

September 2013



LACK OF
LEADERSHIP:

THE BENGHAZI ATTACK ONE YEAR LATER



Of the many things missing about the attack in Benghazi one year ago – wounded American eye witnesses, answers to key questions, the perpetrators – the one thing that stands out most of all for its absence is leadership. From well before the attack occurred to a year after, and from the White House to Capitol Hill, no one in a position of authority has acted decisively in the interests of those who served our country there. This report looks at why we know so little we about the attack that cost four Americans their lives, including the first Ambassador killed in the line of duty since 1988, and how Americans can finally get the answers they deserve

An Indifferent Commander-in-Chief

Since the earliest moments of the attack, Benghazi has largely seemed to be a nuisance for President Obama. Although he has been reported by aides to have directed them to do everything possible for the victims, that casual aside seems to have been his last involvement in any discussion of response efforts. No evidence has been produced by either his critics or apologists that he had any further involvement or demonstrated his famous ‘fierce urgency of now’ attitude toward trying to rescue those Americans under enemy fire.



SEPTEMBER 12, 2012: Less than one full day after the attack in Benghazi, President Obama led a partisan campaign event in Las Vegas, Nevada, while the same day the remains of Ambassador Chris Stevens and three other Americans killed arrived at Ramstein Air Force Base in Germany (similarly to the picture above right).

The attack coming inconveniently during an election campaign, the president left the White House even as the bodies of the dead Americans were being flown to Germany so he could lead a divisive political campaign event. Rather than being an exception, this was actually a harbinger of the attitude the Obama Administration would bring to the investigations into the attack and failed response.

Under President Obama and Secretary Clinton's watch, the administration failed to provide U.S. facilities in Benghazi with adequate security. It failed to initiate an aggressive response to aid those under attack. It has failed to answer key questions from Congress. It has failed to produce information critical to various investigations. It has failed to assist Americans who had the misfortune to witness its blunders before, during and after the attack, instead harassing them by threats, non-disclosure forms and polygraph tests. It has failed to punish anyone, anywhere for what they did wrong – including the perpetrators themselves, who it has refused to use all available tools to bring to justice. In short, it has failed.

Both the Obama Administration's actions and inaction on Benghazi has undermined confidence in our government not only among Americans generally, but especially among those who serve our nation in forward areas around the world. Those Americans have lost their confidence in the White House, CIA, Defense Department and State Department for their failure to come to the assistance of their colleagues under attack in Benghazi for 8 hours last September 11.

Since the earliest moments of the attack, Benghazi has largely seemed to be a nuisance for President Obama.

So Many Committees, So Little Results

The myopic focus on creating bureaucratic fire breaks in the post-attack talking point fiasco makes clear that from the very beginning the Administration was not interested in a full accounting of what happened. The only hope for a thorough investigation that could yield real accountability has been Congress.

Although many senators have pressed for answers on Benghazi, the institution of the U.S. Senate is controlled by Majority Leader Harry Reid (D-NV) and Senate Democrats, who have made it very clear that they have no intention of investigating the Benghazi attacks – and thereby shedding embarrassing light on the failures of former peer Hillary Clinton. That leaves the House of Representatives as the last option for a real investigation and while their efforts have been well-intentioned the results so far have been disappointing.

The five House committees that have ostensibly been investigating the Benghazi attacks over the last year - Foreign Affairs, Intelligence, Armed Services, Oversight and Government Reform and Judiciary - should be measured by the answers they have found for the American people on the key questions about the response to the Benghazi attack and why Americans were left without support for so long that night.

Unfortunately after a year of investigations, there is scarcely more known today than was known in the initial months after the attack.

The key problem with the committees' investigative effort is that none of them have made significant use of three of their key tools to compel answers from an unwilling bureaucracy: subpoenas, progress reports and public hearings.

