US consulate where the US Ambassador and 7 other USG employees were present[.]
>
> There is likely to be a deployment very quickly, possibly this evening, of forces to assist in Libya. Beth Jones is tasked with seeking consent of the GOL asap for entry into the country. Options under consideration for the deployment include: (1) a FAST team; (2) a [U.S. –Based SOF] …; and (3) a Commander's Force.… DOD indicated they would circulate additional information on the options/decisions in the morning and we will need to be prepared to do a quick War Powers assessment and probably report by COB tomorrow.

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[380] Panetta Transcript at 67.
[381] Email from State Dep't Operations Ctr. Watch Officer, to P_StaffAssistants & D(N)_StaffAssistants (Sep. 11, 2012 9:46 PM) (on file with Committee, C05562037).

> Apparently Pat K[ennedy] expressed concern on the [White House meeting] about Libyan reaction if uniformed US forces arrived in country in military aircraft; there was discussion of the option of entering in plainclothes, which JCS explained was possible but noted that the risks to the forces to remaining in plainclothes increased as they transited from point of entry to the relevant location of action.[382]

Another email framed the issue as follows:

> The U.S. military has begun notifying special units of likely deployment, with ultimate disposition pending State coordination with the Libyan government and final approval by the White House.
>
> State remains concerned that any U.S. military intervention be fully coordinated with the Libyan Government and convey Libyan concerns that [sic] about U.S. military presence, to include concerns that wheeled military vehicles should not be used and U.S. Military Forces should consider deploying in civilian attire.[383]

The plan described in this email was later conveyed to the Combatant Commands. While Bash's "spinning up" email indicated these forces were prepared to go to Benghazi vice Tripoli, it was clear by the end of the White House meeting that no forces were going to Benghazi.[384] It is worth noting that while this meeting was ongoing and even after it ended, Diplomatic Security Agents, the team from the Annex and Team Tripoli were under attack at the Annex and Stevens was still missing.

These emails confirm the understanding among the individuals participating in the White House meeting that deployment to Benghazi was not imminent. As the Defense Department timeline shows, none of the orders

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[382]State Dep't Email (Sep. 11, 2012 10:40 PM) (on file with Committee, C05528017).
[383] Testimony of Jeremy Bash, Chief of Staff, Dep't of Defense, Tr. at 98-99 (January 13, 2016) [hereinafter Bash Transcript] (on file with the Committee).
[384] Email from Jeremy Bash, Chief of Staff, Dep't of Defense, to Jacob Sullivan, Deputy Chief of Staff for Policy, Dep't of State (September 11, 2012 1919) (on file with Committee: STATE-SCB0060705).

given to the assets that night contained an order to deploy to Benghazi.[385] The FAST platoons were ordered to prepare to deploy, not to deploy.[386] The CIF and the U.S. based SOF were ordered to deploy only to an intermediate staging base, not to Benghazi or Tripoli.[387]

In fact, once the decision to activate the U.S. based SOF was made, the CIF was no longer an option to deploy to Libya as its mission then became to prepare for the arrival of the U.S. based Special Operations Force at the intermediate staging base.

Once the forces were ready to deploy, a subsequent execute order would then have to be given by the Secretary of Defense. This is inconsistent with the Secretary's belief that no further order was necessary from either the President or himself.

Admiral Tidd had this to say about deploying a FAST Team to Benghazi:

> We were looking at two FAST teams, but it very, very soon became evident that everybody was leaving Benghazi. And so I don't remember if it was just before the [White House meeting] or during the [meeting] or just right after. By the time we came out of the [meeting], it was pretty clear that nobody was going to be left in Benghazi. And so the decision—I think, at the [meeting], there was some discussion—but as I recall, we weren't going to send them to Benghazi, because everybody was going to be back in Tripoli by the time we could actually get them there.
>
> ***
>
> And I think even at this point we knew that everybody had moved—they had moved from the temporary diplomatic facility, they moved to the Annex, and they were moving or going to be moving, if they had not already begun moving, from the Annex to the airport, and would be leaving at the airport as quickly as they could.

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[385] *See generally*, Dep't of Defense Timeline.
[386] Dep't of Defense Timeline.
[387] *Id.*

> So it was pretty clear we weren't going to be able to get anything into Benghazi before the last people left. So, I don't think we ever went beyond the notion of moving the FAST into—the FAST platoon into Tripoli.[388]

While it may have been "pretty clear" to Tidd that "nobody was going to be left in Benghazi," it was not at all clear to those in Benghazi who were manning a rooftop exchanging gunfire with attackers.[389] Furthermore, the Diplomatic Security Agents and team from the Annex had to fight their way even from the Benghazi Mission compound to the Annex a short distance away while Team Tripoli had to negotiate with unknown militias for transportation from the Benghazi airport to the Annex. So, how the principals in Washington were certain U.S. personnel in Benghazi were going to be leaving Benghazi and how they were going to be leaving is itself unclear.

There is uncertainty attached to other statements made during the White House meeting too:

> "State remains concerned that any U.S. military intervention be fully coordinated with the Libyan Government and convey Libyan concerns that [sic] about U.S. military presence, to include concerns that wheeled military vehicles should not be used and U.S. Military Forces should consider deploying in civilian attire."
>
> "DOD indicated they would circulate additional information on the options/decisions in the morning and we will need to be prepared to do a quick War Powers assessment and probably report by COB tomorrow."
>
> "Libya must agree to any deployment."
>
> "Overall theme: getting forces ready to deploy in case the crisis expands and a real threat materializes against Embassy Tripoli."

This sentence is illuminating on a number of levels including: "getting ready to deploy in case the crisis expands" begs the question of expand-

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[388] Tidd Transcript at 25-27.
[389] Tidd Transcript at 25-27.

ing how and where? At the time of the White House meeting, Sean Smith was dead, Ambassador Stevens was missing, and the remaining State Department personnel had to be rescued by the Team from the Annex while sustaining gunfire en route back to the Annex. Moreover the second clause in that sentence references a "real threat" materializing against "Embassy Tripoli." The real threat at the time was and remained in Benghazi.

Among the questions left even in the aftermath of investigating what happened before, during and after the attacks in Benghazi is how so many decision makers in Washington and elsewhere were unaware of the Annex in Benghazi and how the Washington decision-makers expected U.S. personnel remaining in Benghazi to evacuate or defend themselves for a prolonged period of time without assistance.

The Orders: Prepare to Deploy and Deploy to an ISB

At 8:39 p.m., more than five hours after the attacks in Benghazi began, and more than two hours after the Secretary gave his order to deploy the Pentagon finally transmitted orders to the combatant commands regarding the FAST platoons, the CIF, and the U.S. Based Special Operations Force.[390] Specifically, the FAST platoons were ordered to "prepare to deploy."[391] The CIF and the U.S. Based Special Operations Force were

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[390] Email from Tidd (Sep. 11, 2012 8:53PM) (on file with Committee, SCB 001376). *See also*, Letter from Ashton B. Carter, Sec'y of Defense, to Trey Gowdy, Chairman, House Select Committee on Benghazi, April 8, 2015, providing an explanation regarding the unclassified timeline:

> Has the U.S Department of Defense identified any information that would warrant any adjustments, correction or modification to the unclassified timeline it provide to Congress on November 9, 2012?
>
> One Point of clarification: the unclassified timeline has the SecDef Vocal Order (VOCO) for moving response forces at 0000-0200. This authorization was relayed and recorded at 0239 for FAST and CIF and at 0253 for [the U.S. SOF]. This is not to imply that timing of the VOC as reflected in the unclassified timeline is inaccurate, but rather that receipt of this vocal order at [sic] was at 0239 and 0253, respectively.").

[391] *Id.*

ordered to deploy to an intermediate staging base.[392] No asset was ordered to deploy to Benghazi.[393]

Tidd provided authorization for each of those forces to move in an email transmitting the orders at 8:53 p.m. [2:53 a.m. in Benghazi]. The email reads in relevant part:

> discussions at Deputies, and followed up between [the Office of the Secretary of Defense] and the Chairman –
>
> [The Secretary of Defense] has directed deployment of the CIF to the [intermediate staging base] determined most suitable by AFRICOM …
>
> [The Secretary of Defense] has directed deployment of the [U.S. Based Special Operations Force] to the same [intermediate staging base] as the CIF.
>
> [The Secretary of Defense] has directed FAST to make all preps to deploy but hold departure until we are sure we have clearance to land in Tripoli. We'll work with State to nail that down, but intent is to get security force augmentation into [Tripoli/Tripoli] (not Benghazi, at least not initially) ASAP. Embassy making efforts to move all [American citizens] from [Annex] Compound Benghazi to Tripoli, possibly using same [commercial] Air that 5-pax team arrived on.
>
> ***
>
> Remember [the Secretary of Defense] holds final approval to deploy FAST, pending receipt of Tripoli country clearance. But the point is to get the Marines on the ground securing the embassy in Tripoli as rapidly as we can move them.[394]

Tidd testified about his email:

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[392] *Id.*
[393] *Id.*
[394] *Id.*

> I'm looking at the timelines here, and I'm—I am thinking that—that [Deputy Director for Operations] had a conference call with the various watch centers of the commands that are listed here as a result of the decisions that came out of the [White House] meeting.
>
> And so the things that you see upfront—the [Secretary of Defense] [vocal order], the things to move, and then also forwarded request for information from AFRICOM and EUCOM for the following—I am guessing at this point now, but I think this might have been in response to—I gave him a verbal dump from the Deputies Committee meeting. He had this conference call. This is a report back with the information from the conference call. And then I turned around and replied on top of that with subsequent information that had been provide from phone calls that I had had at the same time.[395]

Winnefeld also provided his understanding of Tidd's email:

> All this is doing is reporting out what the Secretary has directed to do. And [Tidd] would not put this out unless the deputies had concurred with it. If the deputies had not concurred with the SecDef deciding to do these things, that would have been a big issue, but it wasn't. The deputies obviously concurred, so [Tidd] put it out: Hey, this is now official; Secretary says do this.[396]

It is unclear why concurrence from anyone attending the White House meeting was needed. The National Command Authority, the lawful source of military orders, consists of two people: the President and the Secretary of Defense.[397] Neither of them attended that meeting. Both the President and Secretary Panetta had already issued their orders. As the Secretary made clear:

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[395] Tidd Transcript at 33.
[396] Winnefeld Transcript at 85. Winnefeld further explained that had there been a disagreement "the Secretary probably would have said: Look, get them moving anyway. And then he would be on the phone with the White house." *Id.* at 87.
[397] *See* Panetta Transcript at 32. Panetta elaborated, "My directions were clear; those forces were to be deployed, period. … So I wanted no interference with those orders to get them deployed." *Id.* at 33.

> I had the authority to deploy those forces. And I ordered those forces to be deployed. And I didn't have to ask anybody's permission to get those forces in place.[398]

PREPARE TO DEPLOY

The orders issued to the forces that night were different from the orders the Secretary gave earlier that evening. The Secretary had this to say about the orders he issued that night:

> Q: I just want to make sure this portion of the record is fair to you and that your testimony has the clarity that I think it has, but I'm going to give you an opportunity if I'm wrong.
>
> You did not issue an order to prepare to deploy. You issued an order to deploy.
>
> A: That's correct.
>
> Q: So no one would have been waiting on you to issue
>
> a subsequent order?
>
> A: That's correct.[399]

Leidig described the difference between a "prepare to deploy" order and an "execute" order:

> They are two very distinct orders in the military. The first is prepare to deploy. And that's basically guidance from my boss, in this case, the Secretary of Defense and the Chairman, that you have permission to make ever preparation necessary to execute this mission. But you do not have permission to actually to deploy them yet—you don't have permission to execute the mission.[400]

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[398] *Id.*
[399] *Id.* at 49.
[400] Leidig 2014 Transcript at 64-65.

In contrast, Miller testified his understanding was an order to deploy has no operational distinction from an order to prepare to deploy:

> The initial order was to deploy to forward basing in order to be able to then refuel if necessary, prepare to any additional degree necessary, which can largely be done in flight for these forces, to the extent that they weren't already as they got on the plane, and then to deploy into Libya.
>
> [T]he order could have come in one of two ways, and it's a technical difference that in this instance and in any other instance has no operational impact, one form of the order says deploy to the intermediate staging base and prepare to deploy into Libya, and that additional authorization will be given prior to deployment into Libya; a second says deploy to the intermediate staging base and proceed to Libya unless given direction not to do so.
>
> I don't know which of those—I don't recall which of those was in the order, but in any event, it's well understood that no time should elapse awaiting. In other words, if the form was to go to the ISB, go to the intermediate staging base and then get additional authority, it's incumbent on the commander to request that authority well in advance of when the force would be prepared to then deploy into Libya, and it's incumbent on the Secretary of Defense and the team supporting him to ensure that he makes a timely decision so that there's not additional time added to the timeline.[401]

Bash considered the orders that night a distinction without a difference because the intent of the Secretary was clear: the forces were to move.

> This was a real-time, very fluid, very dynamic set of meetings in which the Secretary, with his senior military, uniformed military advisers, the Chairman, the Vice, and the combatant commanders and others, were making real-time decisions
>
> So I just want to set that context, because I'm sure some people could look at this and say: Why were these words used or that

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[401] Miller Transcript at 80-81.

> discussion or this phrase used, "prepare to deploy" or "deploy"? My recollection was he was told of the situation, he was told about which units could respond, and he said: Go get them, do it, move.
>
> Q: So there would've been no further order necessary from him?
>
> A: Correct.
>
> Q: Wheels could have taken off and he would not have had to say another single, solitary word?
>
> A: Correct, and I believe that actually was the case.
>
> Q: All right. So he never amplified, clarified, withdrew, changed his instructions, which were deploy?
>
> A: He did not.[402]

Leidig, whom Ham described as his "most trusted advisor" and an "extraordinarily competent officer," testified because he was moving forces between two combatant commands' areas of responsibility he needed to receive a subsequent "execute" order to move the FAST Platoon into Libya.[403]

> Q: At what point did you receive an order to execute? At what point did you have the authority to launch assets into Libya?
>
> A: We were never given an execute order to move any forces until we got to move in the C-17 to evacuate folks out of Tripoli later that next morning. There was never an execute order to move any forces from Sigonella into Africa or from Rota into Africa until later. So, I mean, we did get an order eventually to move the FAST team into Tripoli to provide security, but during that evening hour, that incident, there were no execute orders to move forces into our AOR.

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[402] Bash Transcript at 26-27
[403] *See* Ham Transcript at 51-52.

Q: You said that you were never given an execute order until later. Who provides that execute order?

A: Execute order comes from the Secretary of Defense. So we were not given an—there was an order given to move forces to Sigonella. There was never an execute order given to move those forces into Libya.

Q: And when you received the execute order later on to deploy the forces into Libya, the FAST platoon into Tripoli, and then the C-17 to evacuate the medically injured, do you recall how that order was conveyed?

A: Do you mean, was it verbal, or was it in—usually in every case—I don't know specifically for those, but normally it's a VOCO, a vocal command, followed up by a written command. And so, in that case, it was probably both. It was probably a vocal command to get things moving, followed by a written command –

Q: And do you—

A:—but I don't know for sure.

Q: And do you recall the timeframe for when you received the vocal command to execute the movement of the FAST platoon into Tripoli and the—

A: No, I don't recall. It's on the timeline.

Q: Do you recall if it was before or after the mortar attacks occurred?

A: Oh, it was after.

Q: Okay. Thank you.

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Q: And just to be clear for the record, prior to receiving the vocal execute order, would you have—

A: Which vocal execute order?

> Q: For either of the assets that were deployed into Libya, the FAST platoon or the C-17, did you have the authority to move those assets into Libya prior to receiving that VOCO?
>
> A: No. I wouldn't move those without a—without an order from the Secretary or the Chairman. They're moving across COCOM boundaries.
>
> Q: Okay. Thank you.[404]

Ham's recollection of the extent of the authority he had to move forces that night differed from Leidig and differed from the email Tidd sent to the combatant commands relaying the Secretary's order.

> Q: Can you explain what he means by the [Secretary of Defense] holding final approval to deploy FAST?
>
> A: I think it means what it says. That is different than my recollection. Again, my belief is the Secretary had given authority to me to do that. So I think this is the J3 issuing instructions, but my recollection is different than what Vice Admiral Tidd has written here.
>
> ***
>
> Yeah. Right. The last sentence there I think is the important one.
>
> ***
>
> A: "But the point is to get the Marines on the ground securing the embassy in Tripoli as rapidly as we can move them."
>
> Q: Well, I think one thing that we would like to try to kind of marry up is, even on the timeline, the orders that were given to some of the—specifically the FAST platoon was a prepare-to-deploy order. And there has been testimony that a prepare-to-deploy order is different from a deploy order. Perhaps

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[404] Testimony of Vice Admiral Charles J. Leidig, Deputy Commander for Military Operations, US Africa Command, Tr. at 45-48 (Apr. 22, 2016) [hereinafter Leidig 2016 Transcript] (on file with the Committee).

you can provide us what the distinction is and how that played out on this night.

A: I can try to explain the distinction between the two. A prepare-to-deploy order simply is notifying a force that you must be prepared to deploy within a specified timeframe, so that you have to adjust your activities, whatever they may be, your personnel posture, your readiness, your training, the prestaging of equipment, depending on what the timeline is, so that you are prepared to deploy on the designated timeline. This is not an uncommon occurrence.

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And a deploy order simply says, "Go now," or whatever the specified timeframe is. So it's prepare to deploy, "I think I may need you, so I want you to be ready." A deploy order says, "I do need you. Deploy."

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So the three units that were of highest importance to me—the Commander's In-extremis Force, the Fleet Antiterrorism Security Team, and the [U.S.-Based SOF]—all already had prepared to—my understanding is all had prepared to deploy. They were already on various timelines to deploy. So that's what I believe their status was.

And my belief is that—and my recollection differs a bit from what Vice Admiral Tidd says—that when the Secretary made his decisions, my understanding of that was that the Secretary of Defense was transferring operational control to me for those forces for their deployment and employment.

Q: So if the Secretary of Defense's order was, in fact, "prepare to deploy" and not "deploy," was there an additional step needed to be—did the Secretary of Defense have to do anything additional to deploy those forces?

A: I don't know because I'm not familiar with the specifics. Typically, in a prepare-to-deploy order, there is a designated official who can order that unit to deploy. It doesn't always have to go back to the Secretary of Defense. It could be a combatant com-

> mander, it could be the Chairman of the Joint Chiefs, it could be a joint task force commander. But, in this particular case, I'm just not familiar with the specifics of the order.[405]

DEPLOY TO AN ISB

The CIF, the force most capable of quickly responding to the attacks in Benghazi, was ordered instead to go to an intermediate staging base. Ham discussed this decision:

> Q: Sir, given the fact that the CIF was on the continent, per se, did you ever consider employing the CIF for the hostage-rescue mission or the NEO by sending them directly to either Benghazi or to Tripoli?
>
> A: I don't recall specifically, but I feel confident in saying that, as we weighed the options, the various courses of action of how the Commander's In-extremis Force might be employed, that there was some consideration to, you know, do they go somewhere other than the intermediate staging base. Should they go to Benghazi? Should they go to Tripoli?
>
> My recollection is that the situation was certainly evolving. And, as previously discussed, my view was the situation, after an initial spike, the fighting had largely subsided, that Benghazi was probably not the right place for them to go. Get them to the staging base, where we now have many, many options.
>
> One of the challenges, of course, is with a force like the Commander's In-extremis Force, once you operationally employ it someplace—so if you were to deploy into any place and they're on the ground, you now no longer have that force for other emergent contingencies. So we're very careful about making a decision as to where to go.
>
> There are other complexities with inserting a force into Benghazi, to be sure, but, for me, it was, where's the best place for that force to be right now? And, in my view, I believe that—you know, certainly supported and with recommendations from the

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[405] Ham Transcript at 133-136.

> AFRICOM operations and intelligence staff—that the best place for them would be at the intermediate staging base so that they would be well-postured for subsequent missions.[406]

Tidd testified one reason the CIF and the U.S. SOF were ordered to an intermediate staging base and not to Libya directly was due to concerns expressed by the State Department regarding the number of military personnel that would arrive in country.[407] He testified:

> Q: Sir, was it your decision, then, to send them back to an ISB first?
>
> A: Yes … State was very, very concerned about what the footprint would look like in Tripoli. They didn't want it to look like we were invading.
>
> That was the gist or that was the genesis of the discussion that occurred over whether or not when the FAST arrives at the airport in Tripoli—because they wanted to reinforce security at the embassy—but there was concern that it not have this image of a big, invading force.
>
> And we knew that the FAST, when it arrived, did not have its own mobility. The embassy was going to have to provide trucks and vehicles to move them from the airport to the embassy. And there was just concern of parading a bunch of trucks or buses full of Marines in uniform, what kind of image that would present, recognizing it was going to be daylight when they arrived.[408]

TEAM TRIPOLI NEGOTIATES TRANSPORTATION

Team Tripoli left the airport at approximately 4:30 a.m. A team member provided the committee the following background information for their intended mission at the time, as it had transitioned from locating and potentially rescuing Stevens to an effort to start evacuating nonessential personnel from Benghazi back to Tripoli.

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[406] *Id.* at 93-94.
[407] Tidd Transcript at 24.
[408] *Id.* at 22-23.

> Q: What did you understand about your mission as you were heading from Benina airport to the Annex? Was your mission then evacuation of nonessential personnel?
>
> A: It was nonessential personnel only prior to the mortar attack happening…we were going to take 14 personnel back with us to the airport, let the jet take off, take them back to Tripoli. We were going to come back to the Annex and help hold up with the GRS guys until further notice….the majority of those people [the GRS] would have stayed there. Shooters, if you will. …We did not make the decisions for that [airplane] to come back. We didn't know how long we were going to have to stay at the Annex. We were under the understanding they wanted to stay. They did not want to leave. So we were just trying to get the nonessential personnel out to get further direction from Chief of Station back in Tripoli on what he wanted them to do…I believe it was the Chief of Base that wanted to keep some individuals there.[409]

FINAL STAGES OF THE ATTACK

Team Tripoli at the Annex

After Team Tripoli secured transportation, it arrived at the Annex just after 5:05 a.m. Former U.S. Navy Seal Glen A. Doherty, one of the members of Team Tripoli, immediately joined Tyrone S. Woods, Diplomatic Security Agent 4, and other GRS agents on the roof tops of the Annex buildings. Within ten minutes of the arrival of Team Tripoli, a new small arms attack began. One member of Team Tripoli described the small arms attack.

> Once we had gotten to the annex, we called probably three minutes out, and the GRS Team Lead was actually out there to meet us with the gate open. We didn't take any of the vehicles inside. We exited the vehicles and walked inside.
>
> We took the Libyan Shield commander inside with us so his guys would stay there, ultimately. Went directly to the main house where the TOC was. I think it was Building Three. Team

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[409] Special Operators Transcript at 65.

> leader started talking to chief of base, and I was talking to the [GRS Team Lead] on the security situation, wounded personnel, what did he need from us that he didn't have already, and how we could help the security posture.
>
> Shortly after us being there, we were all sitting outside while we were talking about this on the front patio of Building Three. We had some sporadic gunfire over the top of Building Three, and immediately following, the first mortar round hit. I believe it went long, hit out in the road where our convoy had been. The gate is obviously closed to the compound now. Next one hit short just behind Building Three on the wall towards the warehouse. The other three or four mortars hit directly on top of Building Three.[410]

One GRS agent described the mortar attack:

> It was about 5:30 in the morning—the sun was just coming up—because me and Tyrone had been talking about, you know, if they're going to attack us, it's going to happen here shortly because usually the time to attack is right before the sun comes up. About that time, [Doherty] came up on the roof after the guys from Tripoli had came in. I never met [Doherty]. He walks over to Tyrone and says hi to Tyrone. They had worked together on the teams. Tyrone introduced him to me, said that he was a sniper.
>
> I told him: Well, that's good. I hope we don't need you, but it will be great having another rifle up here.
>
> He had turned to walk away, and it was about that time that there was an explosion against the back wall, and there was a mortar that hit the top of the back wall, which from our building was maybe 8 or 10 yards from the building.
>
> [Agent 4] was in the corner where the ladder was at. Me and Tyrone were in the opposite corner facing out towards what we call Zombieland, and when that hit, small arms fire started coming

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[410] *Id.* at 61.

from that direction, and Tyrone opened up with a machine gun. I started shooting with my assault rifle. I heard [Agent 4] yell out that he was hit.

I kind of glanced over. I saw his shadow sitting because the wall at the top of our building was about 3 feet tall, so there was a box that you had to step on to get up on to the ladder. So he was—I saw his image or the silhouette of him sitting on that box, and he was holding his head. What went through my mind is that he's breathing, so his heart is beating …

We're shooting. I kneel down to change magazines. As I come back up after changing magazines, the first mortar hits the top of the roof, hits almost directly into the wall, where the roof and the arc of the parapet or wall comes up, right into the corner of that. When that hit, it blew me back a little bit, knocked me back. I kind of caught myself. I saw Tyrone go down…. The mortar hit on my right.

As I come up, I bring my arm up to grab my gun, and from about here down, it was kind of hanging off at a 90 degree angle. I continued to try to grab my gun. Another mortar hit, and I kind of glanced over my right shoulder, and I saw [Doherty] go straight down …. As I tried to keep firing, my weapon is pretty much inoperable. I can't grab it with my hand. The third mortar hits and peppers me again with shrapnel. The best way I can describe it is it felt like I got stung by a thousand bees. At that point, I figured I might better get to cover because if another one comes, I'll be lucky if I survive that.

I kind of dove down to the wall, … and everything had went quiet. I kind of sat up and thought I was bleeding out because everything was wet around me. I realized that it was water because it was cold, and there was a water tank right there beside us that had gotten perforated. I don't know what the timeframe was.

I pulled out a tourniquet, and I was trying to get the tourniquet on.… At that point, I saw [GRS 1] come up over top of the roof, which I didn't know it then—I saw a shadow come up, and at that point, he had at first put two tourniquets on [Agent 4]; one on his leg, one on his arm. Then he come over to me, and he was sitting there. He told me to quit messing with my arm because I was trying to put it back in place. He grabbed my tourniquet, put

> it on, stood me up, and asked if I could walk myself over to the ladder so he could tend to Tyrone and [Doherty], and I said, yeah.
>
> He had called for help on the radio, that we had wounded up there. By the time I got over to the ladder, there was three guys that had come up on the roof. I remember one later to find out it was one of the TF or the task force guys. He asked me if I could get off the roof.
>
> I said, "Yeah, I'm going to have to" because I knew they had to tend to the guys up there. So I kind of put myself up on the parapet, hooked my good arm around the ladder, and kind of scooted myself over. I ended up climbing down the ladder.
>
> I come around past the swimming pool to the front, and that's when I ran into [GRS Tripoli]. [GRS Tripoli] walked me in, laid me down in the building, building 3, and he went back—I think at that time, he went back out to help up top. Everybody inside was just kind of looking at me. I told them somebody needs to cut my clothes off because I know I'm bleeding from other spots. [redacted] case officer I was with earlier that night, [redacted], asked me where the shears were. [redacted] to cut my clothes off with. [redacted] got those, come back, cut my clothes off. I wasn't bleeding profusely from anything else; I just had a bunch of little holes in me that were kind of oozing blood. And later they came down. I think [GRS Tripoli] came in and gave me an IV. They finally got [Diplomatic Security Agent 4] off, and that was pretty much the night there.[411]

As GRS agents on Building 3 fired back in response to the new attack, a well-aimed mortar attack commenced on the Annex mortally wounding Woods and Doherty, and severely wounding another GRS agent and one Diplomatic Security Agent.[412]

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[411] GRS 2 Transcript at 57.
[412] Video: DVR Footage of the CIA Annex (Sep. 11, 2012, 0517.40).

In total, six 81-millimeter mortars assaulted the Annex.[413] Three mortars, including the first one, landed near the north perimeter wall. Three additional mortars landed on the roof of Building 3 within one minute at 5:18 a.m. Overall, the six mortar attacks were launched within 1 minute and 13 seconds.[414] A member of Team Tripoli testified:

> Once the mortar round—the first mortar round hit outside the gate where the convoy was, we saw the vehicles driving away, the gun trucks that were out there driving away.[415]

Libya Shield sub-commander, [redacted], who was left behind during the mortar strike suggested that attackers were well-aware that Team Tripoli was held up at the Benghazi airport while seeking transport, and that the attackers may have planned an ambush that coincided with the arrival of the Team Tripoli members at the Annex:

> "It began to rain down on us. I really believe that this attack was planned. The accuracy with which the mortars hit us was too good for any regular revolutionaries."[416]

One witness told the Committee Libya Shield departed the Annex when the mortar strike began at the direction of an individual who was standing next to Abu Khattala during the attacks. He recounted what happened during the mortar attack:

> Q: When Team Tripoli arrived, were you outside? Were you inside?
>
> A: No, when they arrived, I was outside.
>
> Q: You were outside. Okay. And did you go inside at any point after they arrived?

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[413] Special Operator Transcript at 61.
[414] Committee analysis of DVR Footage of the CIA Annex (Sep. 11, 2012, from 0517 to 0519).
[415] Special Operator Transcript at 66.
[416] *Libya Rescue Squad Ran Into Fierce, Accurate* Ambush, Reuters (Sep. 12, 2012; 17:11), http://www reuters.com/article/libya-ambassador-battle-idAFL5E8KCMYB20120912.

> A: Yes. Luckily we went inside, because then the mortars landed.
>
> ***
>
> Q: Did anybody from the Libyan Shield militia go inside as well?
>
> A: Yes.
>
> Q: All right. And can you explain the situation?
>
> A: When the Tripoli team arrived, they brought with them a commander of that force that escorted them from the airport to the Annex.
>
> Q: Okay. And he ended up going inside one of the villas?
>
> A: Yes.
>
> ***
>
> I asked him to shut off his phone and stop talking on the phone after the mortar—especially specifically after the mortar landed.
>
> ***
>
> He was talking to his force and wondering why they left him behind and informed them that we had just got hit with mortars, and he was trying to find out why they left him behind.[417]

The witness stated the Commander of the force was frantic and was "surprised that the attack took place when he thought that his force outside was securing the perimeter."[418] He testified about the Commander's actions:

> When he came inside, he was under the impression that the force that he brought with him, the commander that he left behind and his forces will secure the area. But when he called them on the

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[417] Officer A Transcript at 118.
[418] *Id.*

> phone, he realized they had departed the area. And he asked them, why did you depart the area? And they said that the commander of the militia, Wissam bin Hamid, gave them orders to return to their base on the other side of town. And he asked them, why are you going back to the base and leaving me behind? And they told him that, oh, we are going to get more weapons and more additional forces.[419]

Wissam bin Hamid was standing with Abu Khattala during the attack[.][420]

One GRS member of Team Tripoli provided his assessment of the mortar attacks in an after-action interview conducted by the CIA: The GRS member was:

> 100% confident that the enemy was waiting for the QRF to arrive at the Annex so they could hit them upon arrival. Communication was given to local militias and police upon the arrive of the QRF team to Benghazi airport. Many Libyan militia members and police knew of the QRF team's arrival and movement to the annex.
>
> He [was] confident it was a well-trained mortar team that hit the compound.[421]

A military member of Team Tripoli described his assessment of the mortar attacks that evening:

> Q: And so what's your opinion on the skill of those who were actually employing the mortars that evening in the attack on the Benghazi Annex?
>
> A: I would say personally that it was probably a skilled mortar team. It's not easy. And you, being a trained mortar man, know how hard that would be to shoot inside the city and get something on the target within two shots. That's difficult. I would say they were definitely a trained mortar team or had been trained to

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[419] *Id.*
[420] *Id.*
[421] CIA Document 1-004067 at 71.

> do something similar to that…I was kind of surprised. I had not heard of or seen anybody or talked to anyone that had been trained on mortars at all [during my time in Tripoli]. So it was unusual.[422]

The mortar attack was reported to at 5:32 a.m. and a medical evacuation was requested.[423]

One CIA agent discussed his actions:

> A: [M]inutes later is when we got attacked by the first few mortars.
>
> Q: And you were in the SCIF when the mortar attack happened?
>
> A: The initial, correct, yes, sir.
>
> Q: Well, actually I was trying to go to the bathroom; so I put my gear back on, and we were all stacked at the front door, myself, the team leader, the two DOD personnel, and there were several more volleys of impacts on the building, mortar fire. And I heard small arms going out from our team, and then small arms coming in on our building. And as soon as it subsided, I asked for[GRS Agent] because … he had [s]ome of my gear … and that's when he didn't answer up. And that's when one of the other GRS personnel said they were all down on the roof. So as soon as it subsided, we made our way to the roof.
>
> Q: Okay, and then what actions did you take at that point?
>
> A: I came around a few seconds after the main element … so I stepped back …and that's when I was met halfway down the ladder by the GRS operator [GRS 2]. And I put my light on him because I heard a funny noise, and it was obvious that he was severely injured. And that's when he came down on top of me. I noticed he was severely wounded, bleeding a lot and everything like that.

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[422] Special Operator Transcript at 82-83.
[423] DSCC Timeline.

* * *

Well, they actually put bathroom tile outside there, and so it was real slick. He ended up falling on top of me, and I ended up hyperextending my leg to the rear. So now I'm injured, so I drug him out because we started getting hit by small arms fire. So I dragged him around the corner. I started putting a tourniquet on his arm. He was bleeding from his left arm. He had a hole in his neck, and he had a hole in his chest.

