

Appendix H

THE SEPTEMBER 12 SITUATION REPORT AND THE PRESIDENT'S DAILY BRIEF

The very first written piece produced by CIA analysts regarding the Benghazi attacks was an overnight Situation Report written very early in the morning on September 12, 2012. This piece included the line “the presence of armed assailants from the outset suggests this was an intentional assault and not the escalation of a peaceful protest.” While that line was correct—the attacks were an intentional assault and not the escalation of a peaceful protest—Michael Morell, Deputy Director, Central Intelligence Agency, noted it was a “crucial error that [came] back to haunt [the CIA].”¹ This was an error, according to Morell, because that line was not written by analysts but rather a “senior editor” who “believed there needed to be some sort of bottom line” in the piece.² Morell labeled it a “bureaucratic screw-up” and claims that since similar language did not appear in the CIA assessment the following day, September 13, it was evidence to critics that “the intelligence community was politicizing the analysis.”³

Though Morell learned this information second-hand⁴ and put it in his book, the Select Committee spoke directly to individuals with first-hand accounting of the events. In reality, the “senior editor” was the Executive Coordinator of the Presidential Daily Brief; she included the language about the intentional assault and not the escalation of a peaceful protest; and this “bureaucratic screw-up” resulted in this individual taking the piece to the White House, presenting it to Jacob Lew, Chief of Staff to the President, and delivering it to an usher to give to the President.

¹ MICHAEL MORELL, *THE GREAT WAR OF OUR TIME: THE CIA'S FIGHT AGAINST TERRORISM—FROM AL-QA'IDA TO ISIS* 217 (2015) [hereinafter MORELL].

² Testimony of Michael Morell, Deputy Dir., Central Intelligence Agency, Tr. at 25 (Sept. 28, 2015) [hereinafter Morell Testimony].

³ MORELL, *supra* note 1, at 218.

⁴ Morell Testimony at 28.

Insertion of the Language

The Executive Coordinator described to the Committee when she first saw the September 12 update:

A: So the analysts came in to brief me—I don't remember what time that was, but my guess is probably somewhere between 3 and 4. And the piece that he gave to me was much longer than this.

And we had a difference of opinion on one piece of the intelligence. He believed that this was a spontaneous event and was not open to the idea that it wasn't a spontaneous event. And I disagreed because, you know, I had 20 years of Army experience. You know, this is the military person in me. And I said, I just can't buy that something that's, you know, this coordinated, this organized, and this sophisticated was something that they just, you know, did on, you know, the spur of the moment. I said, we have to consider the fact that that might not be the case.

He had a lot of good arguments. You know, it was the anniversary of 9/11, there was the video in Cairo, there were a number of other things happening that, you know, would seem to suggest that it was spontaneous. But just being military and seeing, you know, what we were seeing in the traffic, I was like, I don't think that this is—I don't think we can discount the possibility that this was a, you know, coordinated, organized, preplanned attack.

Q: When you say when you were seeing what you were seeing in the traffic, what does that mean?

A: So the things they were talking about, how organized that it was, in the press reporting. There was a lot of press that was coming back and talking about, you know, like, how they were breaching and, you know, like, how it was sort of phased, right? It was coming across to me, reading, you know, the open press at the time, that this was a phased attack. And I would be very surprised if a phased attack was something that was just, all of a sudden, you know, "Hey, guess what? Let's go have an attack today because these other things are happening." I don't think

that—that just didn't make sense to me.⁵

While the analyst believed it was a spontaneous event, given her experience the Executive Coordinator believed the piece needed to leave open the possibility that something else occurred other than a spontaneous event. She testified:

Q: You said there was a disagreement between you and the analyst. A piece came in; it was lengthy. You wanted to cut it down because that's what you normally do. Can you describe a little bit more about the disagreement that you had?

A: Well, that was really it. Like, he was pretty convinced that this was a spontaneous attack, that it was, you know, as a result of this confluence of events—the 9/11 anniversary, the video being released, the protest in Cairo. [REDACTED]

And, to me, that wasn't enough. I was like—like I said, just my gut feeling. I said, we need to leave the door open for the possibility that it might not have been spontaneous.⁶

The manager of the analysts testified that her analysts did not agree with this approach and that the disagreement with the Executive Coordinator became hostile:

The POTUS coordinator, according to my two analysts, who I trust and continue to trust, was that they got into an argument, which is highly unusual, with the POTUS coordinator, that was actually quite hostile. And she insisted that based on her personal experience of 15 or however many years as a captain in the Air National Guard, that there was no way that was true.⁷

⁵ Testimony of the President's Daily Briefer, Office of Dir. of Nat'l Intelligence, Tr. at 24-26 (Apr. 29, 2016) [hereinafter PDB Testimony] (on file with the Committee.

⁶ *Id.* at 28.

⁷ Testimony of [REDACTED] Team Chief, Office of Terrorism Analysis, Central Intelligence Agency, Tr. at 32 (Feb. 10, 2016) [hereinafter [REDACTED] Team Chief Testimony].

According to the manager of the analysts, none of her analysts believed the sentence regarding an intentional assault should have been included. The manager testified:

A: And so the POTUS coordinator inserted this sentence because she felt strongly that it was an intentional assault against our consulate.

Q: And—

A: But there was no—nothing to base that on, no reporting.

Q: And that view is the view of that single editor. Is that right?

A: Yes.

Q: Was there anyone—any of the analysts on your team that thought that sentence should have been included?

A: No.

Q: And the reason your team and your analysts felt so strongly was because there was no reporting to support that. Is that correct?

A: Correct. We just—you can't make a call without an evidentiary base to support it.⁸

However, without solid evidence pointing in either direction—spontaneous or not—the Executive Coordinator was sure to be careful with her language. She merely wanted to leave open the possibility that it was an intentional assault and the language she chose reflected that possibility—not a conclusion. She told the Committee:

Q: —your choice of the word "suggests," is that to couch it—

A: Yes.

Q: —to say that this may have happened, as opposed to it definitively happened?

A: Correct.

⁸ *Id.* at 100-101.

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Q: Okay. And was that a deliberate --

A: It was leaving the door open that this is what it suggests, but that doesn't mean this is what it is.⁹

The analysts and the Executive Coordinator were not able to reach a consensus on the language in the piece. The analysts, who had went up to the 7th Floor of the CIA headquarters to brief the Executive Coordinator on the piece, returned to their desks. The Executive Coordinator testified:

Q: Okay. And was there a resolution between you and him—

A: Not really.

Q: —on how to proceed?

A: No.

Q: No. Okay. So how did your conversation or interactions with him end?

A: I told him I would think about, you know, what he had said. And I said, you know, I will to talk to somebody.¹⁰

The Executive Coordinator, however, did not make the decision to include the language of an intentional assault on her own, and she did not do it in a vacuum based solely on her experience. Members of her staff, which numbered roughly 15, talked with individuals outside CIA headquarters about what was going on. She told the Committee:

Q: In terms of picking up the phone and calling anybody outside of the building, is that something you did to acquire information?

A: We did. Yes.¹¹

She also discussed the matter with another analyst who had expertise in regional issues. The Executive Coordinator testified:

We had—I was very lucky because we had another—we had a MENA analyst that was a PDB briefer. She was the, I want to

⁹ PDB Testimony at 37.

¹⁰ *Id.* at 29.

¹¹ *Id.* at 26.

say, the SecDef briefer. And so I went over and I talked to her and I said, "Hey, this is what the analyst says. Here's my opinion. You know, what are your thoughts, having covered this area, you know, pretty extensively in your career?" And she agreed with me.

We discussed it, we had a conversation about it and—you know. And so I made the decision to change the wording to make sure that we at least addressed the possibility that this was a planned attack.¹²

She also testified:

A: There was a lot of discourse about this at the PDB. I mean, the other PDB briefers and I, that's the only resource I have at the time. And I never would make an assessment all on my own and just be like, this is it. I mean, we would do—

Q: I understand.

A: We talk about it, we're sounding boards for each other. So there was a lot of discussion. And, yes, I'm sure that the supervisor of the young man who wrote this, we had that conversation. Like, are you sure that this is what you want to say. And yes, when I wrote this, I didn't feel like I was saying you're wrong and I'm right. All I was trying to do was say, look, we need to leave the door open in case this is not a spontaneous attack. We want to be able to wait until there's more information, and so that's why I use the word "suggests." I didn't say this is an intentional assault. It suggests that it is.