Subpoenas

News organizations – including CNN, no bastion of conservative opposition to the Obama Administration – have reported various Administration efforts to silence witnesses to the Benghazi attack. The committees' current posture that survivors or witnesses should come forward on their own volition first before a committee will even consider a subpoena or deposition essentially ensures that no additional key witnesses will speak out. To get to the bottom of many unanswered questions about why no help was sent the night of the attack, it is imperative that survivors of the attack be issued "friendly subpoenas" to compel them to speak - a legal obligation that protects them from retaliation by the agencies they work for.



The survivors are being coerced into silence - and Congress is willfully allowing it to take place. Because the Committees have not provided the legal protection to compel survivors to talk and due to the apparent lack of commitment to holding administration officials accountable for the response, it is highly unlikely that any survivor will ever speak out publicly.

As far as the public knows, not a single survivor of the Benghazi attacks has been subpoenaed to testify about exactly what happened that night. It is imperative that the Congress speak directly with those who were on the ground that night to understand what assistance was requested from Washington and why it was denied.

Progress Reports

It has been nearly six months since the House "Interim Progress Report" on the Benghazi investigations was released in April, itself more than seven months from the date of the attack. The report stated that it would be updated as new information became available from the investigations being conducted by each of the committees. Yet, five months later no other update report has been published.



"The Committees (House Committees on Armed Services, Foreign Affairs, Judiciary, Oversight and Government Reform, and the Permanent Select Committee on Intelligence) will continue to review available information, and to interview sources as they come forward. This progress report will be updated as warranted."

-- April 2013, 7 months after the attack. In nearly 5 months since the report was issued no update has been published.

It is remarkable is that despite five separate committee investigations spanning nearly a year, so little progress has been made in answering questions that only one self-titled "interim" report has been released. Given how little investigating seems to have been done since the interim report was released it is unclear when, or even if, a final House report will ever be published.

Hearings

The most glaring deficiency in the investigative process has been the lack of public hearings. Oversight hearings are one of the most effective weapons committees have to compel action and answers from the bureaucracy. The hearings also generate helpful earned media for Members to highlight their work for constituents. Yet, five separate committees have held an embarrassingly small number of public hearings on Benghazi – and have failed to get at key answers as a result:

Armed Services Committee - Pentagon witnesses have critical information about the decisions made by the chain-of-command about potential military responses that night,

the U.S. force posture in the region last September and what coordination was taking place with other agencies - or even allies in the region - to provide assistance to the Americans under attack in Benghazi. However, the Committee has been unwilling to hold public hearings to compel answers to the questions.

For example, former AfriCom commander, Gen. Carter Ham, was asked to testify in a closed hearing, but spoke freely on Benghazi at the Aspen Institute just weeks later. There is no reason that much of Gen. Ham's testimony could not have been public - and if there were particular sensitive information for certain questions - been answered in a subsequent closed session. Given his willingness to speak openly before a public audience at Aspen this summer, he should have been asked to provide that same information under oath in a public hearing.

Judiciary Committee - Although the FBI has designated by the administration as the lead investigative agency, the Judiciary Committee has not held a single public hearing focused on the status of the Benghazi investigation. The committee has not asked the Justice Department to answer questions in a public hearing focused on the Benghazi investigation about why such little progress has been made in identifying and detaining any of the suspected terrorists.

Foreign Affairs Committee - The committee has not held a hearing on the Benghazi attacks since its hearing with then-Secretary Clinton in January. Despite the fact that White House sources admitted the Secretary's office never deployed the FEST team that was prepared to respond to the attacks and given the many

SOMEONE IS WRONG

Testimony by Greg Hicks, the deputy chief of mission at the U.S. Embassy in Libya during the 2012 attack in Benghazi, totally contradicts testimony by senior U.S. military leaders as well as findings in the Interim Progress Report issued recently by 5 committees of the House of Representatives. Below are examples of just some of those contradictions:

INTERIM REPORT v. HICKS ON DENIALS OF ASSISTANCE

"In addition, the House Armed Services Committee conducted a review of air assets available to respond to Benghazi. No U.S. government element refused or denied requests for emergency assistance during the crisis."

