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NOMINATION OF JOHN O. BRENNAN TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

HEARING

BEFORE THE

SELECT COMMITTEE ON INTELLIGENCE

OF THE

UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

FEBRUARY 7, 2013
MARCH 5, 2013

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MARCH 5, 2013

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NOMINATION OF JOHN O. BRENNAN TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

THURSDAY, FEBRUARY 7, 2013

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Committee met, pursuant to notice, at 2:30 p.m., in Room SH–216, Hart Senate Office Building, the Honorable Dianne Feinstein (Chairman of the Committee) presiding.

Committee Members Present: Senators Feinstein, Chambliss, Rockefeller, Burr, Wyden, Risch, Mikulski, Coats, Udall, Rubio, Warner, Collins, Heinrich, King, and Levin.

OPENING STATEMENT OF HON. DIANNE FEINSTEIN, CHAIRMAN, A U.S. SENATOR FROM CALIFORNIA

Chairman FEINSTEIN. We will begin this hearing. And let me say right up front that the process is that people are respectful; that they don't cheer, they don't hiss, they don't show signs; that this is to listen. If that's a problem for anybody, I ask you to leave the room now because what we will do is remove you from the room—let there be no doubt.

So, if I may, I would like to begin. The Committee meets today in open session to consider the nomination of John Brennan to be the 21st director of the Central Intelligence Agency and the first director to have risen through the Agency's ranks since Bob Gates.

Mr. Brennan, congratulations on your nomination. I see Senator Warner has come in. Senator, I will make opening comments, the Vice Chairman will make opening comments, and then we will turn to you for your introduction, if that's agreeable.

Mr. Brennan, congratulations on your nomination. As you can see, it's going to be lively. I'd like to welcome your family, as well, and hope you'll introduce them so the Committee can give them its thanks.

This is the first opportunity, also, to welcome our new Members—Senator Heinrich, who is on my right; Senator King, who is due any moment; Senator Collins, who is on my left; and Senator Coburn, who is not here at the moment, but will be, who is returning to the Committee. And we have a new Ex-Officio Member, Senator Inhofe. So, welcome to all of you.

The director of the CIA is among the most critical national security positions in the United States Government, both because of the role the CIA plays in collecting and analyzing intelligence relevant

to every national security challenge we face, and because of the added importance of having steady leadership at an organization that conducts most of its business outside of the public arena.

Intelligence is critical to the successful drawdown in Afghanistan; to the brutal war going on within Syria's borders, across North Africa, where the attacks in Benghazi and the hostage situation in Algeria threaten to spread into the next front against al-Qa'ida and its affiliated groups; for counterterrorism operations around the world; in the efforts by the United States and others to prevent the gain and spread of weapons of mass destruction in Iran, North Korea, and other states; and in addressing emerging threats in space, cyberspace, and elsewhere around the globe.

To confront these challenges, and to lead the CIA through a difficult budgetary period after a decade of major budget increases, President Obama nominated John Brennan, his closest advisor on intelligence and counterterrorism matters for the past four years.

Mr. Brennan is, without a doubt, qualified for this position. He served at the CIA for 25 years in analytic, operational, and managerial capacities. He has seen the Agency from just about every angle—as a line analyst, as chief of station, as chief of staff to the director, and as the deputy executive director—among many others.

People who have worked closely with him regularly cite his work ethic, his integrity, and his determination. In nominating John Brennan, President Obama spoke of his "commitment to the values that define us as Americans." DNI Clapper, in a letter of support, noted his "impeccable integrity" and that "his dedication to country is second to none."

So, with that, with unanimous consent, I would like to insert into the record the letters the Committee has received in regard to Mr. Brennan's nomination.

[Letters received by the Committee regarding the nomination of Mr. Brennan follow:]

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

JAN 25 2013

The Honorable Dianne Feinstein
Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

The Honorable Saxby Chambliss
Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

Dear Madam Chairman and Vice Chairman Chambliss:

I would like to take this opportunity to wholeheartedly endorse the nomination of John Brennan to be Director of the Central Intelligence Agency.

I have known John for the better part of two decades, in several capacities, and can personally vouch for his impeccable integrity. His dedication to country is second to none. John has had a remarkable career in government, spanning nearly 30 years, during which he rose through the ranks at CIA. The President, in announcing his intent to nominate John, stated that John is the hardest working public servant he has ever known. I couldn't agree more. He is extraordinarily qualified for this position.

John and I share a common vision for the role of intelligence in protecting our national security interests and keeping America safe, and I look forward to working with him, once he is confirmed.

I am confident that he will take one of the nation's premier intelligence agencies to new heights.

Sincerely,

[SIGNATURE]

James R. Clapper

David S. Kris
9825 SE 42nd Place
Mercer Island, WA 98040

January 8, 2013

United States Senate
Senate Select Committee on Intelligence
221 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Feinstein, Vice Chairman Chambliss, and Members of the Senate Select Committee on Intelligence:

I write in enthusiastic support of the nomination of John Brennan to be Director of the Central Intelligence Agency. I met John in early 2009, when I was Assistant Attorney General for National Security at the Department of Justice, and he was in his current position. Over the next two years, we worked closely together on many challenging and important issues, often under stress, and frequently in an inter-agency environment. Since I left government in 2011, John and I have stayed in touch.

John is a consummate intelligence professional, having spent almost his entire career in government service. His many years at CIA, both in the field and at headquarters, obviously afford him a deep understanding of the agency's mission, capabilities and limitations, as well as its culture. His years in the private sector, and most recently in the White House, have tempered that insider's focus with a broader perspective. This experience of more than a quarter-century, combined with John's rare combination of superlative personal qualities – including his keen native intelligence, unrelenting work ethic, and sterling integrity – make it difficult to imagine anyone more qualified and better suited to lead today's CIA.