The manager of the analysts who disagreed with the Executive Coordinator, however, concedes that the Executive Coordinator was right with her analysis. She testified:

Q: And she was right?

A: In the event, yes, she was right.¹³

¹² *Id.* at 29.

¹³ Testimony of Dir. of the Office of Terrorism Analysis, Central Intelligence Agency, Tr. at 23 {Nov. 13, 2015} [hereinafter OTA Director Testimony].

Similarly, Michael Morell concedes the sentence was accurate. He testified:

Q: So the sentence ended up being accurate?

A: Yeah. Absolutely.¹⁴

The President's Daily Brief

When the Executive Coordinator finished inserting the accurate sentence regarding the “intentional assault and not the escalation of a peaceful protest” into the September 12 piece, she put it into the “book” she prepared each day for the President and his Chief of Staff.¹⁵ This “book” is otherwise known as the President’s Daily Brief, or the PDB.

Normally, upon completion of the PDB, the Executive Coordinator would travel to the White House, brief the Chief of Staff, and if the President required a briefing, she would brief the President. She testified:

So during the weeks that I produced the PDB, I would produce it, and then they would drive me to the White House, and I would produce—or I would brief Jack Lew first, who was the Chief of Staff. And if the President required a brief during that day or chose to take a brief, then I would give him a brief, and if not, then his briefer—then the DNI would brief him. When we were on travel, I always briefed the President. That was my responsibility whenever we would fly.¹⁶

On September 12, 2012, the morning after the Benghazi attacks, the Executive Coordinator—the individual presenting the President with his Presidential Daily Brief—traveled to the White House. That day, however, she did not present the PDB to the President.¹⁷ Instead, she gave it to an usher. She testified she presented the PDB—with the accurate sentence regarding the “intentional assault and not the escalation of a peaceful protest”—to Lew:

A: So it depends. If we're traveling, then I present it to the President personally. And if he has questions—usually the only questions he usually asks—

¹⁴ Morell Testimony at 25.

¹⁵ PDB Testimony at 41.

¹⁶ *Id.* at 6.

¹⁷ *Id.* at 41.

Lawyer. We're not going to talk about what the President said or your conversations with him.

A: Okay. So if we're in town and we're not traveling then I bring it to the White House, and I personally brief Jack Lew. And I hand the President's book to the usher, and the usher presents it to the President.

Q: So normally in Washington, when you're here in town, you're not sitting across from the President, him looking at the book, and he may be asking you questions?

A: No.

Q: How did it happen on the 12th that day?

A: I was here. So we were not traveling yet. We were in D.C. So I would have—I had a driver, and the driver drives me to the White House. I drop off the book first with the usher and then I go down and I brief Jack Lew.

Q: Okay. And what time was that on the 12th?

A: So we always arrive by 7:00, and so it would've been around 7:00. I mean, I'm assuming around 7:00.

Q: So that day at 7:00, the booklet that has been put together, you take it to the White House, you visit with Jack Lew and then someone walked it into—

A: No. First we give the brief to the usher. So my driver drops me off at the front gate. I go through—

Q: You actually physically hand the document—or the material.

A: Yeah, I physically hand the material to the usher and then I walk back down with my briefcase and go see Jack Lew and wait for him and then I brief him.

Q: Okay. And with Mr. Lew, did you talk about this SITREP?

Lawyer: We're not going to discuss what specific information was provided to any White House staff in any PDB.

Q: But you did talk with Mr. Lew that day?

A: I did.¹⁸

Fallout

Morell labeled the insertion of the language by the Executive Coordinator a “bureaucratic screw-up.” This language made it into a piece that was put in the President’s Daily Brief, which was briefed to Lew, and possibly shared with the President. Such a “bureaucratic screw-up,” therefore, has far reaching implications if it occurs with any regularity.