-- House Interim Progress Report on Benghazi, p. 15

"A small team of Special Forces operatives was ready to fly from Tripoli to Benghazi...but was told it was not authorized to board the flight by regional military commanders, according to a career State Department official scheduled to testify before Congress on Wednesday."

-- Lisa Myers, NBC News, 5/6/13

DEMPSEY v. HICKS ON MILITARY RESPONSE OPTIONS

"We did not have an official DOD presence in Libya."

-- Chairman of the Joint Chiefs of Staff, Gen. Martin Dempsey, before the Senate Armed Services Committee on Feb. 7, 2013

"If they had a plane, sure they would have gotten there sooner."

-- Chairman of the Joint Chiefs of Staff, Gen. Martin Dempsey, before Senate Armed Services on Feb. 7, 2013

"American officials in the Libyan capital sought permission to deploy four U.S. Special Operations troops to Benghazi aboard a Libyan military aircraft early the next morning. The troops were told to stand down."

-- Washington Post, 5/7/13

remaining questions about the State Department's interactions with the White House, CIA, and Defense Department that evening it is inexplicable that so long has gone by without a hearing.

Equally important, none of the State Department survivors -- none of whom are covert -- have been issued "friendly subpoenas" to allow them to testify publicly about what happened that night. If there are any survivors to start with for public hearings, it is the State Department survivors.

Additionally, the committee has not recognized Diplomatic Security Service Agent David Ubben who FOX News has reported is still recovering at Walter Reed hospital in Bethesda, Md., due to the very serious nature of the injuries he sustained both at the consulate and later at the annex fighting to protect the other Americans. As a State Department employee, the Foreign Affairs Committee should have held hearings or issued deposition statements about his heroic role in saving American lives that night.

Oversight and Government Reform - One of the oft-cited reasons for opposing a Select Committee is that the Oversight and Government Reform Committee has cross-jurisdictional subpoena authority to compel testimony from witnesses across a variety of agencies. Yet OGR has focused almost exclusively on the Accountability Review Board process and not compelled testimony from those administration officials across agencies involved in the decision to deny assistance to the Americans in Benghazi.



***TWO IS NOT ENOUGH:** The House Oversight and Government Reform Committee, ostensibly the lead investigative committee on Benghazi, has held just two public hearings (each pictured above) in the year since the attack.*

Although issues like the "talking points" and the ARB process are important, they are secondary to the core issue about why assistance was denied during that 8-hour period and which officials were responsible for those decisions.

Additionally, OGR has held only two hearings over the last year - the first immediately following the attacks last Fall, and another with several State Department whistleblowers in May. Despite the public's interest in Benghazi and House leadership's support for the Oversight Committee's investigative efforts, little attention or progress been made in this committee since May.

Intelligence Committee - By its very nature, the Intelligence Committee does not often hold public hearings - although it does on occasion when it believes an issue rises to a certain level of importance for the American people to understand more fully. Yet the Intelligence Committee has never subpoenaed the CIA survivors for a classified hearing or deposition to ensure that their story is, at the very least, provided to the committee in a classified setting.

Instead, the committee asked CIA Director John Brennan -- who played a critical role in the Benghazi response in his prior position on the White House National Security Council -- to survivors in them to notify want to talk to would amount suicide for any who notified the they wanted to committee was hearing from the would ask all of the speak directly to the committee so those who may want to speak were not asked to stick their neck out to the administration.

It is remarkable is that despite five separate committee investigations spanning nearly a year, so little progress has been made in answering questions that only one self-titled "interim" report has been released.

send a letter to May inviting the CIA if they Congress. This to career CIA survivor agency that talk. If the serious about survivors, they independently survivors to

Additionally, when CNN and Fox reported that CIA officers and survivors have all been made to sign additional Non-Disclosure Agreements about Benghazi and have been subjected to monthly polygraphs, Intelligence Committee never held a single public hearing compelling the Agency to respond to these reports.

No Surprise That Questions Remain

With an indifferent presidential administration and a unicameral, five-sided Congressional investigation, it is no surprise that many fundamental questions about the attack in Benghazi and failure to provide military assistance to those under fire still remain:

- Why does the Accountability Review Board report include no mention whatsoever of requests for military assistance made by the U.S. Deputy Chief of Mission in Libya which he has testified he made and which were denied?
- The Accountability Review Board report states that the Board found “no evidence of...denial of support from Washington or the combatant commands.” That finding is in direct conflict with sworn testimony by DCM Hicks that a Special Operations team was denied permission to fly to Benghazi to assist in the response to the attack. Why does the report fail to account for that incident?
- The ARB report finds that any military response could not have reached Benghazi in time to save lives but that was not possible to know at the time of the attack when requests for assistance – requests not included in the report – were denied. Why should those requests have been denied when Americans were still under armed attack?
- Did AfriCom have assets under its command that were available and could have been deployed to arrive in Benghazi before the end of the attacks that killed 4 Americans? If so, what were they and why were they not deployed?
- Did Gen. Ham give any orders to prepare to deploy US military assets? If so, why were those assets not ultimately deployed, and at whose direction were they not deployed?
- Does anyone in the chain of command know of any orders on any level on the night of September 11 and morning of September 12 that had the effect of stopping movement of military assets to Benghazi? If so, who gave them?

Conclusion

The Obama Administration will not act to provide the American people answers about the attack in Benghazi and the lack of any kind of supportive military response. A year since the attacks, the Congressional investigation so far has failed to use the tools at its disposal to compel those answers from the agencies involved. This represents a comprehensive failure by Congress to conduct the necessary serious oversight of this attack and response.



This failure is made worse by the unwillingness to form a House Select Committee - despite the fact that 171 Republicans have cosponsored legislation to create the Select Committee. This effort, led by Rep. Frank Wolf (R-VA) is supported by more than a supermajority of the majority - three quarters of the majority party. Nearly every Republican member who does not serve in a leadership role on these five committees or in House leadership has cosponsored legislation to create the Select Committee.

It is clear that the will of the majority in the House - and the American people - is that much more needs to be done in a comprehensive effort to fully investigate the administration's failure to respond to the Benghazi attacks and hold accountable those responsible for those decisions.

Unfortunately, the House Committees investigating the attack and response have now let a full year go by without making any substantial progress, for reasons few can understand. As we mark the anniversary of the attacks and remember those Americans killed, it remains to be seen whether the House will continue to obstruct efforts to learn

the truth or if it will listen to the Members demanding a Select Committee to focus the full resources on learning the truth.

In the larger picture, the Obama Administration's failure to come to the aid of the Americans under attack or subsequently detain or eliminate any of the terrorists responsible for the attack - of which there were many - demonstrates a weakness to our adversaries that will haunt us for many years to come. Their actions have made certain regions significantly more dangerous for Americans serving our country. The House must demonstrate that the failure of leadership by this administration is not acceptable and that the next time something like this happens, the response will be different. A Select Committee is the only way they can do that.



OPSEC is a non-partisan grassroots advocacy organization of former members of Special Operations Forces and the intelligence community. OPSEC is focused on protecting US Special Operations Forces and national intelligence assets from political exploitation, misguided policies, and intentional misuse of classified information, all of which expose them and their families to greater risk and reduce their ability to keep Americans safe. Last year [OPSEC's](#) released [Dishonorable Disclosures](#), a documentary short film that criticized the Obama Administration for the rise of politically-motivated leaks of Intelligence and Special Operations missions, tradecraft, tactics and capabilities. Since then [Dishonorable Disclosures](#) has been viewed more than 5 million times. More information about OPSEC can be found at www.OpSecTeam.org.

Special Operations OPSEC Education Fund
PO Box 1096
Alexandria VA 22313