As a former Justice Department official, I feel compelled specially to emphasize John's deep commitment to the rule of law. In public and in private, whether making broad policy or supervising the most acute operations, at times of relative calm and in moments of immense pressure, I have never seen him waver. I have never met anyone, inside or outside the legal profession, with a more thorough and abiding reverence for the American ideal of intelligence under law.

I commend John Brennan to you in the strongest possible terms. Thank you for considering my views.

Sincerely,

[SIGNATURE]

David S. Kris

January 22, 2013

The Honorable Dianne Feinstein
Chairman, U.S. Senate Select Committee on Intelligence
211 Hart Senate Office Building
Washington, D.C. 20510

Re: Nomination of John O. Brennan as Director of Central Intelligence Agency

Dear Chairman Feinstein:

As attorneys committed to the rule of law who worked on a range of national security issues while serving in the Obama Administration, we write to express our enthusiastic support for the President's nomination of John O. Brennan to serve as Director of the Central Intelligence Agency.

Throughout his tenure as Assistant to the President for Homeland Security and Counterterrorism in the Obama Administration, John Brennan has been a persistent and determined leader in support of adherence to the rule of law, a principled commitment to civil liberties and humanitarian protection, and transparency. On a broad range of issues, he has endeavored to ensure that the national security practices of the United States Government are based on sound long-term policy goals and are consistent with our domestic and international legal obligations, as well as with broader principles of democratic accountability. John Brennan has been a steadfast champion of the President's commitment to closing the detention facility at Guantánamo, and has urged that our Article III courts remain a vital tool in our counterterrorism toolbox. He has stood firmly with the President's efforts to ensure that interrogations are conducted in accord with the law and our values. And he has worked to ensure that the responsible and effective pursuit of our counterterrorism objectives will not depend simply on the good instincts of officials, but will instead be institutionalized in durable frameworks with a sound legal basis and broad interagency oversight.

As a former CIA official and currently the President's chief counterterrorism adviser, John Brennan well understands the significant security threats that the United States faces, as well as the institutional needs of the CIA and its dedicated personnel. He is also exceptionally qualified to provide leadership and direction to the Agency, consistent with President Obama's national security objectives. John Brennan understands that adherence to the Constitution and the rule of law serve, rather than undermine, our national security interests. Time and again, he has demonstrated seasoned wisdom and judgment in responding to our nation's greatest national security threats, and he has consistently reaffirmed his core commitment to conducting our

national security and counterterrorism policy in a fashion that comports with our deepest values. He is superbly qualified to serve as Director of the CIA, and we urge his swift confirmation.

Sincerely yours,

Sarah H. Cleveland
Louis Henkin Professor of Human and Constitutional Rights*
Columbia Law School
Former Counselor on International Law to the Legal Adviser, U.S. Dept. of State

Gregory B. Craig
Skadden, Arps, Slate, Meagher & Flom LLP
Former Counsel to the President

William S. Dodge
Professor of Law and Associate Dean for Research
University of California, Hastings College of the Law
Former Counselor on International Law to the Legal Adviser, U.S. Dept. of State

Jeh C. Johnson
Former General Counsel
U.S. Dept. of Defense

David S. Kris
General Counsel, Intellectual Ventures
Former Assistant Attorney General for National Security

David A. Martin
Warner-Booker Distinguished Professor of International Law
University of Virginia
Former Principal Deputy General Counsel, U.S. Dept. of Homeland Security

Daniel J. Meltzer
Story Professor of Law
Harvard Law School
Former Principal Deputy Counsel to the President

Trevor W. Morrison
Liviu Librescu Professor of Law
Columbia Law School
Former Associate Counsel to the President

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* Institutional affiliations are provided for identification purposes only.

January 8, 2013

On behalf of the Board of Directors and membership of the Victims of Pan Am Flight 103, Inc., we strongly support the nomination and confirmation of John O. Brennan as Director of the Central Intelligence Agency (CIA).

Mr. Brennan's professional experience and background are well known to the Congressional Committees, and the many who have worked with him and for him in his decades of public service. What may not be known is the personal relationship that John had with the victims of this unspeakable tragedy. He was involved from the very beginning, December 21st, 1988, and had friends and colleagues killed on that plane. He has worked with us and been a source of support as well as comfort, for years.

On behalf of President Obama, he called the Scottish official who was considering a release of the only convicted bomber to register his strong objection, and immediately called our organization to report the conversation. He later released diplomatic letters to us, showing the objections of the US government to the bomber's release, at a time when there were false media claims to the contrary. John met with us at the White House to show the extraordinary efforts being made at the UN in September 2009, when Muammar Gadhafi was feted and allowed to address the Security Council. The victims families were painfully aware of a previous session where Gadhafi had rushed up to be photographed shaking President Obama's hand, and John made sure that was not going to happen again.

He had a number of conference calls with us, always answered any and all of our questions, and gave two very moving speeches at our annual memorial services at Arlington National Cemetery.

Our relationship is personal. We consider him "family". There was a wonderful story tale event a few years ago involving the children of two men who were murdered on that plane. They had met each other at some of our many family meetings, and as love would have it, wound up getting married. John made sure that there was a letter of congratulations from the President, which was read at the wedding ceremony.

John Brennan has spent an honorable career in a cold and heartless profession at the center of horrible and unforgettable actions, and never lost the empathy and indeed, love,

that can keep a man's humanity in such a job. He had colleagues who were killed on Pan Am 103. He grew up in New Jersey and went to school in New York, where the majority of the victims lived. For all we know, he is as connected to other groups of Americans as much as he is ours, but it is hard to imagine.

The Irish have a gift for language, indeed many view themselves as poets, but they don't have a word for "mentch" and they should. John Brennan is a mentch who has devoted his life to public service in a personal way that many of us have been privileged to experience. We love the big lug.

Officers and Board Members of Victims of Pan Am 103, Inc.

Mary Kay Stratis, New Jersey
Brian Flynn, New Jersey
Kathy Tedeschi, South Carolina
Glenn Johnson, Pennslvania
Robert Monetti, New Jersey
Sue Kosmowski, Michigan
Brice Daniels, New York
Judy O'Rourke, Syracuse Univ.
Kristie Smith, California

Frank Duggan, Virginia
Mary Lou Ciulla, New Jersey
Eileen Walsh, New Jersey
Joan Dater, New Jersey
Jane Davis, New York
Melanie Daniels, New York
Stephanie Bernstein, Maryland
Edward Galvin, Syracuse Univ.

January 31, 2013

Dear Senator,

We write to you to regarding the confirmation hearing of John Brennan to be CIA Director.

We are retired professional intelligence experts and interrogators with combined experience totaling hundreds of years serving in the United States armed forces, law enforcement and intelligence agencies. We have spent our careers interrogating high value suspects.

We know from experience that torture is unreliable, unlawful and un-American. But, does Mr. Brennan?

In 2007, Mr. Brennan said on *The Early Show* that approximately one-third of the 100 terrorism suspects held by the CIA were subject by CIA officers to "enhanced interrogation tactics," which is a euphemism for torture. In the same interview, he claimed that information gotten through enhanced interrogation "has saved lives."

Mr. Brennan was Deputy Executive Director of the CIA from 2001-2003 when the Bush administration adopted torture as an interrogation tactic. What role did Mr. Brennan play in the development, review or approval of what he has called "enhanced interrogation?"

We appreciate that in his 2008 letter withdrawing his name for nomination for the CIA Director, Mr. Brennan wrote, "I have been a strong opponent of many of the policies of the Bush Administration such as…coercive interrogation tactics, [including] waterboarding." What evidence does Mr. Brennan have to support his assertion?

Does Mr. Brennan agree today with the following principles to which we as professional interrogators subscribe?

1. Non-coercive, traditional, rapport-based interviewing approaches provide the best possibility for obtaining accurate and complete intelligence.
2. Torture and other inhumane and abusive interview techniques are unlawful, ineffective and counterproductive.
3. The use of torture and other inhumane and abusive treatment results in false and misleading information, loss of critical intelligence, and has caused serious damage to the reputation and standing of the United States. The use of such techniques also facilitates enemy recruitment, misdirects or wastes scarce resources, and deprives the United States of the standing to demand humane treatment of captured Americans.
4. There must be a single well-defined standard of conduct, as in the *Army Field Manual*, to govern the detention and interrogation of people anywhere in U.S. custody across all U.S. agencies.

5. There is no conflict between adhering to our nation's essential values, including respect for inherent human dignity, and our ability to obtain the information we need to protect the nation.

Assuming Mr. Brennan has nothing to conceal and believes that he has a responsibility to be clear and frank with the American people, will he support public release of, with as few redactions as possible, the Senate Select Committee on Intelligence study on CIA detention and interrogation after 9/11, adopted by the committee in December?

We acknowledge Mr. Brennan's significant contributions to our nation's defense, but given that Mr. Brennan faced significant opposition to his nomination to become CIA Director in 2008 and that the questions raised then have not been answered fully, we respectfully recommend that the Senate Select Committee on Intelligence ask Mr. Brennan questions about his views on torture to give the American public full confidence in the nominee.

Sincerely,

Tony Camerino
Don Canestraro
Jack Cloonan
Barry Eisler
Col. Stuart Herrington
Marcus Lewis
Mike Marks
Robert McFadden
Malcolm Nance
Joe Navarro
Torin Nelson
Ken Robinson

Biographical information:

Tony Camerino
Tony Camerino has spent over eighteen years in the U.S. Air Force and Air Force Reserves. He personally conducted more than 300 interrogations in Iraq and supervised more than 1,000. Camerino was awarded the Bronze Star Medal for his achievements in Iraq, including leading the team of interrogators that located Abu Musab al Zarqawi, who was subsequently killed in an airstrike. Camerino has conducted missions in over thirty countries, has two advanced degrees, and speaks three languages. He is the author (under the pseudonym Matthew Alexander) of *How to Break a Terrorist: The U.S. Interrogators Who Used Brains, Not Brutality, to Take Down the Deadliest Man in Iraq* (Free Press, 2008) and *Kill or Capture: How a Special Operations Task Force Took Down a Notorious al Qaeda Terrorist* (St. Martin's Press, 2011).

Donald Canestraro
Mr. Donald Canestraro was a Special Agent with the Drug Enforcement Administration (DEA) from 1991 until 2012. He has participated in numerous international investigations involving money laundering, traditional organized crime, drug trafficking and terrorism. He has provided training and expertise to U.S. and foreign law enforcement agencies on surveillance, counter surveillance, and interviewing. Prior to his appointment to Special Agent, Mr. Canestraro served as an Intelligence Analyst with DEA where he provided advice to U.S. and foreign law enforcement agencies on Colombian drug smuggling cartels. Mr. Canestraro is currently a law enforcement trainer and private investigator in Minneapolis, Minnesota.

Jack Cloonan
Jack Cloonan served as a special agent with the FBI from 1977 to 2002. He began investigating Al Qaeda in the early 1990's and served as a special agent for the Bureau's Osama bin Laden unit from 1996 to 2002.

Barry Eisler
Barry Eisler spent three years in a covert position with the CIA's Directorate of Operations, then worked as a technology lawyer and startup executive in Silicon Valley and Japan, earning his black belt at the Kodokan International Judo Center along the way. Eisler's bestselling thrillers have won the Barry Award and the Gumshoe Award for Best Thriller of the Year, have been included in numerous "Best Of" lists, and have been translated into nearly twenty languages. Eisler lives in the San Francisco Bay Area and, when he's not writing novels, blogs about torture, civil liberties, and the rule of law.

Colonel (Ret.) Stuart A. Herrington, US Army
Stu Herrington served thirty years as an Army intelligence officer, specializing in human intelligence/counterintelligence. He has extensive interrogation experience from service in Vietnam, Panama, and Operation Desert Storm. He has traveled to Guantanamo and Iraq at the behest of the Army to evaluate detainee exploitation operations, and he taught a seminar on humane interrogation practices to the Army's 201st MI Battalion, Interrogation, during its activation at Ft. Sam Houston, Texas.

Marcus Lewis
Marcus Lewis is a former army interrogator, interrogation instructor, Arabic linguist, and reserve officer. Marcus has served in national defense for over 10 years. He enlisted in the Army after 9/11, worked as an interrogation team sergeant in Iraq, and recently returned from a position as an intelligence analyst in Afghanistan.

Mike Marks
Mike Marks is a retired NCIS agent with 23 years of experience. He has served in more than 20 countries, including Bahrain, Afghanistan, and Yemen. He assisted in the investigation of the USS Cole bombing, was assigned to the FBI's Joint Terrorism Task Force, and conducted numerous interrogations as part of the Criminal Investigations Task Force in Afghanistan.

Robert McFadden, NCIS Special Agent in Charge (Retired)
Robert McFadden is a 20-year Special of the Naval Criminal Investigative Service (NCIS), where he held a number of high-impact positions to include Senior Representative to the Deputy Under Secretary of the Navy (clandestine, sensitive, and low visibility operations oversight and policy), Deputy Assistant Director CI and National Security Operations, and Special Agent in Charge, Global Support Field Office. He was the co-case agent for the NCIS-FBI investigation of the USS Cole attack and al-Qa'ida maritime operations cell. He conducted scores of interviews and interrogations of terrorism subjects, witnesses, and sources.

Malcolm Nance
Malcolm Nance is a counterterrorism intelligence consultant for the U.S. government's special operations, homeland security, and intelligence agencies. He is a renowned expert of al-Qaeda strategy and tactic and a combat veteran with twenty-eight years' operational experience in the Middle East, sub-Saharan Africa, and South Asia. An author of several books on counterterrorism and counterinsurgency and a blogger at smallwarsjournal.com, he is director of the International Anti-terrorism Center for Excellence. His latest book is An End to al-Qaeda: Destroying Bin Laden's Jihad and Restoring America's Honor.

Joe Navarro
For 25 years, Joe Navarro worked as an FBI special agent in the area of counterintelligence and behavioral assessment. A founding member of the National Security Division's Behavioral Analysis Program, he is on the adjunct faculty at Saint Leo University and the University of Tampa and remains a consultant to the intelligence community. Mr. Navarro is the author of a number of books about interviewing techniques and practice including Advanced Interviewing which he co-wrote with Jack Schafer and Hunting Terrorists: A Look at the Psycopathology of Terror. He currently teaches the Advanced Terrorism Interview course at the FBI.

Torin Nelson
Torin Nelson is the President of the Society for Professional Human Intelligence. He is an eighteen-year veteran interrogator and Human Intelligence specialist. Among other locations he has served at Guantanamo Bay, Abu Ghraib and the Bagram Air Base in Afghanistan.

Ken Robinson
Ken Robinson served a twenty-year career in a variety of tactical, operational, and strategic assignments including Ranger, Special Forces, and clandestine special operations units. His experience includes service with the National Security Agency, Defense Intelligence Agency and the Central Intelligence Agency. Ken has extensive experience in CIA and Israeli interrogation methods and is a member of the U.S. Military Intelligence Hall of Fame.

A Call from the Faith-Based Community to Reject Nomination of John Brennan as Director of the CIA.

As representatives of various faith-based communities, we are deeply concerned about the nomination of John Brennan to be at the helm of the CIA. As President Obama's current counterterrorism advisor, Brennan is the mastermind behind the administration's lethal drone program, which is killing innocent civilians abroad and sowing strong anti-American sentiment throughout the world.

Every week on "Terror Tuesdays" John Brennan and President Obama go over a "Kill List" and assume the roles of prosecutor, judge, jury and executioner by deciding who lives and dies at the receiving end of American drone missiles. People on this secret Kill List have never been charged, tried or convicted in a court of law, and are given no opportunity to surrender. Drone strikes kill not only their intended targets, but innocent people, including hundreds of children, something that John Brennan has previously denied.

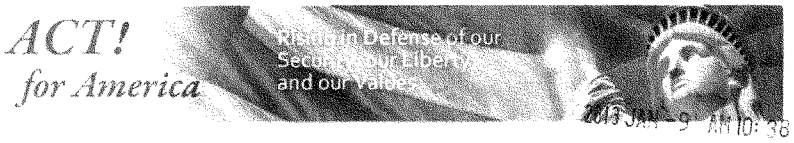
Drones in the hands of the CIA keep the program veiled in secrecy. The lack of transparency and accountability violate the basic tenets of a democratic society. The drone program has expanded dramatically at the behest of Brennan, and if appointed director of the CIA he will have even more power.

Our drone policies reflect a shameful lack of regard for human rights and international law. The example being set by the United States that a nation can go anywhere it wants and kill anyone it wants on the basis of secret information is leading to a world of chaos and lawlessness. The CIA should be an institution designated for intelligence gathering, not covert killing programs. We urge the Senate to reject the nomination of John Brennan, redirect the CIA to its role of intelligence gathering, and implement strict regulations for the use of lethal drones.

Signed,

Rev. Dr. Eileen Altman, Associate Pastor, First Congregational Church, UCC, Palo Alto, CA
Jean Barker, Interfaith Community Organizer, Kennett Square, PA
Zahra Billoo, Executive Director, Council on American-Islamic Relations (CAIR), San Francisco, CA
Rev. Tsukina Blessing, Occupy Chaplains, Seattle
Rev. Paul Burks, United Methodist Minister (retired), San Rafael, CA
Patricia Chappell, SNDdeN, Executive Director, Pax Christi USA, Washington, DC
Rabbi Aryeh Cohen, Ph.D., Professor of Rabbinic Literature, American Jewish University
J. Gray Cox, Acadia Friends Meeting in Bar Harbor, College of the Atlantic, Quaker Institute for the Future, ME
Sheila Croke, Administrator. Pax Christi Long Island, Hicksville, NY
Rev. Rebecca Crosby, First Congregational Church of Old Lyme, Old Lyme, CT
Rev. John Chamberlin, pastor, First United Methodist Church of Hayward, Hayward, CA;

National Coordinator, East Timor Religious Outreach
Rev. Rebecca Crosby, First Congregational Church of Old Lyme
Marie Dennis, co-President, Pax Christi International
Barbara DiTommaso, Director, Commission on Peace and Justice, Roman Catholic Diocese of Albany, NY
Rebecca Fadil, Episcopal Church in NYC, New York, NY
Dr. John M. Fife, Moderator of the 204th General Assembly, Presbyterian Church
Ed Fisher, Interfaith Communities United for Justice and Peace, Los Angeles, CA
Mr. Ronald S. Fujiyoshi, ex-missionary, United Church of Christ
Sister Bernie Galvin, cdp, Congregation of Divine Providence
Rev. Dr. Diana C. Gibson, Presbyterian Pastor
The Rev. David W. Good, Minister Emeritus for First Congregational Church of Old Lyme, CT
Rabbi Lynn Gottlieb, Shomer Shalom Network for Jewish Nonviolence, Berkeley, California
Andy Griggs, Program Director, Interfaith Communities United for Justice and Peace, Los Angeles, CA
Bishop Thomas J. Gumbleton, Archdiocese of Detroit, MI
Rev. Peter Hinde, Order of Carmelites, Doctor of Divinity
Rev. M. Lara Hoke, Minister of the Unitarian Universalist Congregation in Andover, Massachusetts
Mark C. Johnson, Executive Director, Fellowship of Reconciliation
Rev. Dr. Alan Jones, St. Mark's, Sacramento, CA
Jon Krampner, Interfaith Communities United for Justice and Peace, Los Angeles, CA
Rev. Deborah Lee, United Church of Christ, Director of Interfaith Coalition for Immigrant Rights, CA
Rev. John Long, Pastoral Associate, First Presbyterian Church, Eccumenical Officer, Presbytery of Western New York
Robert More, Chairperson, Pax Christi Metro DC-Baltimore, Washington, DC
Imam Abdul Malik Mujahid, Muslim Peace Coalition USA; Chair of Parliament of World Religions
Dr. Karen Oliveto, Pastor, Glide Memorial UMC, San Francisco, CA
Pax Christi Long Island, Hicksville, NY
Sister Ardeth Platte, Order of Preachers, Grand Rapids MI Dominican Sister, Jonah House, Baltimore, MD
Sister Megan Rice, Sisters of the Holy Child Jesus
Stephen Rohde, Chair, Interfaith Communities United for Justice and Peace
Phoebe Sorgen, chair emerita Berkeley Fellowhip of UU's Social Justice Committee Berkeley, CA
Jean Stokan, Director, Institute Justice Team, Sisters of Mercy of the Americas
Andra Sufi, Unity Temple of Brotherhood, Washington, DC
Samina Sundas, Founding Executive Director, American Muslim Voice, Palo Alto, CA
Melinda Thompson, Certified Candidate, Presbyterian Church
Don and Roberta Timmerman, Casa Maria Catholic Worker, Milwaukee WI
Rabbi Arthur Waskow, Director, Shalom Center



January 8, 2013

The Honorable Diane Feinstein, Chair
The Honorable Saxby Chambliss, Ranking Member
Senate Select Intelligence Committee
211 Hart Senate Office Building
Washington, DC 20510

Dear Senators Feinstein and Chambliss,

Our organization, *ACT! for America* is the nation's largest and fastest-growing national security grassroots advocacy organization with a current national membership of 250,000 including 730 local chapters in communities across the country.

We write to you today to express our strong opposition to the President's nomination of John Brennan as our nation's next Director of the Central Intelligence Agency (CIA).

Over the years, and in his capacity as the President's chief counterterrorism advisor, we feel Mr. Brennan has taken a multitude of questionable and dangerous positions on a variety of national security issues, particularly those concerning the threat radical Islam poses to the United States. These positions are what cause us to formally oppose Mr. Brennan for this important post, and why our national grassroots membership will vigorously work to oppose his nomination.

A few of those examples include the following:

- April 2008: Brennan tells the *New York Times* that US government official must stop "Iran-bashing"
- May 2010: Brennan defends 'Jihad' as a 'legitimate tenet of Islam'
- May 2010: Brennan says he wants to build up "Hezbollah moderates"
- June 2010: A *Washington Times* editorial slams Brennan, saying, "President Obama's top counterterrorism adviser knows very little about terrorism, and that's scary for America."
- Sept 2012: House Intelligence Committee Chairman Mike Rogers says changes in CIA's Benghazi attack talking points blaming Mohammed video happened under deputies committee chaired by Brennan.

ACT! for America
P.O. Box 12765
Pensacola, FL 32591

Our nation simply cannot afford a CIA Director who has these approaches to our counterterrorism efforts and to our relationship with an increasingly volatile and unstable Middle East region.

We urge you to consider these important issues when you hold your nomination hearing for Mr. Brennan and, further, we urge you and the entire committee to vote "no" on approving his nomination.

Sincerely,

[SIGNATURE]	[SIGNATURE]	[SIGNATURE]
Brigitte Gabriel President & Founder	Guy Rodgers Executive Director	Lisa Piraneo Director of Gov't Relations

ACT! for America
P.O. Box 12765
Pensacola, FL 32591

February 4, 2013

The Honorable Dianne Feinstein
Chairman, Senate Select Committee
on Intelligence
211 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Saxby Chambliss
Ranking Member, Senate Select Committee
on Intelligence
211 Hart Senate Office Building
Washington, D.C. 20510

RE: Upcoming Confirmation Hearing for John Brennan to Be Director of the Central Intelligence Agency

Dear Chairman Feinstein and Senator Chambliss:

As you prepare for the upcoming confirmation hearing for John Brennan to be Director of the Central Intelligence Agency, the undersigned organizations strongly urge you to question John Brennan on any role he may have had in the CIA's interrogation, detention, and extraordinary rendition practices, during the period from 2001 to 2005, when he served as Deputy Executive Director of the CIA and then as head of the Terrorist Threat Integration Center and the National Counterterrorism Center.

Several of our organizations are writing to you separately with additional questions or concerns related to Mr. Brennan's background during the past four years as Deputy National Security Advisor for Homeland Security and Counterterrorism, as well as questions related to policies and practices of the CIA over the upcoming four years. However, we are writing to you jointly because of our longstanding--and still unanswered--questions about Mr. Brennan's role at the CIA during a critical period when the CIA was engaged in torture, abuse, the use of secret prisons, and extraordinary rendition.

As you know, many human rights and civil liberties organizations raised questions about Mr. Brennan's background when he reportedly was being considered as a candidate for nomination to be the Director of the CIA in November 2008. In withdrawing his name from consideration, Mr. Brennan wrote to then-President-Elect Obama, stating that:

> It has been immaterial to the critics that I have been a strong opponent of many of the policies of the Bush Administration such as the preemptive war in Iraq and coercive interrogation tactics, to include waterboarding. The fact that I was not involved in the decisionmaking process for any of these controversial policies and actions has been ignored. Indeed, my criticism of these policies within government circles was the reason why I was twice considered for more senior-level positions in the current Administration only to be rebuffed by the White House.

Several recent news articles have restated the position Mr. Brennan took in his 2008 letter.

However, at least two news organizations have reported that the Committee's recently adopted report on the former CIA interrogation program references Mr. Brennan as someone who was

informed of details of the program, even though both news organizations state their sources have told them that the report does not indicate whether Mr. Brennan took action based on that information. The level of Mr. Brennan's knowledge appears to have been extraordinarily high, at what was the most critical period in the development and implementation of the torture and abuse practices. On January 30, 2013, Reuters reported that Mr. Brennan "had detailed, contemporaneous knowledge of the use of 'enhanced interrogation techniques' on captured terrorism suspects during an earlier stint as a top spy agency official," and official records reportedly "show that Brennan was a regular recipient of CIA message traffic about controversial aspects of the agency's counterterrorism program after September 2001, including the use of 'waterboarding.'"

The Committee should ask the following fundamental questions of Mr. Brennan: **even if Mr. Brennan "was not involved in the decision-making process" for the use of torture and abuse, what role did he have in the interrogation, detention, and extraordinary rendition programs during the 2001-05 period? In other words, if it is true that he received important information about these programs during their development and implementation, did he have any role or say whatsoever in either developing the policies or implementing them? And did he express support for, object, or remain silent in relation to these programs?**

During the last administration, several Senate committees, including your committee with a nominee for the position of General Counsel of the CIA, asked very specific questions of nominees on what roles they had in the interrogation, detention, and extraordinary rendition programs. Several of those nominees had no role in any "decision-making process," but still had roles that were significant enough that their nominations were rejected or the candidates withdrew their nominations. We urge that you hold Mr. Brennan to the same standard that the Senate applied to nominees during the last administration. These questions are too fundamental to who we are as a nation to be left unasked or unanswered.

Thank you for your attention to this matter.

Sincerely,

American Civil Liberties Union
American Friends Service Committee
Appeal for Justice
Bill of Rights Defense Committee
Center for Constitutional Rights
Center for Victims of Torture
Council on American Islamic Relations
CREDO Action
Defending Dissent
Friends Committee on National Legislation
Human Rights Watch
National Religious Campaign Against Torture
Physicians for Human Rights
Win Without War

cc: All members of the Senate Select Committee on Intelligence

Chairman FEINSTEIN. John Brennan, by all accounts, will be a strong leader, guided firmly by the law and his strong ethical code. He has assured the Committee, in his response to pre-hearing questions, that he will be independent from political influence; he will seek only to provide the President, the Congress, and other leaders with his best analysis and advice.

His responses to the Committee's questions are available on the Committee's website, at www.intelligence.senate.gov. Of course, the Committee must conduct its due diligence on such an important nominee, so Members are going to have questions in a range of topics, including his plans for directing the Agency, major national security challenges we face, and positions and actions he has taken in his current and past jobs.

Also of interest will be Mr. Brennan's views on the use of targeted lethal force in counterterrorism operations. Mr. Brennan has been one of the few administration officials able to speak publicly about such issues; Members will certainly want to understand his views on this, to include the importance of Congress receiving all of the relevant legal analyses from the Office of Legal Counsel at the Department of Justice.

While the disclosure earlier this week of a 16-page unclassified White Paper on the government's legal analysis of the use of targeted force against a United States citizen, who was a senior operational leader of al-Qa'ida—there is finally more information available to the public.

I have been calling, and others have been calling—the Vice Chairman and I—for increased transparency on the use of targeted force for over a year, including the circumstances in which such force is directed against U.S. citizens and noncitizens alike. I have also been attempting to speak publicly about the very low number of civilian casualties that result from such strikes; I have been limited in my ability to do so.

But for the past several years, this Committee has done significant oversight of the government's conduct of targeted strikes and the figures we have obtained from the Executive Branch—which we have done our utmost to verify—confirm that the number of civilian casualties that have resulted from such strikes each year has typically been in the single digits.

When I ask to give out the actual numbers, I'm told, "You can't." And I say, "Why not?" "Because it's classified," "It's a covert program," "For the public, it doesn't exist." Well, I think that rationale, Mr. Brennan, is long gone, and I'm going to talk to you in my questions a little bit about that, because I think it's very important that we share this data with people.

This Committee will continue to perform significant oversight of targeted strikes. We received, this morning, an Office of Legal Counsel opinion on the topic. Actually, we received a short one and a long one. And while I was there, I was delighted to see Senator Wyden reading, Senator King in the room, and Senator Udall came in the room. And I'm hopeful that every Member will avail of themselves of this opportunity to review those OLC opinions.

I also intend to review proposals for legislation to ensure that drone strikes are carried out in a manner consistent with our val-

ues, and the proposal to create an analogue of the Foreign Intelligence Surveillance Court to review the conduct of such strikes.

Finally, I will want to know how the nominee intends to lead an agency that's had four directors since DCI Tenet resigned in July of '04, now in a budget downturn, and what he sees as the major challenges before the CIA.

For the information of Members, we will have rounds of questions of eight minutes each, and Members will be recognized by seniority, alternating between the sides.

Members have requested the opportunity to ask Mr. Brennan questions that will require classified answers, as well, so we have the ability to move to a classified session following this hearing, if it is timely and we're able to do so. So my suggestion is that we play that ear by ear, Mr. Vice Chairman, and see if it's possible to do so. If it isn't, we will have our closed session on Tuesday at our next hearing.

Finally, before turning to the Vice Chairman, I'd like to conclude my remarks the same way I did at the confirmation for General Petraeus. Again this time, the transition between CIA directors has been managed by acting director Michael Morell. I'd like to thank Mr. Morell for keeping the Agency on firm footing and for his agreement to remain as deputy director after the confirmation process. He continues to be a top notch CIA officer, a friend of the Committee, and I'm sure he will be an excellent deputy, Mr. Brennan.

Mr. Vice Chairman, please proceed.

OPENING STATEMENT OF SAXBY CHAMBLISS, VICE CHAIRMAN, A U.S. SENATOR FROM GEORGIA

Vice Chairman CHAMBLISS. Thank you very much, Madam Chair.

And Mr. Brennan, I join the Chair in congratulating you on your nomination and welcoming you to the Committee today. And I don't have to remind you—because you are a career individual—of the importance of your nomination to head the Central Intelligence Agency. I also want to welcome your family and thank them for their support of you during your years of commitment to our government.

Also, I want to just say, as the Chairman did, how much we appreciate Mike Morell. And I'm very pleased to see in your prepared statement that you mention Mike and his contribution to the Central Intelligence Agency, and that you intend to keep Mike in place. He is a very valued public servant, and a guy who has stepped into a very difficult situation now twice and has led with great commitment and has provided the kind of leadership the Agency has needed.

Mr. Brennan, if confirmed as the next director, it will be your responsibility to lead the CIA as our nation continues to face significant national security challenges. While we've heard a lot in recent months about al-Qa'ida being decimated and on the run, it is by no means destroyed, and the threat of terrorism from its affiliates, especially in Yemen and North Africa, remains very real.

Just in the past few months, terrorist attacks in Algeria and Benghazi have claimed American lives, so it is clear that our vigilance must not waver. At the same time, our attention focused be-

yond these threats posed by al-Qa'ida and other terrorist organizations, from Iran to North Korea to Venezuela. From nuclear proliferation, to cyber intrusions, to counterintelligence, the challenges are constant and immense, and the CIA is at the point of the spear.

As your predecessors faced similar challenges, they recognized the importance of working hand in hand with Congress, especially the Congressional intelligence committees. I appreciated your commitment to me to be open and transparent with this Committee, if you are in fact confirmed as the next director.

I expect this commitment to actually be born out and practiced, regardless of political pressures, and not just become words spoken during the confirmation process. Far too often, the Committee is facing unnecessary and, frankly, legally-questionable obstacles, in receiving needed oversight information from the Intelligence Community.

As we hear from you this afternoon, I also believe it is important for you to set the record straight on a few matters relating to detention policy and the CIA's detention and interrogation program. We know that the 2009 Executive Order removed the CIA from the detention business. But the current framework is simply not working to get real-time access to intelligence from terrorist detainees.

I reviewed elements of the 9/11 Commission report in preparation for this hearing, and I am concerned that the administration is making the same mistakes that were made before 9/11, when the CIA missed vital information on KSM, the mastermind of the attacks, and decided to forego a capture operation of Osama bin Laden. The Commission cited the administration's focus on using the Article 3 court process as factors in both instances.

You and I also discussed the Committee's report on the CIA's detention and interrogation program, which was approved in December by a slim majority. You told me that you had completed your review of the report's Executive Summary, and the Findings and Conclusions, and you'll have an opportunity to express your observations and the concerns that you expressed to me with the rest of the Committee today.

Mr. Brennan, I thank you once again for your dedication and your service to our country, and we look forward to your testimony and to your response to questions submitted by the Committee.

Thanks, Madam Chair.

Chairman FEINSTEIN. Thank you very much, Mr. Vice Chairman. And now we will turn to the distinguished senator from Virginia, Senator Mark Warner.

OPENING STATEMENT OF MARK WARNER, A U.S. SENATOR FROM VIRGINIA

Senator WARNER. Thank you, Chairman Feinstein, Vice Chairman Chambliss, and colleagues. It's my honor to introduce John Brennan as the President's nominee to be the next director of the Central Intelligence Agency.

Like so many thousands of other professionals in the United States Intelligence Community, John now calls Virginia home. It has been my privilege, as a Member of this Committee for the last two years, to represent many of the thousands of men and women in our intelligence agencies who also call Virginia home.

I would also make mention of the fact, very briefly, since we don't get this many opportunities in front of this kind of public audience, to recognize an action that Senator Mikulski and I took last Congress that many of you joined with us on that we will reintroduce this year—a joint resolution to mark U.S. Intelligence Professionals Day—to bring respectful attention to these quiet professionals who keep our nation safe every day. And I, again, look forward to working with all of you to make sure that we do this resolution again.

These same qualities—dedication, selflessness, intelligence, and patriotism—are well represented in John Brennan, whom the men and women of the CIA will find a dedicated leader in public service, should he be confirmed. While I have not had the opportunity to work with Mr. Brennan as much as some of the other Members, I've enjoyed our meeting together. And as the Chairman has already indicated, John Brennan's long career of public service and his record have prepared him to be director of the CIA.

He served for 25 years at the Agency in the field and at Headquarters, including as deputy executive director in Saudi Arabia, and as briefer to two presidents since 9/11. He's been on the front lines in the fight against al-Qa'ida, including standing up the National Counterterrorism Center. He has enormous appreciation for the men and women of the CIA and the work they do—often in the shadows—to keep our nation safe.

One thing that I was also impressed in our meeting was that Mr. Brennan has been an advocate for greater transparency in our counterterrorism policy and for adherence to the rule of law. As a Member and a new Member of this oversight committee, I appreciate that.

As the President said, the imperative to secure the nation must not come at the sacrifice of our laws or ideals. This needs never be an either/or choice. We can protect the nation and stay true to our principles. As has been raised by the Chair and the Vice Chair, I think it is also important—and these are questions that I'll be asking, as well—to ensure that while we look at the programs of the CIA, that these programs' effectiveness be measured objectively and not simply by those who are charged with implementing them.

So, the Chairman has already gone through other parts of your background; I again want to congratulate you on this nomination, the service you've provided to our nation so far, and, in the aftermath of this hearing, hopefully the service that you'll provide on a going-forward basis.

With that, Madam Chairman, I'll come back to the dais and look forward to my chance to ask the nominee questions, as well.

Chairman FEINSTEIN. Thank you very much, Senator Warner. Mr. Brennan, please stand, raise your right hand, and I'll administer the oath.

"I, John Brennan, do solemnly swear—"

Mr. BRENNAN. I, John Brennan, do solemnly swear——

Chairman FEINSTEIN [continuing]. "That I will give this Committee the truth, the full truth, and nothing but the truth, so help me God."

Mr. BRENNAN [continuing]. That I will give this Committee the truth, the full truth, and nothing but the truth, so help me God.

Chairman FEINSTEIN. Thank you very much. And we look forward to hearing your testimony.

STATEMENT OF JOHN O. BRENNAN, NOMINEE FOR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

Mr. BRENNAN. Chairman Feinstein, Vice Chairman Chambliss, Members of the Committee, I am honored to appear before you today as the President's nominee——

[Disruption by a protestor in the audience.]

Chairman FEINSTEIN. Would you hold, please?

I will ask the Capitol Police officers to please remove this woman.

[Protest continues.]

Chairman FEINSTEIN. Please remove——

[Protestor is removed from the Hearing Room.]

Chairman FEINSTEIN. I'm going to say, once again, that we welcome everyone here; that we expect no clapping, we expect no hissing, we expect no demonstration in this room. This is a very serious hearing. I will stop the hearing and I will ask the room to be cleared, so know that.

Please continue, Mr. Brennan.

Mr. BRENNAN. Thank you, Chairman. I am honored to appear before you today as the President's nominee to lead the Central Intelligence Agency. I am deeply grateful to President Obama for the confidence he has placed in me by sending my name forward to the Senate for consideration.

Senator Warner, thank you for your generous introduction, for your service to our nation, and for your strong support for those who defend it. This includes the extraordinary men and women of the CIA and the Intelligence Community, so many of whom, like me, call Virginia home, and call you our Senator.

I would not be here today without the love and support of my wife, Kathy, who has been my life partner for 34 years, and who, like the spouses of many other public servants and intelligence professionals——

[Disruption by another protestor in the audience.]

Mr. BRENNAN [continuing]. