



A Judicial Watch Special Report:

On The Anniversary of the Benghazi Attack of September 11, 2012

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Unanswered Questions and the Quest for Accountability

From the Obama Administration

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September 9, 2013

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Introduction

Judicial Watch promotes transparency, integrity and accountability in government, politics and the law. We carry out our mission through investigations, research, litigation and public education. From time to time we produce Special Reports on important public policy matters to illuminate the operations of government in a way that informs the public and holds our trusted public servants accountable.

We have prepared this updated Special Report on the first anniversary of the September 11, 2012 attacks on American personnel and facilities in Benghazi, Libya with the analysis and expertise of Judicial Watch investigators, as well as insightful security critique of Mr. Raymond Fournier, a recently retired Diplomatic Security Service Special Agent. Part One of this updated report contains Mr. Fournier's analysis from January, and Part Two is new reporting – describing the Obama administration's Benghazi stonewall. Judicial Watch is the only non-governmental organization in the country litigating in federal court to uncover the truth about what happened in Benghazi. Judicial Watch's strong legal actions in federal court seek to compel accountability from the Obama administration.

Judicial Watch's staff of investigators and researchers includes former intelligence officers, analysts, military officers, attorneys, and journalists. Judicial Watch has twenty-three (23) Freedom of Information Act (FOIA) requests and one (1) Mandatory Declassification Review (MDR) request pending with various Executive departments and agencies seeking all manner of records relating to the attack. We have filed four (4) lawsuits in the United States District Court for the District of Columbia to compel the Obama administration to comply with the FOIA law and release the records we seek. In the interim, we pursue additional avenues of investigation in an effort to provide the American people with complete, accurate, factual information concerning a deadly attack costing the lives of United States Ambassador Christopher Stevens, Foreign Service Officer Sean Smith, and former Navy SEALs Glen Doherty and Tyrone Woods.

Thomas Fitton
President

Washington, DC
September 9, 2013

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Part One: Analysis & Questions from a Diplomatic Security Service Agent

Background

At 9:40 p.m. on the evening of September 11, 2012, a group of approximately 150 heavily armed Islamist militia members attacked the United States' diplomatic mission in Benghazi, Libya. The ensuing 8-hour assault on the Special Mission Compound (SMC, and hereafter: "Compound") and the nearby CIA Annex claimed the lives of four Americans: Ambassador Christopher Stevens, U.S. Foreign Service Specialist Sean Smith, and former Navy SEALs Glen Doherty and Tyrone Woods. Stevens, who had previously served as the U.S. Special Envoy to the Libyan Transitional National Council, was the first Ambassador killed in the line of duty since the 1979 shooting of Ambassador Adolph Dubs in Kabul, Afghanistan.

In the aftermath of the attack, President Obama and senior administration officials were quick to identify Muslim outrage over an obscure Internet video mocking Mohammed as the motivation for the attack¹. In a September 12th statement about the incident, the President remarked, "Since our founding, the United States has been a nation that respects all faiths. We reject all efforts to denigrate the religious beliefs of others."²

At a September 14, 2012 event honoring the four victims, Secretary of State Hilary Clinton stated, "We've seen the heavy assault on our post in Benghazi that took the lives of those brave men. We've seen rage and violence directed at American embassies over an awful Internet video that we had nothing to do with."³

Those in Libya did not share this theory. During a September 15th television interview, Libyan President Mohamed al-Magariief observed that, "It's clear from the timing on September 11th and from the detailed planning of the attacks that behind it there were experienced masterminds. It was not a spontaneous act in protest of a movie. This has been prepared for a long time on this specific day. . . If you take into account the weapons used, like RPGs and other heavy weapons, it proves that it was preplanned. It's a dirty act of revenge, and it has nothing to do with religion."⁴

Nevertheless, top administration officials continued to claim that the attack was spontaneous and the result of the video. During a September 16th television interview, U.S. Ambassador to the United Nations Susan Rice infamously assessed the situation as follows:

"There was a hateful video that was disseminated on the Internet. It had nothing to do with the United States government and it's one that we find disgusting and reprehensible. It's been offensive to many, many people around the world. That sparked violence in various parts of the world, including violence directed against western facilities including our embassies and consulates. That violence is absolutely unacceptable, it's not a response that one can ever condone when it comes to such a video. And we have been working very closely and, indeed, effectively with the governments in the region and around the world to secure our

personnel, secure our embassy, condemn the violent response to this video.”⁵

At a September 18, 2012 press conference, White House spokesman Jay Carney told reporters that, “based on what we knew at the time, knew initially, what we know now, the facts that we have, the video was a precipitating cause to the unrest in the region and specifically in Libya.”⁶

President Obama continued to link the attack to the video on September 25th, telling his audience at the United Nations, “At a time when anyone with a cell phone can spread offensive views around the world with the click of a button, the notion that we can control the flow of information is obsolete. The question, then, is how do we respond? And on this we must agree: There is no speech that justifies mindless violence. There are no words that excuse the killing of innocents. There's no video that justifies an attack on an embassy.”⁷

Eventually, the administration was forced to acknowledge what many observers knew from the beginning-- that the attack in Benghazi was neither spontaneous nor the result of an Internet video. On September 28th, the Office of the Director of National Intelligence reported that their revised assessment had determined it to be, “a deliberate and organized terrorist attack carried out by extremists” and that, “some of those involved were linked to groups affiliated with, or sympathetic to al-Qa'ida.”⁸

ARB Report/Summary of Findings

As required by the Omnibus Diplomatic and Antiterrorism Act of 1986, the State Department convened an Accountability Review Board (ARB, and hereafter “Board”) to investigate the attack on October 1, 2012.⁹ Secretary Clinton chose former Ambassador Thomas Pickering to chair the board. Pickering is also a member of the advisory board of the National Iranian American Council (NIAC)¹⁰, a left-wing advocacy group that opposes the imposition of economic sanctions against Iran and that, in the estimation of national security expert Kenneth Timmerman, “has been lobbying Congress to win support for an agenda that mirrors the goals of the Tehran regime.”¹¹ In 2009, former FBI counterterrorism agent Kenneth Piernick reported that the group, “may be lobbying on behalf of Iranian government interests. Were I running the counterintelligence program at the bureau now, I would have cause to look into this further.”¹²

In her 2009 paper *Rise of the Iran Lobby*, published by the Center for Security Policy, former CIA officer Clare Lopez wrote that, “Ambassador Pickering’s positions on Iran include calls for bilateral talks without preconditions and a plan for a multinational uranium enrichment consortium in Iran. Iran has proposed a similar plan to the UN Security Council. Ambassador Pickering advocates a process leading to mutual diplomatic relations between Iran and the United States. He also cites positive experiences as a tourist in Iran, where he recalls that ordinary Iranians on the streets expressed friendliness towards him.”¹³

The other members of the Board were former Chairman of the Joint Chiefs of Staff Admiral Michael Mullen, former United Nations Undersecretary for Management Catherine Bertini, former State Department Interim Director of Overseas Building Operations Richard Shinnick, and former Deputy CIA Director Hugh Turner. Despite State Department regulations requiring that Board members, “must possess expertise that will contribute to the work of the Board, e.g., knowledge, experience or training in areas such as foreign affairs, law, security, embassy construction, intelligence, and other areas appropriate to the Board’s work,”¹⁴ no security professionals were selected to the board convened to investigate the Benghazi attack.

On December 18th, the Board released the unclassified version of its final report regarding the attack in Benghazi. The report highlights a myriad of failures by State Department officials and contains five key findings:

1. The attacks were security related, involving arson, small arms and machine gun fire, and the use of RPGs, grenades, and mortars against U.S. personnel at two separate facilities – the SMC and the Annex—and en route between them.
2. Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department resulted in a Special Mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place.
3. Notwithstanding the proper implementation of security systems and procedures and remarkable heroism shown by American personnel, those systems and the Libyan response fell short in the face of a series of attacks that began with the sudden penetration of the Special Mission compound by dozens of armed attackers.
4. Intelligence provided no immediate, specific tactical warning of the September 11 attacks.
5. Certain senior State Department officials within two bureaus demonstrated a lack of proactive leadership and management ability in their responses to security concerns posed by Special Mission Benghazi, given the deteriorating threat environment and the lack of reliable host government protection.¹⁵

Notably, the report contradicts the earlier claims by administration officials that the attacks resulted from a protest that escalated into violence. The Board, “concluded that there was no protest prior to the attacks, which were unanticipated in their scale and intensity.”

Despite its finding that security at the Compound was, “grossly inadequate,” that State Department officials demonstrated a, “lack of proactive leadership and management ability,” and that “systemic failures and leadership and management deficiencies” led to the inadequacy of the security posture at the compound, the board incredibly reported that it, “did not find reasonable cause to determine that any individual U.S. government employee breached his or her duty.”

The extent to which the unclassified version of the report that was released to the public omits pertinent information about the attack has also drawn congressional scrutiny. Shortly after its release,

House Oversight and Government Reform Committee Chairman Rep. Darrel Issa told reporters that he was, "deeply concerned that the unclassified report omits important information the public has a right to know. This includes details about the perpetrators of the attack in Libya as well as the less-than-noble reasons contributing to State Department decisions to deny security resources. Relevant details that would not harm national security have been withheld and the classified report suffers from an enormous over-classification problem."¹⁶

Advance Warning

Congressional testimony by senior State Department officials and other evidence that has come to light since September demonstrate that, in the months before the attack, the government had ample reason to believe that the security situation in Benghazi was deteriorating rapidly. The Board report identified 20 specific security incidents involving the Compound, international organizations, non-governmental organizations, and other diplomatic facilities in 2012. These include a bomb being thrown over the perimeter wall of the Compound in April, an improvised explosive device (IED) attack against the motorcade of the UN Special Envoy to Libya, an RPG attack against a Red Cross facility, the kidnappings of several aid workers, and an RPG attack against the British Ambassador's convoy. On June 6, 2012, an IED attack targeting the Compound blasted a large hole in its exterior wall. As a security contractor to the U.S. African Command presciently reported in July 2012, "Benghazi has seen a notable increase in violence in recent months, particularly against international targets. These events point to strong anti-Western sentiments among certain segments of the population, the willingness of Salafi-jihadi groups in the city to openly engage in violence against foreign targets, and their capacity to carry out these attacks."¹⁷

In addition to these overt incidents, U.S. intelligence agencies issued numerous classified reports documenting the dangerous situation in Benghazi in the months preceding the attack. The Senate Committee on Homeland Security and Governmental Affairs' December 30, 2012 report regarding Benghazi noted,

*"The Committee has reviewed dozens of classified intelligence reports on the evolution of threats in Libya which were issued between February 2011 and September 11, 2012. We are precluded in this report from discussing the information in detail, but overall, these intelligence reports (as the ARB similarly noted) provide a clear and vivid picture of a rapidly deteriorating threat environment in eastern Libya—one that we believe should have been sufficient to inform policymakers of the growing danger to U.S. facilities and personnel in that part of the country and the urgency of them doing something about it."*¹⁸

State Department personnel in Libya were well aware of the escalating violence in Benghazi and the potential threat it posed to the U.S. Diplomatic mission there. On several occasions, our diplomats in Libya requested additional security resources to address the growing threat; tragically, those requests

were not honored. In an October 2, 2012 letter to Secretary Clinton, House Oversight and Government Reform Committee Chairman Rep. Darrell Issa (R-CA) and Subcommittee on National Security, Homeland Defense, and Foreign Operations Chairman Rep. Jason Chaffetz (R-UT) wrote that, "multiple U.S. federal government official have confirmed to the Committee that, prior to the September 11 attack, the U.S. mission in Libya made repeated requests for increased security in Benghazi. The mission in Libya, however, was denied these resources by officials in Washington."¹⁹

The State Department was clearly aware of the security situation in Libya, as evidenced by the fact that the danger pay allowance for diplomats stationed there was increased from 25 percent to 30 percent on July 15, 2012.²⁰ Nevertheless, as the ARB found, "the number of Bureau of Diplomatic Security (DS) security staff in Benghazi on the day of the attack and in the months and weeks leading up to it was inadequate, despite repeated requests from Special Mission Benghazi and Embassy Tripoli for additional staffing. Board members found a pervasive realization among personnel who served in Benghazi that the Special Mission was not a high priority for Washington when it came to security-related requests, especially those relating to staffing."

Despite the self-evident fact that the security resources dedicated to the Compound in Benghazi were insufficient, State Department officials continued to defend their staffing decisions in the aftermath of the attack. Under questioning by Rep. Darrell Issa during a House Oversight and Government Reform Committee hearing investigating the attack, State Department Deputy Assistant Secretary for International Programs Charlene Lamb asserted, "We had the correct number of assets in Benghazi at the time of 9/11."²¹ According to published reports, the Regional Security Officer in Libya, Eric Nordstrom, told Congressional investigators that Lamb, "wanted to keep the number of U.S. security personnel in Benghazi 'artificially low.'"²²

Fallout

The day after the release of the Board's report, numerous media outlets reported that four State Department officials responsible for the management and security of the Compound in Benghazi had resigned. Three were identified as Assistant Secretary of State Eric Boswell, Charlene Lamb, and Deputy Assistant Secretary of State Raymond Maxwell.²³ In the weeks that followed, however, it became unclear whether the officials had really resigned or even faced any significant disciplinary measures. On December 26th, the *New York Post* reported that, "The highest-ranking official caught up in the scandal, Assistant Secretary of State Eric Boswell, has not 'resigned' from government service, as officials said last week. He is just switching desks. And the other three are simply on administrative leave and are expected back."²⁴

The uncertainty over the situation has outraged at least one member of Congress. On the day of the *Post's* report, House Foreign Affairs Committee Chairwoman Rep. Ileana Ros-Lehtinen (R-FL) told reporters, "State Department officials proclaimed to the world that heads would roll after the deception related to the deceitful video excuse and the non-existent spontaneous protest outside the consulate. Now we see that the discipline is a lie and all that has happened is the shuffling of the deck chairs."²⁵

The State Department has given only vague and evasive descriptions of the officials' current status, reporting that Boswell had resigned as Assistant Secretary of Diplomatic Security but declining to comment on his current duties. According to a State Department spokesman, "The Secretary has accepted Eric Boswell's decision to resign as Assistant Secretary for Diplomatic Security, effective immediately. The other three individuals have been relieved of their current duties. All four individuals have been placed on administrative leave pending further action."²⁶

Additional Questions Raised

The degree to which State Department officials are guilty of the "systemic failures and leadership and management deficiencies" in Benghazi is just one of the unresolved issues regarding the event. According to an analysis conducted exclusively for Judicial Watch by former State Department Diplomatic Security Special Agent Raymond Fournier, the Board report leaves a number of critical questions unanswered.

1. Who at the Department of State was responsible for opening and continuing the operation of the "Special Mission Compound" in the unstable environment of Benghazi, overriding physical security standards for diplomatic facilities?

In Special Agent Fournier's assessment, the most "critical error" leading to the deadly attack in Benghazi was, "the Department's unexplained decision to create a new category of diplomatic structure, i.e. the 'Special Mission Compound'," for the purpose of, "skirting the established physical security standards" for embassies and consulates around the world. He describes the level of security at the Compound as, "meeting or slightly exceeding the established security standards for a residence (not a diplomatic mission or workplace) in a high or critical threat environment."

Diplomatic personnel in Benghazi were apparently aware of these shortcomings. An August 16, 2012 cable summarizing an emergency meeting held the previous day reported that the State Department's Regional Security Officer, "expressed concerns with the ability to defend Post in the event of a coordinated attack due to limited manpower, security measures, weapons capabilities, host nation support, and the overall size of the compound"²⁷

The unique designation of our diplomatic outpost in Benghazi and the inadequate security posture that designation allowed posed unique concerns with regard to the safeguarding of classified information. Fournier notes that, "one can reasonably assume that the Compound contained classified documents and/or classified communications equipment. However, it is self-evident that the Compound failed to meet security standards required of all diplomatic facilities regarding the minimum stand-off time required for cleared American staff to destroy classified holdings and equipment." The Board report contains no details regarding the classified documents and equipment that may have been lost during the attack.

Regarding the consequences of the unique "SMC" designation applied to the Compound in Benghazi, the Board report notes that,

"Another key driver behind the weak security platform in Benghazi was the decision to treat Benghazi as a temporary, residential facility . . . even though it was also a full time office facility. This resulted in the Special Mission Compound being excepted from office facility standards and accountability . . . A comprehensive upgrade and risk-mitigation plan did not exist, nor was there a comprehensive security review conducted by Washington for Benghazi in 2012. The unique circumstances surrounding the creation of the mission in Benghazi as a temporary mission outside the realm of permanent diplomatic posts resulted in significant disconnects and support gaps."

Because the Benghazi mission appears to have been designated as an "SMC"-- something "anomalous amongst the Department's inventory of approximately 285 embassies and consulates worldwide"-- for the purpose of evading appropriate security protocols, the question of what State Department official authorized the leasing of the house to be utilized as the Compound is critically important. The Board reported that State Department Undersecretary for Management Patrick Kennedy, "approved a one year continuation of the U.S. Special Mission in Benghazi" in December 2011. As Fournier points out, however,

"the Board failed to identify the person or persons within the Department responsible for leasing the unsecured house otherwise known as 'SMC Benghazi' in the first place, i.e., before its operation was 'continued' in December 2011. Arguably the organizational entity within the department that had the authority to continue the U.S. Mission Benghazi was the same entity that initiated the mission by leasing the house. A review of the Department's organizational chart reflects that the Undersecretary for Management has the Bureau of Diplomatic Security and the Bureau of Overseas Buildings under its authority. Therefore, we can reasonably assume that Undersecretary Kennedy approved the initial lease."

Fournier also questions the Department's decision to "depart from accepted practice by contracting with a local militia group loosely connected to central government forces" to provide security for the Compound. The militia, 17 February Martyrs Brigade, had been one of several militias that participated in the overthrow of the Qaddafi regime. This, according to Fournier, led Department officials to "use an old paradigm, 'my enemy's enemy is my friend,' to trust the 17 February Martyrs Brigade to protect American lives and property." During the attack, however, the militia members "failed to respond to repeated calls for assistance."

2. Did the Director of Diplomatic Security or his immediate subordinates have authority to countermand the Department's desire to open "SMC Benghazi?"

As noted, the decision to lease the Compound in Benghazi and the approving authority for security and staffing decisions was Undersecretary Kennedy. What remains unknown, however, is whether security professionals within the State Department advised against this action; what their initial recommendations for appropriate security measures were; the extent to which Department management took those recommendations under advisement; and, whether the Director of Diplomatic Security had the authority to prevent the opening of the Compound.

After almost two decades as a Diplomatic Security Agent, Fournier identifies systemic cultural problems within the Department that hinder the efforts of the security professionals to keep our diplomats safe:

"A far-reaching idea touched upon in the Board report suggested that the Department 'reexamine DS reorganization with an emphasis on span of control for security policy planning for all overseas U.S. diplomatic facilities.' Although a good recommendation as a matter of academic discussion, the reality is that the Department has historically not seen DS as equal partners in the day-to-day pursuit of diplomacy. Frequently, security policy and standards are set aside as inconvenient, restraining, time-consuming or simply less important relative to loftier foreign policy goals prosecuted by the Department's elite. One need go no further than Benghazi to see an example of the aforementioned managerial arrogance within the Department."