So I put tourniquets on his arm and started patching up with the help of others from the shrapnel wounds. And it seemed like seconds later when I heard somebody say [GRS Tripoli] I have another one for you. That's when the second State Department guy, [Agent 4]… came down. And I pushed [GRS 2] up on to the couch, and that's when [Agent 4] was there.

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So I readjusted the tourniquet on his right leg, put another one on his right leg, and ended up putting a tourniquet on his left arm and packing his neck with combat gauze to help stop the bleeding. I ended up starting an IV on him. And then I went back to [GRS 2], put an IV in him. That's one of the State Department personnel—I don't know who it was—had morphine, and I made the call to give [Agent 4] morphine because he was in so much pain he started pawing at the tourniquets and the gauzes, some of the dressings I put on. And that seemed like seconds.

During this process is when [redacted] asked me to … contact Tripoli and give them a SITREP. That's when I called Tripoli … [and] asked them for blood for [Agent 4] because I didn't think he was going to make it much longer.

* * *

We had two severely injured, so I asked for blood, because I thought our plane, the one we rented, had taken off already.… And then, right after that, I went back in, made sure both patients were stable, and I worked on [Agent 4] more. I started another IV because he had sucked that one down so fast. And that's when I went outside, and the sun was actually up. I know it doesn't sound significant, but it was to me because I really felt

with the sun up, it would give us time, room to breath, because hopefully it would drive away the attackers.

I was still handling care of the patients… And I was in the back of the truck with the wounded GRS guy because I had no—there was no more room to sit inside a vehicle, so we put a stretcher in the back of a small truck. I jumped in the back with him and held on to him, and we drove out the gate; and that's when we were met by several gun trucks and militia that were there to escort us. And we drove out, and it looked to be several militias or several different groups because it looked like they were trying to determine which way they were going to go to the airport.

So there was a few minutes delay there before we actually started to drive towards the airport. And that's when we made it back to the airport. And I loaded on a plane with the nonessential personnel, and the two wounded, and made it back to Tripoli where we landed in Tripoli because the hospital was close to the Tripoli airport.

* * *

I gave [Agent 4] another morphine on the plane. I adjusted [GRS 2] bandage. And then when I was moving [Agent 4] off the plane—we were bring him off without the stretcher because the stretcher was so big and the plane was so small—he stopped breathing, so I had to give him CPR. Got him back breathing, and that's when the State Department nurse met me on the plane ….

And then we loaded them on to an ambulance, and at that point, the ambulance took them to Afia Hospital in Tripoli. And I went back in a Suburban with all the other State Department personnel and gear. And that was it. I received a call from the flight medic from Ramstein, the military airlift, and I went over the view of what I did and what I gave them as far as tourniquets, morphine, and IV bags, how much, and the times and stuff. And that was it in reference to my medical service.

Q: You said they asked if the patients were capable of going directly to Germany. Was that the request?

> A: I believe, yeah. And I said, no, they need to go to the hospital now. This is when I just got [Agent 4] breathing again. But I made the suggestion, you know, I remember they said can they wait for the Ramstein bird. And I was like no, because I really think [the agent] was going to die any minute.
>
> Q: We're coming close to the end of our hour. This is the last question. Setting modesty aside, do you believe that [the agent] or [GRS 2] would have survived to make it to Tripoli without your intervention?
>
> A: No.[424]

AT THE TIME OF THE MORTAR ATTACKS, NO ASSET WAS EN ROUTE TO LIBYA

At 11:45 p.m. in Washington [5:45 a.m. in Benghazi], Denis R. McDonough sent an email to Sullivan, Sherman, Rhodes, Bash, Winnefeld, and other high level representatives of the Executive Branch with the subject line "Quick level set before we head into tomorrow AM SVTC."[425] McDonough wrote:

> The situation in Benghazi remains fluid. Amb. Chris Stevens remains unaccounted for; one State Department officer is confirmed dead (next of kin notification is complete); five State Department officers are accounted for and at another USG compound in Benghazi, which had been taking fire earlier in the evening (until at least 2030 EDT).… Five DOD personnel arrived in Benghazi about an hour ago from Tripoli to reinforce security there.
>
> On our people in Libya, the Joint Staff is deploying three sets of teams into the region appropriate to the mission(s).

* * *

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[424] Officer A Transcript at 37-46.
[425] Email from Denis R. McDonough to Wendy R. Sherman, *et al.* (Sep. 11, 2012 11:45 PM) (on file with Committee, C05562167).

> And on getting the video(s) in question taken down, I reached [out] to YouTube to ask them to take down two videos: one that was not developed by Pastor Jones but which he is promoting, and another—of him burning the Prophet in effigy—that he did film. Sec. Panetta has also reached out to Pastor Jones to ask him to pull down his video, knowing that even if YouTube takes the video down, Pastor Jones can put it up somewhere else….[426]

This McDonough email was sent more than six hours after President Obama and the Secretary first met to discuss the initial attack in Benghazi, more than 6 hours after the Commander in Chief said to do everything possible to help our people, more than five hours after the Secretary of Defense issued an order to deploy elements—active tense—and more than four hours after the Secretary's Chief of Staff sent an email saying elements were "spinning up." McDonough writes: "the Joint Staff is deploying three sets of teams into the region appropriate to the mission(s)."[427] This "deploying" was supposed to occur hours earlier at the order of the Secretary.

Moreover, McDonough references "[f]ive DOD personnel arrived in Benghazi about an hour ago from Tripoli to reinforce security there."[428] This reference to DOD personnel is noteworthy because this "asset" or "element" was not even on the list of "assets" and "elements" provided to the Secretary of Defense. As discussed above, these individuals went to Benghazi from Tripoli at the direction of the Chief of Station in Libya, not at the order of anyone in Washington, DC.

By this time, both McDonough and the Secretary had made calls to have the YouTube video removed from the internet.[429] Yet, none of the forces the Secretary ordered to deploy had actually moved.

Moments after McDonough sent this email, word of the mortar attacks on the Annex would make its way through the State Department, the White House, and the Defense Department.

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[426] *Id.*
[427] Email from Denis R. McDonough, Dep. Nat'l Security Advisor, National Security Council, to Wendy R. Sherman, Under Sec'y for Political Affairs, Dep't of State, *et al.* (Sep. 11, 2012 11:45 PM) (on file with Committee, C05562167).
[428] *Id.*
[429] *Id.*

At 1:40 a.m. in Washington, the assets the Secretary ordered to deploy more than six hours earlier had still not deployed, though Libya had finally given approval for assets to fly into Tripoli.[430] At that time, Winnefeld emailed McDonough and others relaying to them diplomatic clearance had been obtained from Libya allowing the FAST platoon to fly into Tripoli.[431] Of course, all State and CIA personnel had already evacuated the Annex in Benghazi, and the first aircraft evacuating the American personnel was preparing to depart for Tripoli within minutes. Winnefeld wrote:

> Two C-130s will move to Rota then Tripoli. One departs at 0600z, the other at 0700z. 3+40 transit time to Rota, 1 hour load time. Estimated arrival at Tripoli is 1300z. We now have country clearances for Spain and Libya. Working to expedite movement (for example, faster load time than one hour), but not sure we can go faster now that aircrews are on the ramp.[432]

Winnefeld's email meant this: now that host nation approval had been obtained, the transport aircraft would depart Ramstein Air Base in Germany in twenty minutes to pick up the FAST team that was waiting in Rota, Spain.

Evacuation to Benghazi Airport

After the lethal mortar strikes, the team at the Annex determined to evacuate all personnel. A member of Team Tripoli testified:

> We decided that the situation we had was untenable to stay at the compound. We didn't have enough shooters and there were too many wounded, and we were definitely going to lose our State Department wounded if we had stayed there much longer. So we were pushing to get out as fast as we could."[433]

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[430] Email from James A. Winnefeld, Jr., Vice Chairman, Joint Chiefs of Staff, Dep't of Defense, to Benjamin J. Rhodes, Dep. Nat'l Security Advisor, White House, *et al.* (Sept. 12, 2012 1:40 AM) (on file with Committee, C05562167).
[431] *Id.*
[432] *Id.*
[433] Special Operator Transcript at 68.

A key issue remained in that "there was no security vehicle, no gun trucks that would help us get to the airport. And we determined we could probably not make it with the vehicles we had inside the compound."[434] At 6:16 a.m., a 30-vehicle motorcade arrived at the Annex to provide transport support by the Libyan Military Intelligence. The motorcade including technical, pick-up trucks retrofitted with mounted machine gun-like weapons, arrived.[435]

The forces that arrived at the Annex shortly after the mortar attacks were able to transport all State Department and CIA personnel safely to the airport. The forces, known as Libyan Military Intelligence, arrived with 50 heavily-armed security vehicles.[436] Libyan Military Intelligence was not part of the Libyan government, nor affiliated with any of the militias the CIA or State Department had developed a relationship with during the prior 18 months since the Libyan revolution took place.[437] Instead, Libya Military Intelligence—whom the CIA did not even know existed until the night of the attacks—were comprised of former military officers under the Qadhafi regime who had gone into hiding in fear of being assassinated, and wanted to keep their presence in Benghazi as quiet as possible so as to not attract attention from the militias in control of Benghazi.[438] In other words, some of the very individuals the United States had helped remove from power during the Libyan revolution were the only Libyans that came to the assistance of the United States on the night of the Benghazi attacks.

The reason Libyan Military Intelligence was able to rescue the Americans from the CIA base after the mortar attacks—likely saving over two dozen lives—was due solely to the extraordinary efforts of Officer A, [redacted] stationed in Benghazi. Officer A, [redacted], spent a lot of time on the night of the attacks trying to secure help. In the early morning hours of September 12, a commander in the February 17 militia told Officer A that February 17 would be unable to protect the Base and that they were leaving.[439]

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[434] Special Operator Transcript at 69.
[435] DVR Footage of the CIA Annex (Sep. 11, 2012, 0616); LMI insignia is printed on vehicles
[436] TRIPOLI 27900, Sept. 19, 2012 [REQUEST 1-002982 to REQUEST 1-002991].
[437] Officer A Transcript at 71.
[438] *Id.* at 71-72.
[439] *Id.* at 19-20.

This commander referred Officer A to the National Police who the commander said was taking over their duties. Officer A described the National Police as "next to helpless."[440] An officer in the National Police told Officer A "There's nothing I can do.… I cannot continue to secure the perimeter [of the Base]."[441]

After some convincing by Officer A, the police officer referred Officer A to a colonel in Libyan Military Intelligence.[442] Officer A had never spoken to this individual before, nor was he even aware of Libyan Military Intelligence. Officer A first had a conversation with this individual around 4:30 am, and testified:

> And I immediately made contact with this commander. He asked how he could help, and I told him, again, our general location, and I said, you know, we need you to come and secure this area. He had an idea, at that point, of events happening in that part of the city, and he told me that he would need to put a big force together, he cannot just come with one of his—I mean, like, two or three vehicles, that he would need to put a large force together and for me to give him some time to put that force together.[443]

Immediately after the mortar attacks, Officer A called the colonel back and said "We now really need you to come here."[444] Within minutes the 50-truck force from Libyan Military Intelligence arrived and safely all American personnel evacuated to the airport.

The group that ultimately came to the rescue of and facilitated the evacuation of the Americans in Benghazi was not the Libyan Government the State Department had worked tirelessly to appease; nor was it the February 17 Martyrs Brigade, recommended by the Libyan Government and contractually obligated to provide security to the Mission Compound. Instead, the group that came to rescue the Americans that night, the Libyan Military Intelligence, was a group most U.S. Government personnel did not even know existed. This group, ironically, had close ties to the former Qadhafi regime—the very regime the United States had helped

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[440] *Id.* at 20.
[441] *Id.*
[442] *Id.* at 23-24.
[443] *Id.* at 24.
[444] *Id.* at 27.

remove from power. It was also this group, not groups previously given credit by previous investigations, that came to the rescue of the Americans in those early morning hours —likely saving dozens of lives as a result.

It was the hard work and ingenuity of a single CIA case officer that located and developed this evacuation lead—a witness no other committee of congress interviewed and a witness the CIA was reluctant to allow the Committee to interview.[445]

Despite the "assurance" some principals in Washington had that U.S. personnel in Benghazi were evacuating earlier, it was not until the rescuing convoy actually arrived to at the Annex that the evacuation of all U.S. personnel was fully understood by those on the ground in Benghazi.

"We lined up the trucks in order of movement. And then everybody that was a non-shooter was in an up-armored vehicle, and all the shooters were in thin-skinned vehicles to be able to shoot out of their cars."[446] After loading into the available vehicles at the Annex, at 6:34 a.m. the majority of Annex personnel and all the Diplomatic Security Agents evacuated in the LMI motorcade.[447]

A few minutes later, two GRS and two CIA Staff officers evacuated the Annex alone in a Toyota pick-up truck after an attempted destruction of the CIA equipment.[448] One CIA personnel described the actions he took to destroy sensitive equipment.

> Q: So you said the last four folks there was yourself, [GRS 5], it was the chief of base, it was the GRS team lead. Did you see any type of interaction between the GRS team lead and the chief of base, any argument?
>
> A: No, and actually I felt bad because once the stuff detonated—whew.

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[445] *Id.* at 25-28.
[446] Special Operators Transcript at 71.
[447] DVR Footage of the CIA Annex (Sep. 11, 2012, 0634)
[448] Video: DVR Footage of the CIA Annex (Sep. 11, 2012, 0637)

> A: You know, I looked down and I was kneeling in a bunch of blood. I jumped in the truck, and the chief didn't say a word, you know, but I was pretty happy, you know, because the device went off and smoke was already billowing out of the office. The door was jammed open, and so I was pretty thrilled about that, you know, and then I jumped in and said, let's go, you know. And of course, the chief knew that [Woods] is dead, and anyway, it is—I felt bad about that. And then we took off and caught up with the rest of the convoy.[449]

AMERICANS IN BENGHAZI EVACUATE

Evacuation to Tripoli

The survivors and four Diplomatic Security Agents departed at 7:31 a.m. local and landed in Tripoli at 8:38 p.m. local.[450] The same private aircraft secured by Team Tripoli to come to the aid of those being attacked in Benghazi was the aircraft used to evacuate the first wave of Americans from Benghazi to Tripoli.

At 8:25 a.m. GRS and one Agent 3 received the body of Stevens from individuals delegated by the Libyan Ministry of Foreign Affairs.[451]

The second aircraft, a C-130 provided by the Libyan Air Force, departed with the remaining security officers and the remains of Stevens, Smith, Woods, and Doherty at 9:54 a.m. and arrived in Tripoli at 11:33 a.m.[452]

Evacuation to Germany

At 2:15 p.m. on September 12, a C-17 departed Germany en route to Tripoli to evacuate the Americans.[453] This departure occurred over eight hours after the 6:05 a.m. AFRICOM order to deploy the C-17 for use as part of the Medevac (medical evacuation).[454]

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[449] Testimony of [redacted], Central Intelligence Agency, Tr. at 61-64 (Jun 19, 2015) [hereinafter [redacted] Transcript] (on file with the Committee).
[450] *See*, Dep't of Defense Timeline.
[451] Diplomatic Security Agent 3 Transcript at 170-172.
[452] Dep't of Defense Timeline (estimating the times of arrival and departure).
[453] Dep't of Defense Timeline.
[454] *Id.*

At 7:17 p.m. the C-17 departed Tripoli returning to Ramstein, Germany with the Benghazi-based U.S. personnel, non-essential U.S. Embassy State Department personnel and the remains of the fallen and arrived at 10:19p.m.[455]

FOUR DIED. OTHER LIVES UNDOUBTEDLY SAVED

The initiative shown during the attacks by those on the ground in Benghazi and Tripoli not only embodied the service and sacrifice of those in military and the Foreign Service but undoubtedly saved the lives of other Americans.

The Diplomatic Security Agents followed their training and responded appropriately after the Mission compound was attacked. The Diplomatic Security Agents showed heroism in their efforts to protect Sean Smith and Chris Stevens and in their efforts to enter a burning building in search of their missing colleagues.

Team Annex moved quickly and decisively to help fellow Americans at the Mission compound. Their actions during the night/early morning hours provided not only much needed intelligence about what was happening on the ground but also helped secure their State Department colleagues and saved the lives of fellow Americans.

Likewise, Team Tripoli, which included military personnel based at the Tripoli Annex, acted with purpose, precision and ingenuity that night. The Secretary and the Joint Staff did not know those personnel were in Tripoli, much less were they considered as one of the potential assets to respond to the events in Benghazi. In fact, they represent the only military "asset" to reach Benghazi during the attacks. They deployed themselves because fellow Americans needed them.

The creativity, valor and selfless sacrifice of the Diplomatic Security Agents, the team from the Benghazi Annex and Team Tripoli stand in some contrast to the discussions held during the White House meeting occurring at roughly the same time, half a world away, in the safe confines of the U.S.

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[455] *Id.*

THE DEFENSE DEPARTMENT'S RESPONSE TO THE ATTACK WAS INSUFFICIENT

When the attacks in Benghazi began, the Defense Department was unprepared to respond. Despite there being a missing U.S. Ambassador, its response—from the start of the attack at 9:42 p.m. in Libya, to the amount of time it took for the forces to actually deploy until late the next morning in Libya—at best illustrates a rusty bureaucratic process not in keeping with the gravity and urgency of the events happening on the ground.

The decisions made earlier in the year by senior State Department officials to maintain a presence in Benghazi without adequate security forces and an inadequately fortified Mission compound contributed to what amounted to a worst case scenario of circumstances that would test the military's preparedness and ability to respond. Nevertheless, the Defense Department did not pass the test. Whether this failure is shouldered by it alone, or rests in part on decisions made by the State Department in Washington D.C. or with the White House who presided over a two hour meeting where half of the action items related to an anti-Muslim video wholly unconnected to the attacks, is one of the lingering questions about Benghazi.

To muster forces actually capable of responding to the second lethal attack in Benghazi, the Defense Department needed to overcome the "tyranny of distance". From the moment the first attack occurred, the clock began to tick, and with each passing hour, the need to immediately deploy forces became more crucial. Any forces deployed by AFRICOM faced two inherent challenges.

First, AFRICOM did not have a significant number of assigned forces. It had a standing arrangement with the United States European Command to enable it to have access to EUCOM forces when a contingency arose. In essence, AFRICOM had to ask for help, creating another level of bureaucracy that ultimately played out in the orders to deploy forces.

Second, since any force AFRICOM would use in response to the attack were EUCOM assets, those forces would deploy from bases in Europe, not Northern Africa. In fact, elements of the forces that were ordered to deploy, although based in southern Europe, needed C-130s or other transport aircraft to fly from central Europe to their location to transport them on to Libya.

Of course these challenges were known well in advance and came as no surprise. Whereas the facts and circumstances surrounding security related events in North Africa may change, the map and the time it takes to respond to the geographic challenges does not.

Whether any of this was taken into account when no change in force posture was ordered on September 10th following the meeting with the President or on September 11th as the situation in Cairo unfolded is unclear. What is clear is the Secretary of Defense testified he was clear on both what the President ordered and what he ordered subsequent to the initial attack. Yet, no asset was ever ordered to respond to Benghazi and the decisions made—and not made—coupled with a lack of urgency in Washington D.C. delayed the response even, in some instances, with an Ambassador missing.

The Forces did not Meet Timelines

ISSUES WITH FAST DEPLOYMENT

One of the FAST platoons ordered to deploy by the Secretary arrived in Tripoli at 8:56 p.m. local time [2:56 p.m. in Washington D.C.] the evening of September 12, nearly 24 hours after the attacks began.[456] As military witnesses have posited on many occasions, the mission of a FAST Platoon is not hostage rescue but to "put that layer of steel around a critical infrastructure of the United States to say to our enemy, 'don't mess [with us].'"[457] Nevertheless, the timing of the FAST Platoon's arrival is problematic. When the Secretary identified a FAST Platoon as an asset to deploy and said "go," one U.S. facility in Libya had already been attacked, Sean Smith had been killed, Chris Stevens was missing, and the U.S. Embassy in Tripoli was facing threats of another attack. The fact that nearly twenty-four hours elapsed until those forces actually arrived in Tripoli to reinforce the security there belies the expectations of the American people that the U.S. Military can and will move expeditiously. The Secretary said this on the time it took for forces to arrive in Libya:

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

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[456] Dep't of Defense Timeline.
[457] Testimony of FAST Platoon Commander, United States Marines, Tr. at 35 (Sept. 2, 2015) [hereinafter FAST Commander Transcript] (on file with the Committee).

> A: No.
>
> Q: So what did you expect it was going to take?
>
> A: I knew it was going to take some time, just because of the preparedness for the units and then the time and distance involved. You know, you've heard the term "tyranny of time and distance," and it's tough in this area.
>
> * * *
>
> But I didn't—and I assumed these units moved as quickly as possible and that, you know, we can get them in place as quickly as possible, recognizing that there is a time element that's involved. And, you know, I understand the time element involved here just because of the nature of moving the military.
>
> I mean, as Secretary, I used to sit down with deployment orders all the time of units. And you go through a whole series of discussions about, you know, units that have to be deployed. And, normally, the timeframe to get these units deployed—it takes time. It takes time to put them on a plane. It takes time for them to locate, I understand that. But when you're dealing with the kind of elite units we're talking about here, my expectation is that they move as fast as they can.[458]

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

> So, that evening, I recall I was actually talking to my dad on Skype, watching the Armed Forces Network new channel, which rotates through news affiliates, and I think it was Fox News that night. And all of a sudden we see a consulate building on fire.
>
> As soon as I hung up with him, I got on the phone with my commanding officer, and we had a short talk …. And he said

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[458] Panetta Transcript at 47-48.
[459] FAST Commander Transcript at 26.

> something more or less in the lines of, "Make sure you do your laundry and you got enough soap."
>
> A couple of hours later, he was calling me, telling me he was going to go down to the commander of CTF 68, who is the higher headquarters of FAST Company Europe, and that I needed to start getting my Marines together. This was around midnight [local time in Rota, Spain], so it would be on September 12.
>
> Around midnight is when my platoon sergeant and I initiated the recall.
>
> * * *
>
> Q: Let's back up a little bit. In terms of the Rota Naval Station, were there any air assets typically stationed at Rota?
>
> A: No, sir. No. What we always planned upon is primarily aircraft coming from Ramstein, because that's where the preponderance of Air Force C-130s were[.][460]

Almost three hours after the FAST Platoon Commander initiated the recall order, which required his Marines to return to base, he received official notification at 2:39 a.m. [8:39 p.m. in Washington D.C.] the platoon was activated and he was to prepared to deploy.

> Q: When did you receive VOCO [vocal order] or a warning order that the FAST platoon was going to be mobilized?
>
> A: Around 0230 is when we got the official notification. So that was our official [redacted]. We already had some lead-in to it, obviously.
>
> * * *
>
> Q: —was it at 0239? Does that sound familiar?
>
> A: Yes, sir.

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[460] *Id.* at 27.

* * *

> Q: What were your specific orders at that time?
>
> A: Prepare my platoon to deploy to Libya. We didn't know where exactly we were going, but we knew through open media sources of what was going on on the deck.
>
> At that time, we started to make contact with the embassy to gain S[ituational] A[wareness] of what was happening and what our potential mission would be.[461]

Three hours after he received official notification, at 5:45 a.m. local time [11:45 p.m. in Washington D.C.], the FAST Commander's platoon was prepped and ready to deploy.

> Q: When was your platoon packed out and ready to get on a plane?
>
> A: I believe it was around 0545. I know it was before 6.
>
> Q: Obviously your company commander is aware of that.
>
> A: Yes, Sir
>
> Q: Did they notify anybody up the food chain that at 0545 you're ready to go?
>
> A: Yes, sir.[462]

Yet another six hours would elapse before C-130s arrived in Spain to transport the FAST Platoon to Libya. General Philip Breedlove, the Commander of the United States Air Forces in Europe which is the component command which owned the C-130s used to transport the FAST Platoon, told the Committee he began generating C-130s on his own initiative after learning about the attacks in Benghazi.[463] Breedlove said re-

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[461] *Id.* at 31-32.
[462] FAST Commander Transcript at 40.
[463] Breedlove Transcript at 21.

peatedly his C-130s were ready to deploy before he received official notification of deployment.[464]

The C-130s arrived six hours later, and the FAST Platoon loaded its gear within an hour.[465] Yet, another three hours would elapse before the FAST Platoon departed for Libya.[466] The FAST Platoon commander explained the cause of the delay:

> A: After we were loaded, which was around [1:00 p.m. local time], so about an hour after the C-130s were there, we still did not lift off until [4:00 p.m. local time] was when the first aircraft took off.
>
> * * *
>
> Q: Why was there another delay to get off the ground?
>
> A: So we were told multiple times to change what we were wearing, to change from cammies into civilian attire, civilian attire into cammies, cammies into civilian attire.
>
> There was also some talk of whether or not we could carry our personal weapons. I was basically holding hard and fast to the point where we were carrying our personal weapons. Like, we've got a very violent thing going on the ground where we're going, so we're going to be carrying something that can protect ourselves.
>
> But as far as what the Marines were wearing, that continually changed, and we had to make those changes inside of the aircraft.[467]

In fact, the FAST Platoon commander testified that during the course of three hours, he and his Marines changed in and out of their uniforms four times. Ham was not aware the FAST Platoon had been directed to

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[464] *Id.*
[465] FAST Commander Transcript at 39-41.
[466] *Id.* at 41.
[467] *Id.* at 40-41.

change out of their uniforms until after the fact.[468] When asked whether he had any explanation for why it took so long for the FAST Platoon to arrive in Tripoli, he replied, "I do not."[469]

Although Dempsey told the U.S. Senate that once forces began moving, "nothing stopped us, nothing slowed us," it appears the U.S. Military's response that night was delayed—because it started too late.[470]

Diplomatic Clearance

On the ground in Tripoli, the Defense Attaché had already begun working to obtain flight clearances from the Libyan government before the White House meeting began.[471] Initially, he notified the Libyan government of a potential request for flight clearances as the night progressed.[472] Because he had given advance notice to the Libyan government potential flight clearances would be needed, he fully expected the Libyan government to approve any formal request when it was made. He noted, however, that to submit a formal request, specific information about the tail numbers, expected arrival of the aircraft, the number of personnel, and types of weapons had to be conveyed to the Libyan government.[473] Not only did a formal request have to be made, a representative of the Libyan government had to be available to receive the paperwork for the request. There was no Libyan representative on duty overnight.[474] As to when formal approval was received, the Defense Attaché testified:

> Q: Can you recall when the actual—the relevant information that was needed, like tail numbers and things, when was that transmitted to the Government of Libya?
>
> A: I don't. But I would also come back to the fact that we had a green light from the Government of Libya to bring it in. It was

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[468] Ham Transcript at 90.
[469] Ham Transcript at 91.
[470] *Department of Defense's Response to the Attack on U.S. Facilities in Benghazi, Libya, and the Findings of Its Internal Review Following the Attack*, hearing before the S. Comm. on Armed Services, 113th Cong. 66 (2013).
[471] Defense Attaché 2014 Transcript at 113-114.
[472] *Id.*
[473] *Id.*
[474] *Id.*

> just a question of when we were going to know the specific information that goes into a standard flight clearance request. So it had to have been, I would say, sometime midmorning to noon on the 12th. It could have been, I would say, sometime midmorning to noon on the 12th. It could have been a little bit after that.
>
> Q: And that's when you received the relevant information you need to pass on, or what happened?
>
> A: Probably both. In the course of the morning, leading up to the afternoon, we got the information we required, and then we were able to subsequently transmit it to the Libyans.[475]

An email from Winnefeld corroborates the Defense Attaché's recollection that the final relevant information needed to obtain host nation approval was received sometime mid-morning on September 12th. In Washington, at 1:40 a.m. [7:40 a.m. in Libya] on September 12th, Winnefeld wrote, "Understand we now have dip clearance for the FAST platoon in Tripoli."[476] At least six hours had transpired between the time the Secretary ordered the deployment of forces and the Libyan Government approved deployment of those forces into Libya. Prior to this approval, no forces had begun moving.

Winnefeld did not believe the timing of host nation approval from the Government of Libya prevented forces from moving.[477] Rather, from his perspective, what most impacted the ability of the forces to move was the availability of airlifts coming from Ramstein, Germany.[478] Notably, Winnefeld stated one lesson learned that night was the need to "synch up" force deployment timelines with airlift availability timelines.[479] Nevertheless, the question still remains if the request for host nation approval from Libya was merely *pro forma* and did not delay deployment of forces, why did the forces not move until approval was obtained?

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[475] *Id.* at 159-160.
[476] Email from Admiral James Winnefeld, Jr., Vice Chairman of the Joint Chiefs of Staff, Dep't of Defense, to Denis R. McDonough, Deputy Nat'l Security Advisor, White House, *et al.* (Sept. 12, 2012 1:19 AM) (on file with Committee, C05562167).
[477] Winnefeld Transcript at 51.
[478] *Id.* at 90.
[479] *Id.* at 30.

PROBLEMS WITH CIF DEPLOYMENT

Twenty-two hours after the initial attack in Benghazi began, the CIF landed at the intermediate staging base in Sigonella, Italy.[480] On the night of the attacks, the CIF was located in Croatia participating in a training exercise. The CIF Commander provided the following information about his instructions that night:

> A: The initial guidance was—I can't recall if someone said prepare to deploy or you will deploy. The notification we just operate under at all times, if you're notified, we are operating under the premise that we are going to deploy. But no one ever specifically said you would; or that, we would. And as the situation progressed from initial notification around 02, through the early morning hours and throughout the next day, there were various updates along that timeline
>
> Q: And as the night progressed and the morning developed, at what point were you told you will deploy and this is the N Hour? At what point do your recall receiving an N Hour notification? Or did you receive one?
>
> A: I can't recall the official N Hour notification that was set for official purposes. From my purview, when someone told me, that is when I started working off it at the tactical level so that we are prepared.
>
> So, from my recollection, it was in the middle of the night, but I can't recall when the official N Hour was set.[481]

Notably, as he and his team were preparing after receiving their orders, the CIF Commander was receiving updates from his chain of command but never received any information about what was happening on the

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[480] *See* Dep't of Defense Timeline ("[At 7:57 PM EET t]he EUCOM special operations force, and associated equipment, arrives at an intermediate staging base in southern Europe").

[481] CIF Commander Transcript at 58-59. Some forces that are required to move within a pre-determined timeframe operate with a notification hour or "N-hour". The N-hour is the established time that essentially starts the clock ticking for when the forces are required to be airborne.

ground until he received word Ambassador Stevens had been killed.[482] Despite the updates he was receiving, he was never told State Department personnel had evacuated to the Annex or even that the Annex had been struck by mortars and two more Americans were killed.[483]

The CIF faced several obstacles that slowed its ability to deploy. First, before they could execute, they had to have a fork-lift brought in from Zadar, Croatia which was approximately one-hundred and eighty miles away from their current location.[484] Once the forklift arrived, the CIF was able to load their pallets of gear and ammunition then make the two hour journey to Zagreb International Airport where they would await their follow-on transportation.[485]

Despite these logistical obstacles, the CIF was packed and ready to go at approximately 7:00 a.m. local time [1:00 a.m. in Washington D.C.]. Yet, it was nearly another three hours until it was airborne. The CIF Commander described the delay:

> A: So in terms of the air, my recollection, I did not—I was waiting on the aircraft. I wasn't involved in the planning of the aircraft, is the best way to describe it. So I don't recall the N Hour sequence for the air movement. It was—for us, we packed up every quickly and then we were waiting at the airfield.
>
> And my comms—I packed up my comms and everything. So once we were sitting at the airfield about seven o'clock in the morning on September 12th, I had limited communications with what was going on. I was just waiting for the aircraft to show up.[486]
>
> * * *
>
> A: But none of us knew—we weren't aware of the aircraft deploying time. On that set N Hour to move aircraft, I don't recall what that was.

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[482] *Id.* at 63, 65.
[483] *Id.* at 65-66.
[484] General Repass Transcript at 54.
[485] *Id.* at 54-55
[486] CIF Commander Transcript at 76.

> Q: Do you recall any efforts to try to coordinate back with SOECUER headquarters to say, "Hey, is there an N Hour Sequence in effect?
>
> Were you tracking an N Hour sequence of any type or was it more of a deliberate deployment sequence?
>
> A: I was tracking—for me, as a ground assault force, the second I heard what was going on, that was kind of what I was tracking. And we moved as quickly as we could. And once we found out that the crisis was not what it was originally articulated in terms of a U.S. Ambassador or any Am[erican] cit[izen] missing, and that he was killed and nobody was—that crisis was no longer occurring as originally discussed, then it became deliberative.
>
> So from my perspective, at that point the crisis was no longer ongoing and it was more of a deliberate process. So the N Hour sequence, I hate to use the term irrelevant, but I didn't know what my mission was going to be if there wasn't a crisis that we were prone to look at.[487]

In support of its training exercise, the CIF's two C-130 aircraft were located in Croatia.[488] Based on reports regarding the attack in Benghazi, and well before receiving an order to deploy, at approximately midnight local time [6:00 p.m. in Washington D.C.] the commander of the aircraft placed his pilots and air crews in "crew rest" in anticipation of a potential mission.[489] "Crew rest" is typically a 12-hour period in which the pilots and air crew rest prior to engaging in a mission. The 12-hour period can be waived to eight hours (or more in exigent circumstances). General Repass, the SOCEUR Commander waived the crew rest to eight hours in order to facilitate the CIFs movement to the intermediate staging base at Sigonella, Italy.[490]

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[487] *Id.* at 77-78.
[488] Repass Transcript at page 29.
[489] *Id.* at 49.
[490] *Id.* at 62.

Once he received word of Stevens's death, the CIF Commander testified the mission transitioned from a crisis action planning event to a deliberate planning event.[491]

> Q: Why did it transition from a crisis action planning event to a deliberate planning event? What was the nature of what his death generated in terms of your planning sequence?
>
> A: From my recollection—and I wasn't in constant communications about all of that; I just remember hearing that he was killed, and there were no reports of any other missing American citizens or any life, limb, or eyesight threats to American personnel in the original crisis point. Once we heard of that, and then from that point we knew we were going to an ISB, for sure. So there is no longer an in extremis, as we call it, crisis, and personnel are safe, for a matter of speaking, it became a much more deliberate planning cycle.[492]
>
> * * *
>
> I was waiting for orders, to be honest with you, from that point forward, outside of deploying. I knew I was going to deploy. Aside from that, the scope of that deployment in terms of a mission statement, was still unknown.[493]

Once the U.S. based Special Operations Force was activated, the CIF—the closest military asset capable of quickly deploying to Benghazi—transitioned to a supporting role to help facilitate whatever mission was to be assigned to SOF forces.[494] As such, the CIF's primary responsibility was then to simply get to the intermediate staging base prior to the U.S. based Special Operations Force and assist them as required.[495] The CIF was essentially relegated to being an enabler of the U.S. based SOF, unless they were subsequently tasked otherwise.

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[491] CIF Commander Transcript at 69.
[492] *Id.* at 69-70.
[493] *Id.* at 71.
[494] Repass Transcript at page 60.
[495] *Id.* at 70.

Ham disagreed that the CIF's sole role became to prepare for the U.S.-based Special Operations Force. He testified:

> Q: Did you anticipate as you did your planning that the Commander's In-extremis Force was going to be relegated to being nothing more than enablers for the [redacted]?
>
> A: In my view, that's an incorrect characterization of the Commander's In-extremis Force.
>
> ***
>
> Q: [W]hat would be a more accurate characterization?
>
> A: Mr. Chairman, in my view, the Commander's In-extremis Force, again, these are specially trained, equipped, prepared forces that can, as the name implies, conduct missions in extremis. [redacted] but they can, in fact, accomplish that mission.
>
> And, Mr. Chairman, they do, in fact, have a mission to receive and prepare for arrival of the [redacted], but, in my view, their mission is much broader than just that.
>
> Q: I think the tension that we're trying—particularly those of us who have never served before—the tension we're trying to reconcile is, when General Repass testified—and he did a fantastic job, but one of the impressions we were all left with based on his testimony was, once the [U.S. SOF] was deployed, the CIF's role then became to go to the ISB and await the [U.S. SOF], which, in effect, took them out of the realm of other assets that could deploy otherwise. That is a fair characterization of his testimony.

> And I'm just wondering whether or not you agree that, once both of those assets are put in place—the [U.S. SOF], it's headed, it's got a longer travel time than the CIF—that the CIF's job was to go to the ISB and await the [U.S. SOF]?
>
> A: Mr. Chairman, I would say that that was one of their missions, certainly, to facilitate the arrival and the staging of the [U.S. SOF]. But, in my mind, that was an operational force that was available to me, a highly capable special operations force that was available.[496]

Even still, Ham believed the CIF's failure to meet its timeline was not justified and was inexcusable.

> Though I know now in hindsight that had the CIF made its timelines, they would not have been in position to affect the outcome as things eventually played out on the ground, the reality is, they should have made their timelines. And that's—there's no excuse for that. They should have made their timelines. They should have been postured for subsequent use. As it turns out, they would not have been needed, but we didn't know that at the time. So that, as I look back on this, the disappointment of the Commander's In-extremis Force not meeting its timeline is, to me, significant, and I believe the steps taken by the command and by the Department of Defense after that have addressed that situation.[497]

The Secretary had this to say about the CIF's deployment timeline:

> Q: Well that same unit then had to wait for aircraft till about if you look at the timeline here, 10:21 a.m.
>
> So that N-hour that was set at 11 o'clock east coast time on the night of the 11th, it was not until 11 hours later that EUCOM CIF was actually transported down to Sigonella from Croatia.
>
> Does that timeframe seem reasonable to you, given what you thought might be occurring in the region?

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[496] Ham Transcript at 91-92.
[497] Ham Transcript at 108.

A: I think it's a legitimate area to ask why did it take that long.[498]

PROBLEMS WITH US SOF DEPLOYMENT

The U.S. SOF force is required to deploy within a specific number of hours after the order to deploy is given. As reflected in the Defense Department's timeline and after-action reviews, it actually took a significant amount of additional time to launch the U.S. SOF. Even given this delay, the U.S. SOF Force, which deployed from the United States, arrived at the staging base in Southern Europe only an hour and a half after the CIF arrived.

By the time CIF and the U.S. SOF Force landed at Sigonella, the crisis in Benghazi had ended. In fact, the units arrived in Sigonella nearly 12 hours after all U.S. personnel had evacuated from Benghazi. The assets ultimately deployed by the Defense Department in response to the Benghazi attacks were not positioned to arrive prior to the final lethal attack on the Annex. The fact that this is true does not mitigate the question of why the world's most powerful military was not positioned to respond; or why the urgency and ingenuity displayed by team members at the Annex and Team Tripoli was seemingly not shared by all decision makers in Washington.

What was disturbing from the evidence the Committee found was that at the time of the final lethal attack at the Annex, no asset ordered deployed by the Secretary had even left the ground. Not a single asset had launched, save the military personnel from Tripoli who did so on their own accord and whose presence no one in Washington seemed aware of when discussing which assets to deploy. Nothing was on its way to Benghazi as a result of the Secretary's initial order to deploy.

More than 12 hours had passed since the first attack happened at the Mission compound resulting in the death of Sean Smith (which was known) and Ambassador Stevens (which was not then known), yet in that time, the greatest military on earth was unable to launch one single asset toward the sound of the guns.

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[498] Panetta Transcript at 176-177.

The CIF's response timeline and the U.S. SOF's timeline exposed flaws in a process designed to ensure that when a crisis erupts, the military's decision and deployment cycles will prove adequate to the challenge being confronted.

The U.S. Government's Response lacked a Sense of Urgency

Perhaps given the timing of the 7:30 p.m. meeting with the White House on September 11, shortly after all surviving State Department personnel had evacuated from the Mission compound to the Annex, there may have been a sense the worst of the attack was over. Indeed,Winnefeld stated when he was first briefed around 4:30 p.m. about the events in Benghazi, he recalled being told there had been an attack and the attack was over.[499] The job left to be done was no longer a hostage rescue situation but was at best, recovering Stevens from a hospital and, at worst, recovering Stevens's remains.

This sense, in fact, was false and should have been viewed as limited, if not false, at the time. As the participants of the White House meeting would soon learn, events were continuing to unfold on the ground in Benghazi. Those leaving the Benghazi Mission compound were attacked and ambushed in route to the Annex and once the Diplomatic Security Agents and Team Annex arrived at the Annex the attacks continued. Moreover, preparing for what could theoretically happen in Tripoli, or other cities and facilities was understandable. However, the lack of urgency in responding to what was actually happening on the ground in Benghazi is difficult to reconcile.

Some may seek to argue a transferred focus onto Tripoli may explain why such topics as military attire, vehicles, and country clearances—topics that may seem irrelevant in a crisis situation—found their way into the discussions, and why other topics, such as deployment of the FEST, received short shrift. This belies the reality that—even as Bash indicated the assets were "spinning up" and the ensuing meeting took place—Ambassador Stevens was missing in Benghazi. There is no evidence news of his death had reached Washington D.C. Indeed news of his death could not have reached Washington D.C, because it was not known at the time. So pivoting toward a Tripoli security analysis and the possibilities

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[499] Winnefeld Transcript at 11.

of unrest and violence there is hard to reconcile with the reality of what had happened in Benghazi, what was currently happening in Benghazi and tragically what was soon to happen in Benghazi.

With the storming of the compound in Benghazi, the killing of Smith, and Stevens missing, discussing the nature of the vehicles to be used and the clothing to be worn by those seeking to provide aid seemed to place a disproportionate emphasis on how the Libyan government might respond. After all, the Libyan government was supposed to play an active role in preventing the attack in the first instance and certainly in responding afterward.

In addition, a fair review of reads out and summaries of the White House meeting suggest the focus had already moved away from responding to Benghazi and toward responding to Tripoli and the broader region. Expressing concern about how forces might be received in Tripoli seems difficult to reconcile with an actively hostile security situation ongoing in Benghazi.

The U.S. Government's Response Lacked Leadership

THE DEFENSE DEPARTMENT THOUGHT STATE WAS EVACUATING THE AMERICANS IN BENGHAZI

The response to the attacks suffered from confusion and misinformation circulating between the agencies underscoring that no one effectively took charge of the U.S. Government's response the night and early morning of September 11-12. From the Defense Department's perspective, when the orders were issued, the plan on the ground was for the people in Benghazi, with the assistance from Team Tripoli, to make their way back to Tripoli. It would provide assets to augment the security in Tripoli where needed, and provide evacuation of the wounded and deceased. Several witnesses indicated that despite the Secretary's orders, the plan was not to insert any asset into Benghazi; their understanding was that assets needed to be sent to Tripoli to augment security at the Embassy, and that the State Department was working to move the State personnel from Benghazi to Tripoli.

Tidd confirmed this understanding of the response plan following the 7:30 meeting with the White House:

> By the time we came out of the [White House meeting], it was pretty clear that nobody was going to be left in Benghazi. And so

> the decision—I think at the [White House meeting] there was some discussion—but as I recall, we weren't going to send them to Benghazi, because everybody was going to be back in Tripoli by the time we could actually get them there.[500]

He further added:

> On the evening, at the time that all of this was transpiring, our mindset, our sense was that everything was going to Tripoli, that no one was left—or no one would be left in Benghazi. So that—that's—that was the mindset that we had.[501]

Even the diplomatic security timeline of events reflected this was the plan as understood by individuals on the ground in Libya. At approximately 10:15 p.m. in Washington D.C., the Diplomatic Security Command Center received a call from the CIA Annex in Tripoli relaying the following information:

> The Response Team has been on the ground for approximately 60 minutes. They are waiting for to [sic] escort them to the [redacted] annex.
>
> * * *
>
> Once the six-member Response Team arrives they will have non-essential employees and the remains of Sean P. Smith depart.[502]

Word of the plan to evacuate the individuals from Benghazi seemed to spread throughout the State Department. Susan E. Rice, U.S. Permanent Representative to the U.N. received an email update on the events of the evening which read: "Apparently the Department is considering an ordered departure of some personnel from both Tripoli and Benghazi."[503]

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[500] Tidd Transcript at 26.
[501] *Id.* at 47.
[502] DSCC Timeline.
[503] Email from Senior Advisor to the U.S. Permanent Representative to the U.N., U.S. Mission to the U.N., to Susan E. Rice, U.S. Ambassador to the U.N. (Sep. 11, 2012 10:37 PM) (on file with Committee, SCB0051700).

One member of Team Tripoli also testified the plan, as he understood it, was to evacuate all non-essential personnel to Tripoli.[504]

Yet several other witnesses believed a very different plan was in place: No one was evacuating until Stevens was found.[505]

The Defense Department was working off of the premise everyone in Benghazi was being evacuated, others were clear that no one was leaving, and even State Department senior officials did not authorize the Diplomatic Security Agents to evacuate until Stevens was found. The Committee was also struck by the sheer number of government officials involved in the decision making the evening/early morning hours of September 11-12, who did not even know there was a separate U.S. facility in Benghazi referred to as the "Annex" or where the Annex was.

The first time it is clear all agencies understood the people in Benghazi were evacuating to Tripoli was after the final, lethal mortar attack at 11:15 p.m. in Washington D.C., [5:15 a.m. in Benghazi]—and over seven hours after the initial attack.[506]

The lack of clarity on evacuation versus location of the missing Ambassador was not the only example of conflicting and confusing directives during the attacks and aftermath in Benghazi.

The issue of military attire versus civilian clothes illustrated no one seemed to be taking charge and making final decisions. After the State Department request at the 7:30 p.m. White House meeting, the Defense Department began working the issue. Documents from the Defense Department show, and the FAST Platoon Commander testified it was well into the next afternoon on September 12th before the final decision was made. He testified further the Marines changed in and out of uniform and civilian clothes several times because the orders kept changing.

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[504] Special Operator Transcript at 69.
[505] *See* DSCC Timeline ("[At 11:13 PM EDT r]esponse team has arrived at the [redacted] Annex. Station is telling him all DS staff told to evacuate. [Redacted] has 3 people willing to stay behind. Director Bultrowicz stated no, DS will not evacuate all members due to the outstanding issue of the Ambassador.").
[506] *See* Email from Cheryl D. Mills, Chief of Staff to the U.S. Sec'y of State, U.S. Dep't of State, to Denis R. McDonough, Deputy Nat'l Security Advisor, White House (Sept. 12, 2012 12:12 AM) (on file with Committee, SCB0051706) ("we're pulling everyone out of Benghazi [starting shortly]").

THE DEFENSE DEPARTMENT DID NOT ANTICIPATE ADDITIONAL ATTACKS IN BENGHAZI.

Several Defense Department witnesses testified that following the attack at the Benghazi Mission compound, they did not anticipate any additional attacks. Landolt explained:

> But you also have to remember that the first firefight was around midnight. We didn't anticipate a second one at 5:00 in the morning.
>
> ***
>
> Q: In terms of, though, after the first attack, was there a sense that perhaps this thing had passed and the dust had settled and—-
>
> A: There was that sense.
>
> Q: Talk about that a little more. Was there a general agreement amongst yourself and General Ham and Admiral Leidig of that, well, we got through this thing with minimal damage? Or what was the process? What was the thoughts?
>
> A: Yeah, there was a sense that we needed more information, that it looked like the initial attack had ended. We had the one dead body on our hands, but we still had a missing Ambassador. And then the Embassy, through the DAT, was telling us that they were able to get a plane and they were going to fly people over. So I thought, okay, well, that will give us better situational awareness. So there was that lull where, Okay, let's wait and see what happens here.[507]

Although the Defense Department did not anticipate an additional attack, the people on the ground in Benghazi most assuredly did. One GRS agent on the ground testified:

> Q: Was there a sense from you that something was building to something larger later in the evening?

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[507] Landolt Transcript at 33-34.

A: Yes. And what we were worried about was an even larger force with gun-mounted weapons, which are much larger, overtaking the compound.

Q: Okay. But in terms of individuals with small arms, that's something that you guys had sufficiently handled and were able to continue handling based on your defensive posture at the base?

A: Right, but there was a limit to it. Like it's not something that we could have done for days. I mean, we were able to do it for as long as we could, but it wasn't—there had to be something else.

Q: Okay. Was there ever a sense throughout the evening that the attacks were over and there was sort of a calmness—

A: Absolutely not.

Q: —around the base?

A: No. There were lulls, which are normal, but no, none of us, and when I say "us," the team, none of us thought it was over, no.[508]

THE DEFENSE DEPARTMENT'S FOCUS SHIFTED FROM BENGHAZI TO THE REGION

The Defense Department's lack of comprehension of the events taking place in Benghazi, coupled with the emphasis on resolving potentially extraneous policy matters, hampered the administration's subsequent plan to respond to those events and dictated the urgency with which forces moved that night. As the CIF commander testified, their movements that night transitioned from crisis action to deliberate planning.[509] Winnefeld explained why:

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[508] GRS 5 Transcript at 65-66.
[509] CIF Commander Transcript at 69.

> I think there are a number of factors in play. One, it wasn't a matter of not having enough urgency, I think it was more a matter of posture, coupled with the fact the focus was on regional challenges, not on something additional was going to happen in Benghazi later that night. And so when there was not the perception of an immediate threat right there … people are going to operate safely.[510]
>
> ***
>
> And remember, the reason we were moving the CIF, we were moving it to, what, Sigonella.… It was not because they were going to Benghazi.
>
> ***
>
> We were worried about the copycat attacks elsewhere in the region. And so I think they were more in a—it wasn't a lack of urgency, but it was—you know, they keep safety in mind. It was, okay, there could be a copycat attack; we need to reposture ourselves in theater. Let's do it, but let's not kill ourselves doing it.
>
> You know, in 20/20 hindsight, if anybody had known there was going to be a second attack and that potentially the CIF could end up going there, maybe they would have asked that question that you're asking. But again, their mindset was we're moving the CIF to Sigonella because something else could happen in the region.[511]

THE DEFENSE DEPARTMENT'S RESPONSE LACKED URGENCY

Finally, the coordination for, and deployment of, the assets identified and ordered deployed by the Secretary lacked any real sense of urgency.

The Defense Department knew of the initial attack in Benghazi, which killed Sean P. Smith, less than an hour after the attack began.

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[510] Winnefeld Transcript at 39-40.
[511] Winnefeld Transcript at 30-31.

Two hours after this initial attack began, the Secretary had (1) met with the President and (2) been given all of the authority he believed he needed to "use all of the resources at our disposal to try to make sure we did everything possible to try to save lives there."[512]

Three hours after the initial attack began, Bash emailed senior leaders at the State Department to inform them of the assets that could be deployed in response to the attack.

Five hours after the initial attack began, formal authorization to deploy the assets was issued.

Instead of setting the N hour at the time the Secretary of Defense gave his order before the Bash's email, or even setting the N hour at the time orders were issued to the forces at 8:39 p.m., the Joint Staff coordinated with the U.S. SOF force to ask, "what would you like to set as N hour?"[513]

Given the urgency of the Secretary's intended deployment of these units and particularly in light of what was continuing to happen in Benghazi, this cannot be justified, particularly since it was already known the likelihood of further unrest in the region was significant.

N hour was ultimately set at 11:00 p.m.—more than seven hours after the attacks in Benghazi began, more than four hours after the Secretary gave the order to deploy the forces, and more than two hours after that order was finally relayed to the forces. Though, Petraeus quipped to the Committee, "N hour has nothing to do with this whatsoever, with great respect. That is completely irrelevant[,]" the setting of the N hour was symptomatic of a larger lack of urgency in responding to the situation on the ground.[514]

Almost six hours after first learning of the initial attack on U.S. facilities in Benghazi, no asset had been deployed to Benghazi or Tripoli. Moreo-

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[512] Panetta Transcript at 23.
[513] Email from Vice Admiral Kurt Tidd, Director of Operations, Joint Chiefs of Staff, Dep't of Defense, to Deputy Director of Operations, *et al*. (Sep. 11, 2012 8:53PM) (on file with Committee, SCB 001376).
[514] Testimony of General David A. Petraeus, Director, Central Intelligence Agency, Tr. at 16 (March 19, 2016) [hereinafter Petraeus Transcript 2] (on file with the Committee).

ver, no asset ordered by the Secretary was even moving toward Benghazi or Tripoli aside from military personnel in Tripoli who mustered the ingenuity, courage, and resolve to ferry themselves toward danger. At the White House, McDonough knew at 11:45 p.m. the situation in Benghazi remained "fluid", Stevens was still "unaccounted for", and one State Department officer had been killed. He included this in his 11:45 p.m. email on September 11.

Despite the fact that more than six hours had lapsed between the time the first attack was known and the time of this email, McDonough was still speaking of assets "deploying" rather than assets deployed. If there is evidence McDonough placed calls or sent emails inquiring about the status of the deployment, the White House has not shared that evidence with the Committee. Rather, what was learned is McDonough made mention of calling "YouTube" to request the taking down of two videos and he references having had the Secretary call "Pastor Jones to ask him to pull down his video." Why McDonough had time to concern himself with "You Tube" videos while an Ambassador was missing and unaccounted for remains unclear. And why the Secretary of Defense was used to call "You Tube" and a "pastor" about a video—that had not and would not be linked to the attacks in Benghazi—rather than inquiring about the status of the asset deployment he ordered five hours earlier is also unclear.

What is clear is the United States Government sent personnel into a dangerous post-revolution environment in Benghazi, Libya. Those sent displayed heroism and valor. They also displayed a sense of urgency in discharging the mission assigned to them. Chris Stevens had the urgency to travel to Benghazi because decisions needed to be made before the end of the fiscal year. Chris Stevens felt the urgency to assign himself to cover a one-week gap in the Principal Officer position in Benghazi.

Those Americans assigned to work at a nearby Annex had the sense of urgency to fight their way onto the Benghazi Mission compound because a sister U.S. agency was under attack. Diplomatic Security Agents had the urgency to return time and time again into a burning building in search of Smith and Stevens. Diplomatic Security Agents and the team from the Annex no doubt felt the urgency when they fought their way from the compound to the Annex overcoming point-blank machinegun fire and grenade attacks.

Team Tripoli sensed the urgency of what was happening in Benghazi and negotiated for private aircraft to race toward the danger in defense of

fellow Americans. Tyrone S. Woods and Glen A. Doherty felt the urgency of defending a second U.S. facility against a series of coordinated attacks before ultimately being killed by precision mortar attacks.

There was life and death urgency felt in Libya with split-second decisions being made: do I fire on this crowd or not? Do we fire in the direction of a residence or not? Do we return to a smoke and fire engulfed building yet again in search of fallen colleagues? Do we go to the hospital to find Stevens or to the Annex? How do we fly from Tripoli to Benghazi?

If that same degree of urgency was felt among the decision makers in Washington it is not reflected in the time within which decisions were made nor in the topics being debated in and around the deployment.

The "tyranny of time and distance" may well explain why no U.S. military asset—save the bravery of the men serving in Tripoli—made it to Benghazi. It does not explain why no asset was even headed toward Benghazi. The "tyranny of time and distance" does not explain why Washington D.C. leaders were preoccupied with ancillary issues when they were responsible for sending our fellow Americans into harm's way in the first instance.

Half of the action items that emerged from the White House meeting convened in response to the killing of an American Foreign Service officer and an attack on an American diplomatic facility related to a video. Half. There is more of a record of phone calls from White House officials to "YouTube" and a virtually anonymous "pastor" than there were calls imploring the Defense Department to move with greater urgency. The preoccupation the administration felt with safeguarding the feelings of the Libyan government and dealing with an anti-Muslim video (which video prompted no change in force posture or readiness even after protests erupted in Cairo) is a foreshadowing of what would become an administration wide effort to conflate that same video with the attacks in Benghazi.