Michael Morell told the Committee that what occurred was a “big no-no.” He testified:

She was, I’m told, a long-time military analyst with some expertise in military matters, no expertise in North Africa and no expertise in this particular incident. She added that, right? That’s a no-no, that’s a no-no in the review process business.¹⁹

The manager of the analysts who disagreed with the Executive Coordinator called what occurred an analytic “cardinal sin.” She testified:

What she did was, frankly, in the analytic world, kind of a cardinal sin. I mean, the job of the POTUS coordinator—so we had the two analysts stay overnight. Their job is to copy edit these things and make sure that if there is some analysis in there, that the evidentiary techs sort of hang together; that it actually makes sense because it does go to the—it’s a big deal. I mean, it goes to very senior policymakers. So--²⁰

The OTA Director also said that what occurred was a problem:

Q: Okay. Is that a problem that the senior DNI editor had the final sign-off on this as opposed to the analysts, and that person is inserting something in there that the analysts adamantly disagree with?

¹⁸ *Id.* at 66-67.

¹⁹ Morell Testimony at 25.

²⁰ [REDACTED] Team Chief Testimony at 30-31.

A: In my personal view, yes.²¹

Despite this “bureaucratic screw-up”—which occurred in relation to the Benghazi attacks, one of the few, if only, times in history outside scrutiny has ever been applied to the PDB process—Morell and others at the CIA told the Committee this occurs infrequently. Morell testified:

Q: So from my perspective, I'm very new to this arena, it seems like it's a problem that you have these rigorous processes in place, and on this particular occasion a piece is going before the President and somebody inserts a sentence that substantively changes the meaning of a bullet point without any additional review by the analysts who wrote the piece.

A: Yes. You're absolutely right.

Q: That's a problem in your eyes as well?

A: Yes.

Q: And how often does something like that occur?

A: Not very. You know, in my experience, one or twice a year.²²

The manager of the analysts who disagreed with the Executive Coordinator testified:

Q: Is that something that in your 8 years prior you had ever seen or heard of happening?

A: No.²³

She also testified:

A: Oh, I'm sure I did, yeah. I mean, it was unheard of and it hasn't happened since.

Q: Okay.

A: It's a big deal.²⁴

²¹ OTA Director Testimony at 43.

²² Morell Testimony at 25-26.

²³ [REDACTED] Team Chief Testimony at 30-31.

Morell, himself once the head of the PDB staff, told the Committee how he would have responded if a senior editor had made such a substantive edit over the objections of the analysts:

A: And this—you know, I ran—I've ran the PDB staff, right, as part of the jobs I had. I would have reprimanded, orally reprimanded, not in a formal sense, right—

Q: Sure.

A: —called this person in my office and said, you know, what happened? And if it turned out to be exactly what I just explained to you, I would have said, don't ever do that again.²⁵

Morell also suggested how to ensure such a “bureaucratic screw-up” doesn't happen in the future. He told the Committee:

Q: Is there any way to prevent these types of insertions by senior reviewers in the future?

A: Well, I said, it doesn't happen very often, right.

Q: But it happened in this case, though.

A: So it's not a huge problem, right, it doesn't happen very often. The way you prevent it is twofold, right? You make it very clear when somebody shows up to the PDB staff what their responsibilities are and what their responsibilities are not, you're not the analyst. And, two, when something—when something does happen, even something very minor, right, you make it very clear then that they overstepped their bounds. That's how you prevent it.²⁶

The Executive Coordinator, however, has a different point of view than Morell, the OTA Director, and the manager of the analysts. She did not view this as a “bureaucratic screw-up” at all, but rather exactly the job she was supposed to be doing. She acknowledged the disagreement with the analysts the night of the Benghazi attacks, testifying:

Q: Okay. And I know we talked about it, but how unusual, I

²⁴ [REDACTED] Team Chief Testimony at 35-36.

²⁵ Morell Testimony at 26.

²⁶ *Id.* at 27.

guess, was this disagreement, this type of disagreement?

A: It was pretty unusual. Most of the time, we were able to, you know, just sort of agree on language, and they'll give you a face like, "Okay," they'll roll their eyes, they'll be like, "All right, you know, that's not as strong of language as I would like." But, you know, a lot of times, you know, we soften the language because we just don't know for sure. So, you know, we'll change from, you know, "believe with high confidence" to—I'm like, do you really believe with high confidence, or do you really think that's maybe medium confidence?

And I sort of saw my role as, you know, like, a mentor because I'd been in intelligence for 20 years. So a lot of times, you know, I would tell the analysts, you know, this is good tradecraft, but it will be better analysis if you take into consideration these things which you may or may not have considered.²⁷

However, the fact that she inserted language into the piece was not a “no-no” or a “cardinal sin,” but rather something that was ultimately her decision, not the analysts’. This directly contradicts what Morell said about the Executive Coordinator overstepping her bounds. She testified:

But I do know that, you know, when I talked to [senior CIA official], you know, in the interview process and also, you know, subsequent to that, he basically said that you're the PDB briefer, you are the last, you know, line of defense and, you know, it's your call. So if there's something in there that, you know, bothers you, you know, coordinate it out, and then if you can't come to an agreement, it's your, you know, responsibility. So I did not take that lightly.²⁸

Since it was a responsibility she did not take lightly, she only modified such language when there was ample evidence to support it. She told the Committee:

But yes. I mean, we don't—I rarely ever—in fact, I can't remember any time that I've ever made, you know, a call just based on press reporting, so I'm sure there was other

²⁷ PDB Testimony at 38.

²⁸ *Id.* at 31.

intelligence.²⁹

Perhaps as a result of the direction she was given during her interview, the Executive Coordinator experienced no fallout or reprimand as a result of her actions the night of the Benghazi attacks. She testified:

Q: Okay. Were you told by anybody never to do that again?

A: No.

Q: Okay. Were you told by anybody that what you did was a big no-no?

A: No.³⁰

As a matter of fact, she and her PDB colleagues agreed that her actions—inserting the language about the intentional assault and not the escalation of a peaceful protest—were the right call. She testified:

Q: Okay. So you said you have a roundtable. I mean, who is comprised, just roughly, of that roundtable?

A: So it's all the PDB briefers. Some weren't there because a lot of times their principals, like, keep them there or, you know, they don't get back in time. But also it's whoever—it'll be either [CIA individual] or [State Department individual] or [DIA individual] that's leading it.

Q: So I just want to make sure I understand your testimony correctly. You were told by someone at the roundtable that the analysts were upset, but you say that's too harsh a word --

A: Yeah.

Q: —for lack of a better word.

A: I can't think of a better—it was somewhere in between, like, upset and--

Q: Sure. Sure.

²⁹ *Id.* at 26.

³⁰ *Id.* at 44.

A: Yeah.

Q: There was discussion. It seemed to be—the consensus was that it was the right call.

A: Yes.

Q: Okay. The consensus by those at the roundtable.

A: At the roundtable, yes.³¹

One of the briefers at the roundtable was an analyst who came from the Middle East and North African desk at the CIA, and was a colleague of the analysts who disagreed with the Executive Coordinator the night of the attack.³²

The testimony received by the Committee on this topic presents a dichotomy between two parties. On the one hand, CIA personnel present a picture that what occurred was a major error and breach of protocol. On the other hand, the Executive Coordinator, who works for ODNI, testified she was told when she took the job that she had the final call on language in analytic pieces, though changing substantive language was something exercised judiciously. Since the Benghazi attacks, the analysts have been instructed to stay with the PDB editors until the final piece is with the ODNI official.³³ Given how the situation unfolded early in the morning of September 12, 2012, it is unclear how this new guidance would have altered that particular outcome.

Two of the first pieces produced by the CIA analysts in the wake of the Benghazi attacks contained errors either in process or substance. Both of these pieces became part of the President's Daily Brief. While the Committee only examined intelligence pieces regarding the Benghazi attacks, discovering errors in two pieces—on successive days, on one single topic—that became part of the President's Daily Brief is extremely problematic for what should be an airtight process. Whether these errors are simply a coincidence or part of a larger systemic issue is unknown. The September 12 piece, along with the egregious editing and sourcing errors surrounding the September 13 WIRE, discussed in detail above,

³¹ *Id.* at 43-44.

³² *Id.* at 42.

³³ OTA Director Testimony at 43.

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raise major analytic tradecraft issues that require serious examination but are beyond the purview of this Committee.