3. Why did Ambassador Stevens travel to Benghazi, so close to the anniversary of the September 11, 2001 attacks?

As noted above, the extreme risk of anti-Western violence in Benghazi was well known to State Department officials in the months before September 11th. A July 18, 2012 worldwide travel caution advisory by the Department reported that, "Credible information indicates terrorist groups also seek to continue attacks against U.S. interests in the Middle East and North Africa."²⁸ On August 27th, the Department issued a travel warning specific to Libya that read in part, "The Department of State warns U.S. citizens against all but essential travel to Libya. . . Political violence in the form of assassinations and vehicle bombs has increased both in Benghazi and Tripoli."²⁹ And, of course, the Department was well aware of the increased threat of terrorist activity on significant anniversary dates. The travel warning issued in advance of September 11, 2011 noted that, "U.S. citizens should be aware that al-Qaeda affiliates and allies have demonstrated the intent and capability to carry out attacks against the United States and our interests around the world. In the past, terrorist organizations have on occasion planned their attacks to coincide with significant dates on the calendar."³⁰

In this context, the decision for Ambassador Stevens to travel to Benghazi on that date seems odd. According to the Board report, his travel was, "timed in part to fill the staffing gaps between TDY [temporary duty] principal officers as well as to open an American Corner at a local school and to

reconnect with local contacts." It is also known that the Ambassador met with the Turkish Consul General Ali Sait Akin on the evening of the attack. The purpose of that meeting has not been disclosed. In October, *Fox News* reported that Stevens, "was in Benghazi to negotiate a weapons transfer, an effort to get SA-7 missiles out of the hands of Libya-based extremists."³¹

Some experts believe that the Ambassador's work in Benghazi may have been related to Administration efforts to transfer arms to Syrian opposition groups. As former Deputy Assistant Secretary of State and President of the Center for Security Policy Frank Gaffney wrote, "One of the places in Libya most awash with weapons in the most dangerous of hands is Benghazi. It now appears that Stevens was there — on a particularly risky day, with no security to speak of and despite now copiously documented concerns about his own safety and that of his subordinates — for another priority mission: sending arms recovered from the former regime's stocks to the "opposition" in Syria."³² Former CIA Officer Clare Lopez has characterized U.S. activities in Benghazi as "gun running" and reported that Administration officials were, "working with the very same al-Qaeda linked relationships in Libya to gather up and buy back and collect weapons from Gaddafi's stockpile that were missing from the revolution in Libya last year and what it looks like is that they were shipping them onwards to Syria."³³

Further substantiating the theory that the Obama administration was involved in arms transfers to Syrian groups is a *Times of London* report published on September 14, 2012, "Syrian Rebels Squabble Over Weapons as Biggest Shipload Arrives from Libya."³⁴ According to the report: "Among more than 400 tonnes of cargo the vessel was carrying were SAM-7 surface-to-air anti-aircraft missiles and rocket-propelled grenades (RPGs), which Syrian sources said could be a game-changer for the rebels." The connection to Benghazi was established by *The Times* through an examination of the ship's port authority papers, "*The Times* was shown the Libyan ship, *The Intisaar* or *The Victory*, in the Turkish port of Iskenderun and papers stamped by the port authority by the ship's captain, Omar Mousaeeb, a Libyan from Benghazi and the head of an organisation called the Libyan National Council for Relief and Support, which is supporting the Syrian uprising."

4. Why were two unmanned aerial vehicles requested to record the deadly events as they unfolded in Benghazi while more lethal air support options were not on station?

According to the Board report, United States Africa Command (AFRICOM) deployed two unmanned aerial vehicles to survey the events in Benghazi — one to the Compound and the other to the airport during the evacuation of American personnel. However, the report gives no description of the images captured by the UAVs. In addition, the involvement of AFRICOM in the response raises the important question of why lethal air support or other military assets were not deployed in response to the attack.

According to the Department of Defense, there was not sufficient time to deploy resources to Benghazi once the attack began. In addition, Secretary of Defense Leon Panetta later claimed that officials lacked sufficient real-time information about the situation to commit troops, saying, "You don't deploy forces into harm's way without knowing what's going on."³⁵

Conclusion

As the Board's report makes clear, the September 11, 2012 attack in Benghazi resulted from a wide range of strategic and tactical failures by State Department officials. Chief among them were the fateful decision to circumvent established security regulations by designating the diplomatic post in Benghazi a "Special Mission Compound," ignoring repeated requests for additional security resources by Diplomatic Security personnel on the ground, and entrusting the security of the Compound to a local militia group with suspected ties to radical Islamists. As Special Agent Fournier notes in his assessment of the tragedy, there were also long-standing cultural problems within the Department of State that hinder the ability of Diplomatic Security agents to adequately protect our diplomats overseas.

Even after the Board report and separate investigations by the House Oversight and Government Reform and Senate Homeland Security and Governmental Affairs committees, numerous questions remain:

- Who at the State Department authorized the lease of the house utilized as a mission facility in Benghazi?
- What input from the Bureau of Diplomatic Security did the authorizing State Department official receive, and was that input acted upon?
- Have the officials responsible for the "systemic failures and leadership and management deficiencies" identified by the Board been disciplined, and what positions, if any, do they now hold in the State Department?
- What was the purpose of Ambassador Stevens' travel to Benghazi on the anniversary of the worst terror attack in American history?
- Is the administration involved in transporting weapons from Libya to Syrian opposition forces?

UPDATE OF SEPTEMBER 9, 2013

Part Two: Analysis of a Cover Up

Lawsuits for Accountability

It was clear from the earliest official statements concerning the Benghazi attack that, given the Obama administration's predilection for falsehoods and stonewalling, Judicial Watch's investigative plan would include litigation. Twenty-three (23) FOIA requests and one (1) MDR filing later – Judicial Watch has pursued the truth in the US District Court for the District of Columbia by filing the following lawsuits against the Obama administration:

- *Judicial Watch, Inc. v. U.S. Department of State, Case No. 12-02034 (RLW)*, filed 12/19/12, and seeking: "All records concerning, regarding, or related to the advertisement produced by the U.S. embassy in Islamabad, entitled "A Message from the President of the United States Barack Obama and Secretary of State Hillary Clinton," intended to air in Pakistan."
- *Judicial Watch, Inc. v. Office of the Director of National Intelligence, Case No. 13-00198 (EGS)*, filed 2/14/13, and seeking: "Any and all memoranda, assessments, analyses and/or talking points regarding the September 11, 2012 attack on the U.S. Consulate in Benghazi, Libya and/or the killing of U.S Ambassador J. Christopher Stevens produced by the Office of the Director of National Intelligence between September 11, 2012 and September 20, 2012. This request includes, but is not limited to, the "speaking points" memorandum referred to by Senator Dianne Feinstein during a televised interview on October 17, 2012."³⁶
- *Judicial Watch, Inc. v. U.S. Department of State, Case No. 13-00242 (RJI)*, filed 2/25/13, and seeking: "Any and all videos and photographs depicting U.S. Consulate facilities in Benghazi, Libya (including the Special Mission Compound and the Annex) between September 10, 2012 and September 13, 2012 that were provided to the Accountability Review Board (ARB) for Benghazi and/or to any individual member of the ARB."
- *Judicial Watch, Inc. v. U.S. Department of State, Case No. 13-00951 (EGS)*, filed 6/21/13, and seeking: "1) Copies of any updates and/or talking points given to Ambassador Rice by the White House or any federal agency concerning, regarding, or related to the September 11, 2012 attack on the U.S. consulate in Benghazi, Libya. 2) Any and all records or communications concerning, regarding, or relating to talking points or updates on the Benghazi attack given to Ambassador Rice by the White House or any federal agency."

Judicial Watch lawsuits are just part of our continuing efforts to force the Obama administration to finally tell the full truth about the Benghazi massacre. The story that is emerging is one of political

treachery in the highest places, beginning with outright lies about the nature of the attack itself and culminating with a great stone wall of secrecy to avoid accountability for one of the most deadly political scandals in recent American history.

“No one left to lie to . . .”

As discussed earlier, on the Sunday following the attack, Ambassador Susan Rice went on five Sunday talk shows, repeatedly claiming that the attack was “a spontaneous – not a premeditated response” to “a hateful video that was disseminated on the Internet.”³⁷ Obama went before the United Nations to decry the video.³⁸ Clinton promised the father of slain Benghazi martyr Tyrone Woods that she would apprehend the video maker.³⁹ And, together, Obama and Clinton even went so far as to film a television commercial (aired in Pakistan) apologizing to the Pakistani people for the video.⁴⁰

All the while, every one of them knew that they were lying about a lie. In fact, shortly after their worldwide campaign of deception, the Obama administration was forced to admit that Rice, Clinton, and, indeed, the president himself had provided false information, and that the attack was neither spontaneous nor the result of an Internet video.

On September 28, 2012, the Office of the Director of National Intelligence (DNI) reported that their “revised” assessment had determined the attack to be “a deliberate and organized terrorist attack carried out by extremists” and that “some of those involved were linked to groups affiliated with, or sympathetic to, al Qaeda.”⁴¹ But according to General Carter Ham, the head of U.S. forces in Africa, it was apparent “within hours” not weeks, as DNI claimed, that Benghazi was an act of terror.⁴²

On July 19, 2013, General Ham told the Aspen Security Forum that he was in a meeting with Secretary of Defense Panetta and the Chairman of the Joint Chiefs of Staff General Martin Dempsey when word of the attack came in: “It became apparent to all of us quickly that this was not a demonstration, this was a violent attack,” Ham said.⁴³

Nonetheless, Rice, on behalf of President Obama and in place of Clinton (whom Rice claimed was just “too tired” to talk about Benghazi), took to the talk shows immediately following the attack to advance the false narrative blaming an Internet video.⁴⁴ And the claim has been made that they were simply reading from the talking points they were given. Which raises the question, which talking points?

Former CIA Director General David Petraeus testified before Congress that the initial talking points produced by the CIA “stated there were indications the attack was linked to al Qaeda,” and suggested the terrorism reference was removed sometime during an interagency review process.⁴⁵

So what happened between the time of General Ham’s meeting with Panetta and General Dempsey, the creation of the CIA-generated talking points that noted the terrorist connection, and Ambassador Rice’s Sunday talk circuit circus? Given the spin and the contradictions, Judicial Watch was compelled to go to court to obtain the talking points. As Congress spends time debating and dithering

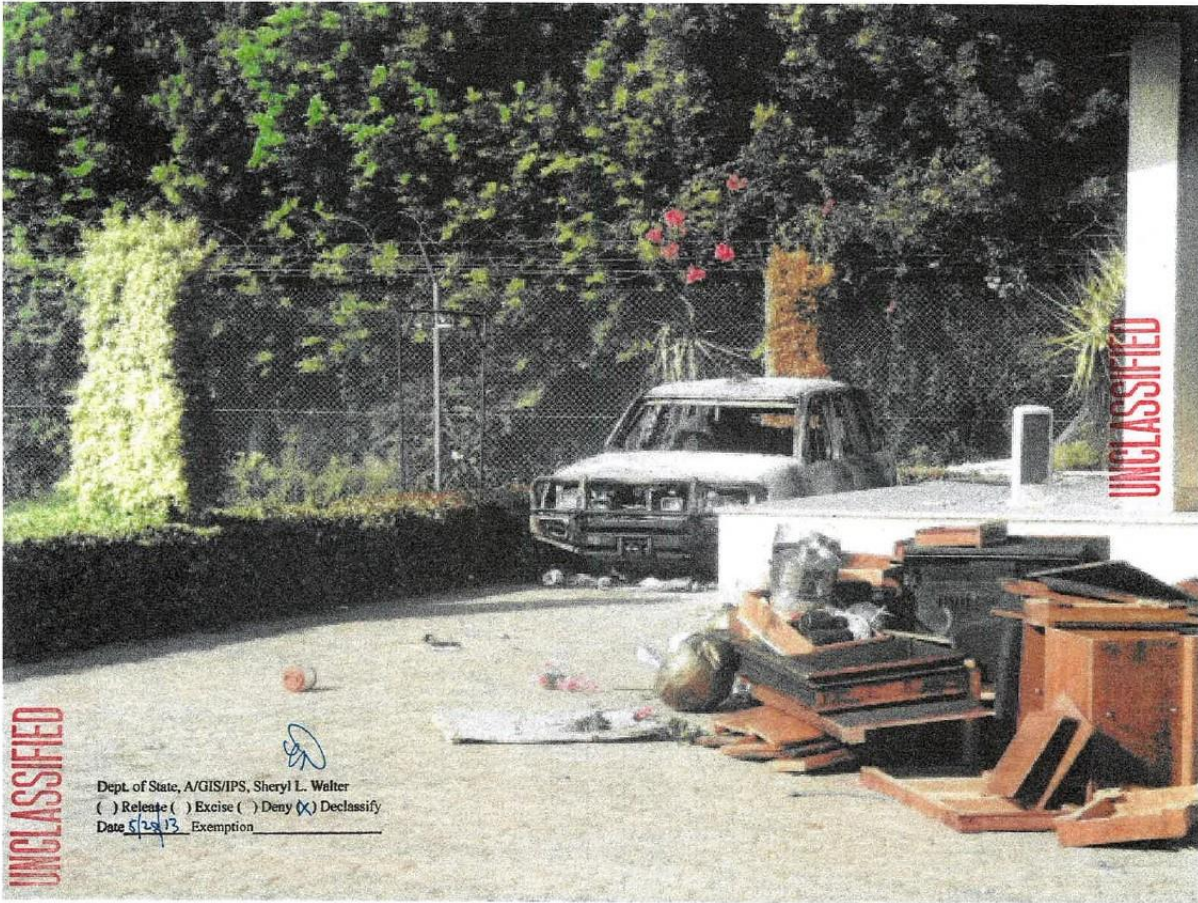
over what President Obama calls a “phony scandal,” these independent investigations may be the best way to clear up this web of lies.

As noted at the outset, Judicial Watch’s FOIA lawsuits are part of its continuing efforts to uncover the full truth about what transpired within the Obama administration before, during, and after the Benghazi attack. As we watch the Obama administration weave its web of deceit, one is reminded of House Judiciary counsel David Schippers’ charge when describing Bill Clinton’s deceptions in concealing his affair with Monica Lewinsky. The president lied and lied and lied, Schippers said, until “there’s no one left to lie to.” Perhaps the long arm of FOIA law can finally begin to ferret out the truth.

Some evidence of the power of the FOIA law, and Judicial Watch’s persistence, came about with the release of the first US Government images of the aftermath of the attack on the Benghazi SMC. Judicial Watch’s lawsuit against the State Department compelled production of the images on June 21, 2013 – four months after going to federal court to get the Obama administration to obey the law. A total of seven (7) photographs were produced to Judicial Watch by the State Department.

The following two images depict the ransacked and ruined remains of buildings, vehicles and property at the Benghazi SMC.





The Benghazi Chronology⁴⁶

We have compiled a detailed chronology of the entire Benghazi affair from a variety of reliable news and information sources (to include State Department records) in order to present a full, sequential description of the events leading up to the terrorist attack; the attack itself; and, the aftermath.

Security Incidents Prior to the Benghazi Attack:

A State Department document detailed 230 security incidents in Libya between June 2011 and July 2012, all of which posed a threat to Americans in the area.⁴⁷

December 2011: Terror plot thwarted, but Benghazi SMC emergency plan warns of many Islamic terrorists still operating in area.

March 2012: U.S. Embassy in Tripoli – Regional Security Officer (RSO) Eric Nordstrom, requests additional security but later testified he received no response.

March 18, 2012: Armed robbery occurs at the British School in Benghazi.

March 22, 2012: Members of a militia searching for a suspect fire their weapons near the SMC and attempt to enter.

April 2, 2012: A UK armored diplomatic vehicle is attacked after driving into a local protest. The vehicle was damaged but occupants uninjured.

April 6, 2012: Improvised Explosive Device (IED) thrown over the wall of the SMC in Benghazi.

April 10, 2012: An explosive device is thrown at a convoy carrying U.N. Envoy Ian Martin.

April 11, 2012: Gun battle erupts between armed groups two-and-a-half miles from the SMC, including rocket-propelled grenades.

April 26, 2012: Special Mission Benghazi principal officer is evacuated from International Medical University (IMU) after a fistfight escalated to gunfire between Tripoli-based trade delegation security personnel and IMU security.

April 27, 2012: Two South African contractors are kidnapped by armed men, released unharmed.

May 1, 2012: Deputy Commander of U.S. Embassy Tripoli's Local Guard Force is carjacked, beaten, and detained by armed youth.

May 1, 2012: British Embassy in Tripoli is attacked by a violent mob and set on fire. Other NATO embassies attacked as well.

May 3, 2012: The State Department declines a request from personnel concerned about security at the U.S. Embassy in Libya for a DC-3 plane to take them around the country.

May 22, 2012: A rocket-propelled grenade (RPG) hits the offices of the International Red Cross.

May 28, 2012: A previously unknown organization, Omar Abdurrahman group, claims responsibility for the Red Cross attack and issues a threat against the United States on social media sites.

June 6, 2012: An IED explodes outside the Benghazi consulate compound.

June 8, 2012: Two hand grenades target a parked UK diplomatic vehicle in Sabha (800 km south of Benghazi).

June 11, 2012: An RPG hits a convoy carrying the British Ambassador. The U.K. closes its consulate. Col. Wood, military Site Security Team (SST) commander, is in Benghazi, and helps with emergency response.

June 12, 2012: An RPG attack is made on the Red Cross compound in Misrata (400 km west of Benghazi).

June 18, 2012: Protestors storm the Tunisian consulate in Benghazi.

Late June: The building of the International Red Cross attacked again and closed down, leaving the U.S. flag as the only international one still flying in Benghazi, an obvious target.

July 2012: RSO Nordstrom again requests additional security (perhaps via cable signed by Ambassador Stevens dated July 9, see below).

July 9, 2012: Ambassador Stevens sends a cable requesting continued help from military SST and State Department Mobile Security Deployment (MSD) team through mid-Sept. 2012, saying that benchmarks for a drawdown have not been met. The teams are not extended.

July 29, 2012: An IED is found on grounds of the Tibesti Hotel.

July 30, 2012: Sudanese Consul in Benghazi is carjacked and driver beaten.

July 31, 2012: Seven Iranian-citizen Red Cross workers abducted in Benghazi.

Early August: State Department removes the last of three 6-man State Department security teams and a 16-man military SST team from Libya.

August 2, 2012: Ambassador Stevens sends a cable to Washington D.C. requesting "protective detail bodyguard positions" -- saying the added guards "will fill the vacuum of security personnel currently at post... who will be leaving with the next month and will not be replaced." He called "the security condition in Libya ... unpredictable, volatile and violent."

August 6, 2012: Armed assailants carjack a vehicle with diplomatic plates operated by U.S. personnel.

August 8, 2012: A cable from Ambassador Stevens to Washington D.C. says "a series of violent incidents has dominated the political landscape" and calls them "targeted and discriminate attacks."

August 9, 2012: A Spanish-American dual national NGO worker is abducted from the Islamic Cultural Center in Benghazi and released the same day.

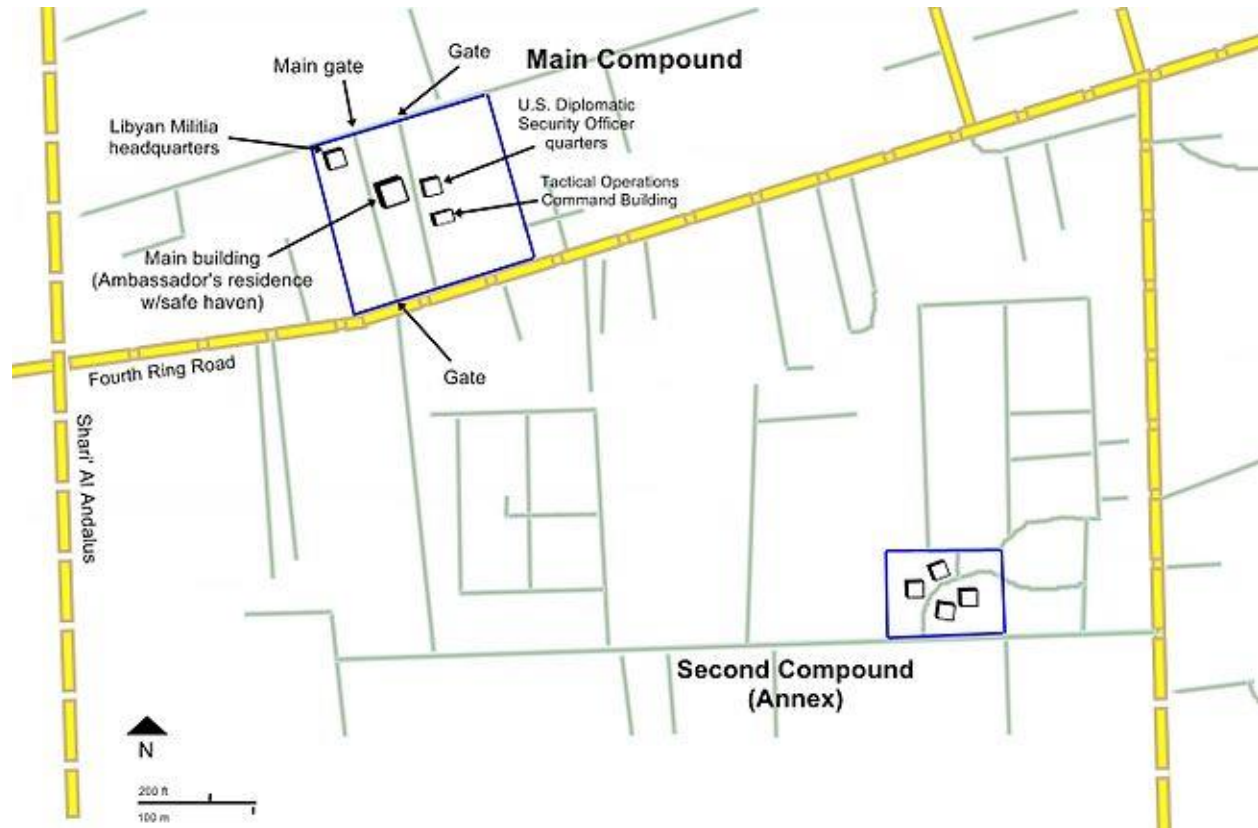
August 20, 2012: A small bomb is thrown at an Egyptian diplomat's vehicle parked outside of the Egyptian consulate in Benghazi.

August 27, 2012: The State Department issues a travel warning for Libya citing the threat of assassination and car bombings in Benghazi/Tripoli.

September 8, 2012: A local security officer in Benghazi warns American officials about deteriorating security.

Timeline of 9/11 Special Mission Compound Benghazi Attack As It Unfolded

The Benghazi SMC and Annex



Credit: Wikimedia.org⁴⁸

September 11, 2012: 9:43 a.m. Benghazi time (3:43 a.m. ET): Ambassador Stevens sent cables to Washington D.C., including a Benghazi weekly report of security incidents reflecting Libyans' "growing frustration with police and security forces who were too weak to keep the country secure." At least one of the cables says the Libyan police themselves – the security force provided to the U.S. consulate by the Minister of Foreign Affairs -- was photographing the Consulate at 6:43 a.m. on the morning of the attack, and that the facilities and personnel were under surveillance.

U.S. intelligence officials tell Fox News there were reports from eyewitnesses in Benghazi on Sept. 11 that an armed militia was gathering three hours before the attack on the consulate began at 9:47 p.m.⁴⁹

CAIRO, EGYPT -- Around 12:00 p.m. (6:00 a.m. ET): The U.S. Embassy in Cairo releases a statement on its website disavowing a YouTube film named "Innocence of Muslims," which mocks the Prophet Mohammad. The statement said the embassy condemned efforts by "misguided individuals to hurt the religious feelings of Muslims — as we condemn efforts to offend believers of all religions." Around the same time, pieces of that statement were sent out as tweets from the official embassy twitter account.⁵⁰

Protesters storm the US Embassy and tear down the American flag down, replacing it with a black Salafist flag. It remains unclear who, precisely, within the US State Department identified that particular YouTube video and the responsibility for releasing a statement.

Around 9:00 p.m. (3:00 p.m. ET): At the Benghazi SMC, Ambassador Stevens bids farewell to the Turkish Ambassador, Ali Kemal Aydin, and retires to his room in main residence.

Compound configuration: A diplomatic security (DS) residence with bedrooms and a cantina and dining room; a Tactical Operations Center (TOC) located across from the DS residence, containing offices, one bedroom and security cameras; and barracks located by the front gate, staffed by Libyan 17 February Martyrs Brigade militia, the *de facto* security presence at SMC Benghazi.^{i 51}

At this time, there are five DS agents on site - three based in Benghazi and two traveling with Ambassador Stevens. According to a State Department account given Oct. 9 there was "nothing unusual outside of the gates. "

9:40 p.m. (3:40 p.m. ET): Gunfire and an explosion are heard. A TOC agent sees dozens of armed people over security camera flowing through a pedestrian gate at the compound's main entrance. It is not clear how the gate was opened.

The agent hits the alarm and alerts the CIA security team ("Global Response Staff" – former US military special operations personnel supporting intelligence operations) in the nearby Annex and the Libyan 17 February Martyrs Brigade. The embassy in Tripoli and the State Department command center were also alerted.

State Department DS follows events in real time on a listen-only, audio-only feed, according to the testimony of Charlene Lamb, the Deputy Assistant Director for International Programs, given before the House Oversight and Government Reform Committee on October 10, 2012.

"An urgent request from the CIA Annex for military back-up during the attack on the U.S. consulate and subsequent attack several hours later on the annex itself was denied by the CIA chain of command -- who also told the CIA operators twice to "stand down" rather than help the ambassador's team when shots were heard at approximately 9:40 p.m. in Benghazi on Sept. 11."⁵²

Around 10 p.m. (4 p.m. ET): At the compound, several DS agents leave to get tactical gear from the DS residence. One stays with Ambassador Stevens and Information Officer Sean Smith. The mob sets fire to the 17 February Martyrs Brigade barracks on site.

ⁱ "DoS hired a British firm, Blue Mountain, to manage its security in Benghazi, and Blue Mountain subcontracted the job to a local jihadist militia called the February 17 Martyrs Brigade who have known Muslim Brotherhood ties. Furthermore, Nordstrom testified at the October 11, 2012 Congressional hearings that "in deference to sensitivity to Libyan practice, the guards at Benghazi were unarmed" [emphasis added] – an inexplicable practice for a place as dangerous as Benghazi."

DS Agent Scott Strickland moves Ambassador Stevens and Sean Smith to the closest area "safe haven," the main residence.

The other agents, currently in DS residence and the TOC come under attack.

The attackers get into the main residence, light furniture on fire, then the building's exterior. Ambassador Stevens, Sean Smith and Agent Strickland move to the bathroom, but decide to leave the safe haven because of smoke.

Agent Strickland goes out an emergency escape window. Ambassador Stevens and Sean Smith do not follow. Agent Strickland returns several times but cannot find them in the overwhelming smoke. He goes up to the roof and radios the other agents.

Three agents return to main residence via armored vehicle. They search and find Sean Smith's body, but not Ambassador Stevens.

Secretary of State Hillary Clinton is told of the incident "shortly after it began at 4 p.m.," CBS News' Margaret Brennan reported September 14, 2012. Clinton spoke to the Libyan President Mohammed Magariaf to "enlist his full support."

Meanwhile, the U.S. military began moving an unarmed drone over Benghazi to provide real-time intelligence to the CIA team on the ground. It would take roughly an hour to arrive.

10:05 p.m. (4:05 p.m. ET): An alert from the State Department Operations Center is issued to a number of government and intelligence agencies, including the White House Situation Room, the office of the Director of National Intelligence, and the FBI. "US Diplomatic Mission in Benghazi Under Attack" -- "approximately 20 armed people fired shots; explosions have been heard as well. Ambassador Stevens, who is currently in Benghazi, and four COM (Chief of Mission/embassy) personnel are in the compound safe haven."⁵³

10:25 p.m. (4:25 p.m. ET): A six-member CIA team arrives from the Annex with 40 to 60 members of the 17 February Martyrs Brigade. The team removes Sean Smith's body.

Around 10:30 p.m. (4:30 p.m. ET): Defense Secretary Leon Panetta and his top military adviser learn of the incident.

10:54 p.m. (4:54 p.m. ET): An alert from the State Department Operations Center: "the firing... in Benghazi has stopped. A response team is on site attempting to locate COM personnel."

11:00 p.m. (5:00 p.m. ET): Just ahead of the weekly meeting with Defense Secretary Leon Panetta and Chairman of Joint Chiefs, General Martin Dempsey, White House National Security Advisor Tom Donilon tells President Obama of the attack and the fire at the main villa. The president and those officials discuss possible responses to the situation.

At the compound, the 17 February Martyrs Brigade abandons its posts and withdraws.

DS agents make final search for Ambassador Stevens and leave with the CIA team in an armored vehicle heading for the Annex, taking fire along the way.

Of note, when CBS News' Elizabeth Palmer visited the compound in one of several trips to Libya, she found little evidence of an extensive firefight at the compound's walls and main gate, likely indicating the fiercest fighting occurred away from the compound.

Midnight (6:00 p.m. ET) Agents arrive at the Annex, which receives sporadic small-arms fire and RPG rounds over a roughly 90-minute period. The security team returns fire and the attackers disperse.

Over the next two hours, Sec. Panetta holds a series of meetings and issues several orders: Two Fleet Antiterrorism Security Team (FAST) platoons stationed in Rota, Spain prepare to deploy - one to Benghazi and the other to the Embassy in Tripoli; A special operations team in Europe is ordered to move to Sigonella, Sicily - less than one hour's flight away from Benghazi; An additional special operations team based in the U.S. is ordered to deploy to Sigonella.

12:07 a.m. (6:07 p.m. ET): An alert from the State Department Operations Center states that the U.S. Embassy in Tripoli reports the Islamic military group "Ansar al-Sharia Claims Responsibility for Benghazi Attack" ... "on Facebook and Twitter and has called for an attack on Embassy Tripoli."

Around 12:30 a.m. (6:30 p.m. ET): A six-man security team, including two Defense Department personnel, leave Embassy Tripoli for Benghazi.

1:30 a.m. (7:30 p.m. ET): The U.S. security team from Embassy Tripoli lands in Benghazi and learn that the ambassador is missing. They try to arrange for transportation into town, with the goal of locating Ambassador Stevens.

4:07 a.m. (10:07 p.m. ET): Secretary Clinton issues a statement acknowledging the death of one State Department officer.

5:00 a.m. (11:00 p.m.): A second U.S. Predator drone arrives to relieve the first.

5:15 a.m. (11:15 p.m. ET): The U.S. Regional Security Office in Tripoli gets a phone call from an Arabic-speaking source that says a Westerner has been found in Benghazi and is perhaps at a hospital. It's believed to be Ambassador Stevens. Transfer to airport is arranged.

At around the same time, the additional security team finds transportation from the airport under the escort of the Libyan Shield, another local militia, but decides to head to the Annex after learning that Ambassador Stevens was almost certainly dead. Just after their arrival, the Annex takes mortar fire, sustaining three direct hits. The precision of the attacks indicates a level of sophistication and coordination.

Former U.S. Navy SEALs Tyrone Woods and Glen Doherty are killed in the mortar assault; a DS agent and Annex security member are severely wounded.

After the mortar attack, about 30 Americans evacuate the Annex and head to the airport, with the assistance of the Libyan security convoy.

Ambassador Stevens is confirmed dead later that morning. A Libyan doctor told the Associated Press that Stevens died of asphyxia, likely caused by smoke inhalation.⁵⁴

Around 7:40 a.m. (1:40 a.m. ET): Unable to fit on one plane, the first wave of Americans - consisting of U.S. diplomats and civilians - departs Benghazi and heads to Tripoli, leaving behind security staff and bodies.

Around 10:00 a.m. (4 a.m. ET): The second flight leaves Benghazi for Tripoli with U.S. security members and bodies.

The Aftermath of the Attack

September 12, 2012 (Morning ET): President Obama is told of Ambassador Stevens' death. State Department alerts all diplomatic posts around the world to review their security posture.

Around 7:00 p.m. (1:00 p.m. ET): Americans are transported out of Tripoli on a C-17 military aircraft, heading for Ramstein, Germany.

Around 2:00 p.m. ET: President Obama departs for Las Vegas, Nevada and Aurora, Colorado for presidential campaign appearances.⁵⁵

Around 8:00 p.m. (2:00 p.m. ET): U.S. Special Forces team arrives in Sigonella, Sicily.

Around 9:00 p.m. (3:00 p.m. ET): A FAST platoon arrives in Tripoli.

10:19 p.m. (4:19 p.m. ET) The C-17 carrying Stevens' body and the other Americans arrives in Ramstein.

September 12, 2012: Secretary Clinton and President Obama issue statements condemning both the video and the attacks.

September 12, 2012: U.S. intelligence agencies have enough evidence to conclude a terrorist attack was involved.

September 13, 2012: Press Secretary Jay Carney condemns video and violence at a news conference.

September 14, 2012: Carney denies Administration had "actionable intelligence indicating that an attack on the U.S. mission in Benghazi was planned or imminent."

September 14, 2012: The bodies of slain Americans return to Andrews Air Force Base. President Obama again blames the YouTube video.

September 16, 2012: U.N. Ambassador Susan Rice appears on Sunday talk shows and says the attacks were provoked by the video, exclusively.

September 16, 2012: Libyan President Mohamed Magarief says, “no doubt that this [attack] was preplanned, predetermined.”

September 17, 2012: State Department spokeswoman Victoria Nuland refuses to call attacks an act of terror.

September 19, 2012: CNN reports having found Ambassador Stevens’s diary, which indicates concern about security threats in Benghazi.

September 19, 2012: Director of the National Counterterrorism Center Matthew Olsen tells Congress the attack in Libya was “terrorism.”

September 20, 2012: Carney says it was “self-evident that what happened in Benghazi was a terrorist attack.”

September 20, 2012: Obama refuses to call attack terrorism, citing insufficient information.

September 21, 2012: Secretary of State Clinton, at meeting with Pakistani Foreign Minister, says, “What happened in Benghazi was a terrorist attack.”

September 25, 2012: On ABC’s “The View,” Obama says, “we don’t have all of the information yet so we are still gathering.”

September 25, 2012: To the U.N. assembly, Obama blames “A crude and disgusting video sparked outrage throughout the Muslim world.”

September 26, 2012: Libya’s Magarief on the “Today” show says, “It was a preplanned act of terrorism directed against American citizens.”

September 26, 2012: Published reports show U.S. Intel agencies and the Obama Administration knew within 24 hours that al-Qaeda affiliated terrorist were involved.⁵⁶

September 27, 2012: *Innocence of Muslims* filmmaker Mark Basseley Youseff (aka Nakoula Basseley Nakoula) is arrested and denied bail on the charges of “probation violation.” He is the first and only person (as of publication date) imprisoned by the United States Government in the aftermath of the Benghazi terrorist attacks.

September 28, 2012: Director of National Intelligence James R. Clapper, Jr., issues a statement backing the Obama Administration’s changing story about the Libyan attack. It is the only recorded instance since at least WWII when an intelligence director’s office has weighed in through a public statement on details of an event overseas that remains under investigation, during a presidential election campaign.⁵⁷

October 2, 2012: Carney declines to comment on reported requests from diplomats in Libya for additional security, citing the State Department’s internal investigation.

Loose Ends and Unanswered Questions

Almost immediately after the September 11 terrorist attack in Benghazi, the administration vowed to bring those responsible to justice. Speaking in the White House Rose Garden on the morning of September 12, the President pledged, "We will not waver in our commitment to see that justice is done for this terrible act. And make no mistake, justice will be done."⁵⁸ The same day, then-Secretary of State Clinton promised that she would not, "rest until those responsible for these attacks are found and brought to justice."⁵⁹

Clinton left office less than five months after the attack. Since her departure, she has given, "at least fourteen paid talks, with audiences ranging from the American Society of Travel Agents, the Economic Club of Grand Rapids, the American Society for Clinical Pathology, Citizens United for Research in Epilepsy (a nonprofit founded by David Axelrod's wife, Susan), and an investor meeting of private equity firm KKR."⁶⁰ According to published reports, Clinton commands a fee of \$200,000 per paid speech – putting her total earnings from such engagements since the Benghazi attack at an estimated \$3 million.

Despite these vows of swift justice, no one has yet been arrested or killed for participation in the terrorist attack. This lack of progress prompted eight members of Congress (Representatives Jason Chaffetz, Darrell Issa, Trey Gowdy, and Jim Jordan and Senators John McCain, Kelly Ayotte, Lindsey Graham, and Ron Johnson) to write a letter to incoming FBI Director James Comey calling the administration's progress in the investigation "simply unacceptable" and asking the FBI to investigate more aggressively.⁶¹ We anticipate no meaningful response from Mr. Comey to the members.

Of particular concern to lawmakers is the fact that *CNN* was able to conduct an interview in Libya with Ahmed Abu Khattala in July. Libyan officials identified Khattala as the "mastermind" of the attack as early as October.⁶² This prompted Rep. Chaffetz to ask, "*CNN* was able to go in and talk to one of the suspected terrorists, how come the military hasn't been able to get after them and capture or kill the people? How come the FBI isn't doing this and yet *CNN* is?"⁶³

There are also questions regarding the FBI's urgency in launching its investigation into the attack. The first team of FBI agents didn't arrive in Benghazi until October 4, 2012 – three weeks after the attack. The administration blamed this delay on the Libyan government, which it claims was slow in granting approval for the agents' travel.⁶⁴ It has been revealed by multiple sources, however, that the delay was actually the result of the State Department's failure to request military protection for the agents.⁶⁵ By the time they arrived, the burned-out SMC and Annex had reportedly been thoroughly ransacked. In addition, sources reported to the *Associated Press* that the agents and their accompanying team of Special Forces personnel spent merely 24 hours on the ground in Benghazi.⁶⁶ The delayed response and the limited amount of time agents spent at the crime scene almost certainly complicated their efforts to identify and locate the individuals involved in the attack.

On May 21, 2013, it was reported that the FBI had identified a total of 5 individuals believed to have been involved in the attack and was, "considering options to bring those responsible to justice."⁶⁷

The Bureau has also released a poster with the photos of 29 individuals about whom it is "seeking information" in relation to the attack.⁶⁸

On August 9, in an apparent reaction to this criticism from Congress, the President unexpectedly announced that a sealed indictment had been filed against an unknown number of suspects for their involvement in the Benghazi attack.⁶⁹ While the names of the suspects have not been released, published report indicate that the investigation focused on, "one or two individuals" associated with the al-Qaeda affiliate Ansar al-Shariah.⁷⁰ According to official sources, one of the indicted suspects is Abu Khattala.⁷¹

Congress has also been seeking answers to the key unresolved question of why the assault on the SMC prompted no visible response by the U.S. military. As part of that inquiry, members of Congress sought the testimony of Marine Col. George Bristol. At the time of the attack in Benghazi, Col. Bristol was the commander of Joint Special Operations Task Force-Trans Sahara based in Stuttgart, Germany – the unit likely to have been utilized for any such response. In response, the Department of Defense claimed that he would not be made available to testify because he had retired. It was subsequently discovered that the Department's claim was untrue, and that Col. Bristol was, in fact, on active duty until the end of July.⁷² The Pentagon attributed the false claim to an "administrative error."⁷³ Bristol eventually testified before a closed session of the House Intelligence Committee in late July.

The administration has also reportedly undertaken a concerted effort to keep government personnel who were on the ground in Benghazi on the night of the attack from testifying to Congress or providing information to the media. In July, Rep. Frank Wolf reported on the House floor that, "According to trusted sources that have contacted my office, many if not all of the survivors of the Benghazi attacks along with others at the Department of Defense, the CIA have been asked or directed to sign additional non-disclosure agreements about their involvement in the Benghazi attacks. Some of these new NDAs, as they call them, I have been told were signed as recently as this summer."⁷⁴ In addition, *CNN* revealed in early August that, "the CIA is involved in what one source calls an unprecedented attempt to keep the spy agency's Benghazi secrets from ever leaking out."⁷⁵ The report continues:

Since January, some CIA operatives involved in the agency's missions in Libya, have been subjected to frequent, even monthly polygraph examinations, according to a source with deep inside knowledge of the agency's workings.

The goal of the questioning, according to sources, is to find out if anyone is talking to the media or Congress.

It is being described as pure intimidation, with the threat that any unauthorized CIA employee who leaks information could face the end of his or her career.

In exclusive communications obtained by CNN, one insider writes, "You don't jeopardize yourself, you jeopardize your family as well."

Another says, "You have no idea the amount of pressure being brought to bear on anyone with knowledge of this operation."

For its part, the CIA has denied that it is attempting to prevent potential Congressional witnesses and whistleblowers from providing what they know about Benghazi.

One remaining question about the Benghazi scandal that has received scant attention is why Ambassador Stevens was in the city in the first place. The official version, provided in the report of the State Department's Accountability Review Board, is that, "his visit was timed in part to fill the staffing gaps between TDY principal officers as well as to open an American Corner at a local school and to reconnect with local contacts."⁷⁶ In remarks before the United Nations, President Obama claimed that Stevens had, "traveled to Benghazi to review plans to establish a new cultural center and modernize a hospital."⁷⁷

If those explanations are accurate, they raise the question of why he engaged in such seemingly routine and non-essential travel to Benghazi at a time when the security situation was deteriorating rapidly. As outlined above, there had been numerous attacks against western targets – including the SMC itself – in the months preceding the September 11 attack. Weeks earlier, the Regional Security Officer had warned that the SMC could not be defended in the event of a coordinated attack, "due to limited manpower, security measures, weapons capabilities, host nation support, and the overall size of the compound."⁷⁸ An August 2012 report by the Federal Research Division of the Library of Congress concluded that al Qaeda leadership in Pakistan had deployed senior operatives to Libya to wage jihad.⁷⁹ On September 10, al-Qaeda emir Ayman al Zawahiri released a video encouraging martyrdom in the Islamist fight against the West:

*Al-Qaeda, in truth, is a message to the Islamic Ummah to do jihad, to resist and stand up to the external Zionist-Crusader oppression and the domestic corruption. The martyrdom of the mujahedeen of al-Qaeda and its commanders gives credibility and acceptance to its message. Every time our blood flows for our belief, our words come alive in our Ummah. Every time martyrs fall, then the call of jihad gets new life. And every time the spirit of jihad spreads, the end nears for the arrogance and mightiness of the evil empire, America.*⁸⁰

Though Zawahiri did not explicitly reference Libya in the video, his call to martyrdom was made in the context of a eulogy for Abu Yahya al Libi, a Libyan-born al Qaeda leader and propagandist killed in a U.S. drone strike three months earlier. He was a member of the al Qaeda-affiliated Libyan Islamic Fighting Group (LIFG), which fought for the overthrow of Muammar Gaddafi during the Libyan uprising. Abu Yahya al Libi's brother, Abd al-Wahhab Muhammad Qaid (a/k/a Abu Idris al Libi), was a senior LIFG member and is currently the director of the National Border Guard for southern Libya under the new Libyan government's Ministry of Defense and a member of the Libyan parliament.⁸¹

As a result, Zawahiri's message would have had particular significance for al Qaeda's Libyan affiliates as a call to avenge Abu Yahya al Libi's death. As it turns out, one of the suspects believed to have been involved in the attack on the SMC, Faraj al Chalabi, is a long-time member of the LIFG.⁸² Chalabi was detained in Libya in March, but was released from custody in June. Nevertheless, U.S. officials have stated that they have evidence linking him to the attack.⁸³

Finally, Ambassador Stevens' own words in the days before the attack reflect his awareness not only of the deteriorating security situation in Benghazi but of the fact that he himself was a target. The week after the attack, CNN reported that "a source familiar with Ambassador Stevens' thinking" had reported that, in the months before his death, the Ambassador talked about his concerns about "the rise in Islamic extremism, the growing Al Qaeda presence in Libya and said he was on an Al Qaeda hit list."⁸⁴ Days later, the network was forced to admit that the "source" was really the Ambassador's personal diary, which a journalist had located on the floor of the burned-out compound shortly after the attack.

Then-Secretary of State Hilary Clinton responded to the report, claiming that there was, "absolutely no information or reason to believe there is any basis" for the report that Stevens was on a hit list.⁸⁵

Then, in June 2013, portions of the diary were published by the web site SOFREP.com.⁸⁶ The publication verified the CNN report-- shortly before the attack, the Ambassador wrote, "Islamist 'hit list' in Benghazi. Me targeted." This directly conflicts with Clinton's denial, leaving only two possibilities. Either the Secretary of State knew that al Qaeda had targeted the ambassador as an assassination target and deliberately lied about it, or the ambassador knew that he was targeted for assassination and failed to communicate that threat to the State Department. In the administration's effort to portray the attack on the SMC as a random, unforeseeable act, she would certainly prefer for the public to believe the latter.

In summary, Ambassador Stevens knew that the security situation in Benghazi was perilous, that the SMC would likely be unable to repel a terrorist attack, that al Qaeda's second-in-command had issued a call to jihad to avenge the death of the organization's most famous Libyan operative, that he had been specifically targeted for assassination by Islamist terrorists, and, of course, that it was the anniversary of the attacks of September 11, 2001. And, we are to believe that the Ambassador's presence at the opening of a cultural center and his review of plans for the remodeling of a hospital were important enough for him to travel to Benghazi in light of these threats.

The seeming incongruity of this theory has led many informed observers to conclude that the Ambassador was in Benghazi for a much more significant and sensitive purpose. Specifically, a growing body of evidence suggests that the personnel assigned to the SMC and the CIA Annex in Benghazi were actively involved in the transfer of weapons from Libya to the rebels battling Bashar al Assad's government in Syria.

Catherine Herridge of *FoxNews* first examined this theory in an explosive October 25, 2012 report. Fox discovered that a Libyan-flagged shipping vessel, Al-Entisar (*Victory*) arrived in the Turkish

port of Iskenderun – 35 miles from the Syrian border – on September 6.⁸⁷ A September 14 report by the *Times of London* previously identified the Entisar as the vessel that ferried 400 tons supplies, including an unknown number of weapons, to Syrian rebel forces. According to the *Times of London* report, the shipment resulted in a fight between Muslim Brotherhood and Free Syrian Army forces over who would receive the weapons.

The ship's arrival in port came just four days after a “surprise” visit to Turkey by then-CIA Director David Petraeus.⁸⁸

Though still unconfirmed, the groundwork for such a weapons smuggling operation by the U.S. government seems to have been laid via a secret order signed by President Obama. The order, first reported by *Reuters* on August 1, 2012, authorizes the CIA and other agencies to provide, “support for rebels seeking to depose Syrian President Bashar al-Assad and his government.”⁸⁹

Libya has long served as a marketplace for arms. According to authors Jack Murphy and Brandon Webb (the editors of SOFREP.com):

What’s also clear from Stevens’s cable [as Deputy Chief of Mission in 2007] is the astonishing amount of arms and ammunition flooding into Libya during Gaddafi’s last years in power— a vast weapons cache that could potentially outfit internal extremist elements should the dictator fall. Indeed, behind the scenes, numerous weapons deals were being made between the Gaddafi regime, arms manufacturers, and various foreign governments, in some instances in violation of international law. In one cable Stevens describes how York Guns of the United Kingdom was brokering a deal between Libya’s People’s Committee for Defense and an unknown Ukrainian arms manufacturer for 130,000 Kalashnikov pattern rifles. Stevens also notes that the Italian media reported in 2007 that several weapons traffickers had been arrested for arranging a deal that would have delivered one million Chinese-made T– 56 rifles to Libya, with a further ten million rounds of ammunition. At the time, Libya had a standing army of just 60,000 troops.⁹⁰

There may have been additional points of friction between the diplomatic efforts of Ambassador Stevens and Obama administration covert arms transfers to Syrian al Qaeda rebels, as Murphy and Webb report that, “. . . Ambassador Stevens did not see eye to eye with White House counterterrorism adviser John Brennan when it came to unilateral military action, which Stevens saw as counterproductive to his mission in Libya.”⁹¹

Murphy and Webb maintain that there was a “secret war” in Libya being conducted by CIA and Joint Special Operations Command (JSOC) covert operators, largely unreported, and that : “. . . the JSOC expedition into Libya in late summer of 2012, which ultimately led to the attack on the consulate.”⁹² Murphy and Webb maintain the “secret war” was orchestrated by John Brennan (then “Deputy National Security Advisor for Homeland Security and Counterterrorism”), in an end-run of the normal chain-of-command, and with his sights set on

killing Ezedin Abdel Aziz Khalil, also known as “Yasin Al-Suri,” one of the last high-level AQ operatives on President Obama’s kill list.⁹³

Whatever covert operations the U.S. Government is running in Libya to arm the Syrian rebels pursuant to President Obama’s order, it’s increasingly clear that Turkey plays a key role. As *Reuters* reported five weeks before the attack:

A U.S. government source acknowledged that under provisions of the presidential finding, the United States was collaborating with a secret command center operated by Turkey and its allies.

Last week, Reuters reported that, along with Saudi Arabia and Qatar, Turkey had established a secret base near the Syrian border to help direct vital military and communications support to Assad's opponents.

This "nerve center" is in Adana, a city in southern Turkey about 60 miles from the Syrian border, which is also home to Incirlik, a U.S. air base where U.S. military and intelligence agencies maintain a substantial presence.

Turkey's moderate Islamist government has been demanding Assad's departure with growing vehemence. Turkish authorities are said by current and former U.S. government officials to be increasingly involved in providing Syrian rebels with training and possibly equipment.

On Tuesday, NBC News reported that the Free Syrian Army had obtained nearly two dozen surface-to-air missiles, weapons that could be used against Assad's helicopters and fixed-wing aircraft. Syrian government armed forces have employed such air power more extensively in recent days.

NBC said the shoulder-fired missiles, also known as MANPADs, had been delivered to the rebels via Turkey.⁹⁴

It is also known that the number of Central Intelligence Agency personnel in Benghazi on the night of the attack was far greater than was originally disclosed. The ARB report claims that, "there were eight Americans at the Special Mission compound on September 10-11, 2012, including the Ambassador; Information Management Officer (IMO) Sean Smith, who arrived in Benghazi one week earlier to provide TDY communications and management support; and five Diplomatic Security (DS) agents (three assigned on short-term TDY to Benghazi – “TDY RSO”, “ARSO 1” and “ARSO 2” – and the two who traveled from Tripoli to provide protection for the Ambassador during his visit – “ARSO 3” and “ARSO 4”). The eighth American, the TDY Benghazi principal officer, completed his 13-day assignment and returned to his full-time job in Tripoli the morning of September 11, leaving seven Americans at the compound." However, in making this claim, the ARB's authors seem to carefully parse the distinction

between the SMC itself and the Annex, which was also attacked and is known to have been a CIA facility. The ARB report fails to mention CIA staffing at all. However, on August 1, 2013 – nearly 11 months after the attack – CNN reported that the agency had "dozens" of people in Benghazi on that night, and that "the agency is going to great lengths to make sure whatever it was doing, remains a secret."⁹⁵

The activities of Ambassador Stevens on the day of the attack also raise questions regarding a possible weapons transfer operation being conducted out of the SMC in Benghazi. According to Ambassador Stevens' diary, he held four meetings on September 11, 2012. The first was with Naeem Jabril, a Libyan appellate court judge, and another was with Fatih Baja, an academic and politician who represented Benghazi at the National Transitional Council. Between those two meetings, Stevens met with Mahmoud El-Mufti, the owner of Libya-based shipping company Al-Marfa.⁹⁶ The diary provides no details of the meeting, but El-Mufti has no official position or known relationship to the government of Libya. Stevens' final meeting of the day was with Ali Akin, the Turkish Consul General in Benghazi. That meeting ended very shortly before the attack on the SMC commenced. So, while the official version of events holds that the Ambassador was in Benghazi for routine meetings and the opening of a cultural center, it seems clear that he was working on something undisclosed that involved both Turkey and cargo shipments.

Sen. Rand Paul questioned then-Secretary of State Hilary Clinton about the possible role of the U.S. in transferring weapons to the Syrian rebels via Turkey during a January 2013 Congressional hearing. The Secretary essentially professed ignorance that such an allegation had even been made, declined to answer, and referred questions regarding the matter to the CIA:

Sen. Paul: My question is, is the US involved with any procuring of weapons, transfer of weapons, buying, selling, anyhow transferring weapons to Turkey out of Libya?

Clinton: To Turkey? I will have to take that question for the record. Nobody's ever raised that with me.

Sen. Paul: It's been in news reports that ships have been leaving from Libya and that they may have weapons. And what I'd like to know is the Annex that was close by, were they involved in procuring, buying selling, obtaining weapons, and were any of these weapons being transferred to other countries-- any countries, Turkey included?

Clinton: Well, Senator, you'll have to direct that question to the agency that ran the Annex. I will see what information is available, and--

Sen. Paul: You're saying you don't know?

Clinton: *I do not know. I don't have any information on that.*⁹⁷

“What difference does it make?”

The administration has also been "stonewalling" Congressional efforts to investigate the attack in Benghazi and the development of the infamous "talking points" utilized by Ambassador Susan Rice during her television appearances the weekend after the attack. Secretary Clinton was originally scheduled to testify before the House of Representatives Foreign Affairs Committee regarding Benghazi on December 20; however, three days before that scheduled appearance, she reportedly suffered a concussion after fainting from flu-induced dehydration. A State Department spokesperson described her condition at the time as "not severe."⁹⁸ Nevertheless, her testimony was delayed by more than a month and eventually came just a week before her departure as Secretary of State. During that testimony, Clinton infamously downplayed the significance of the administration's initial, subsequently debunked claim that the attack was prompted by outrage over the *Innocence of Muslims* video:

Sen. Ron Johnson: *Again, again we were mislead that there were supposedly protests and something then sprang out of that, an assault sprang out of that, and that was easily ascertained that that was not the fact, and the American people could've known that within days and they didn't know that.*

Secretary Clinton: *With all due respect, the fact is we had four dead Americans. Was it because of a protest or was it because of guys out for a walk one night who decided they'd go kill some Americans? What difference at this point does it make? It is our job to figure out what happened and do everything we can to prevent it from ever happening again Senator.*⁹⁹

During testimony before the House Oversight and Government Reform Committee in May, Gregory Hicks, the State Department's Deputy Chief of Mission in Libya at the time of the attack, vehemently disagreed with Clinton's statement. In Hicks' assessment, the administration's mischaracterization of the motivations for the attack, "negatively affected our ability to get the FBI team quickly to Benghazi."¹⁰⁰

Questions that make a difference

Finally, for the past several months, Representative Frank Wolf (VA-10) has proposed the creation of a bipartisan House Select Committee to fully investigate the terrorist attack on the Benghazi SMC and the Annex. The track record of various committees of the House in getting to the whole truth concerning Benghazi has been poor. Five different House committees have, each in their own way, conducted disjointed, uncoordinated inquiries. Once the press conferences and television sound bites are over, the American public is left with little or no meaningful follow through by the five committees. A single Select Committee appears to be the best forum for the American people to ever learn the truth. Survivors and other knowledgeable government officials would finally be able to come forward and testify without fear of retribution and reprisal.

It is a national disgrace and an abject failure of leadership across our entire government that after a year of “investigations” not one of the survivors nor a single Obama administration official responsible for the decision not to send assistance to the Americans trapped in Benghazi that night have been compelled to testify under oath before Congress.

The proposed Select Committee would have subpoena power and the authority to take sworn depositions. Those powerful legal tools have a way of “focusing” the attention of persons who might wish to forget Benghazi as a “phony scandal.”

Rep. Wolf has introduced House Resolution 36 (H. Res. 36), “Establishing a select committee to investigate and report on the attack on the United States consulate in Benghazi, Libya.”¹⁰¹ The proposed legislation has been endorsed by the mother of Sean Smith; members of the Special Operations community; the Federal Law Enforcement Officers Association; the editorial page of *The Wall Street Journal*; and, other notable organizations and institutions.

Rep. Wolf has twelve (12) “Questions of the Day” that he offered from the House floor in July and August 2013.¹⁰² They serve as an excellent recap of the important questions asked in this Judicial Watch Special Report:

Question of the Day #1: Where are the Benghazi survivors?

Question of the Day #2: Which agency was responsible for vetting the Libyan security guards at the U.S. consulate?

Question of the Day #3: How many Benghazi survivors were forced to sign Non-Disclosure agreements?

Question of the Day #4: Why haven't we applied pressure to countries refusing to allow the FBI to access the terrorists responsible for the attack?

Question of the Day #5: Why was the CIA's security team repeatedly ordered to “stand down” after the attack began?

Question of the Day #6: Why did Gen. [Carter] Ham speak publicly about the military's response at a forum in Aspen, Colorado – where tickets start at \$1,200 – yet his testimony before Congress was behind closed doors?

Question of the Day #7: Ambassador Stevens made several calls for help to nearby consulates. Which foreign consulates did he call? How did those consulates respond?

Question of the Day #8: What happened in Washington on the night of the attack and in the days to follow?

Question of the Day #9: Who are the anonymous senior administration officials who admitted "mistakes" in their handling of the attack to CBS News?

Question of the Day #10: Why was there a facility operated by the CIA in Benghazi?

Question of the Day #11: Who in the White House knew what was going on in the CIA Annex in Benghazi?

Question of the Day #12: Why are these heroes being told not talk? What is the administration afraid of? What is it protecting?

A Way Forward – How Americans arrive at the truth and get accountability

- **Demand accountability.** You are owed direct, clear answers from your elected officials – who are no more than trusted servants. It is incumbent upon you to communicate your desire for straight answers from your members of Congress in both the House and the Senate – and from the President and his administration.
- **Be persistent.** Politicians hope you forget, or move on to the next issue. Do not allow government officials to dodge, delay and obfuscate. No matter the passage of time – be it weeks, months or even years – stick to your principles and get the answers you are owed from the responsible officials.
- **Support Judicial Watch.** We are your watchdog for accountability in government, politics and the law. Our efforts in uncovering the truth of what happened both on the ground in Benghazi and in the halls of power in Washington, DC have been second-to-none. We ask tough questions, demand answers, investigate, analyze, report and litigate. We're persistent, fearless, non-partisan, and we never forget.

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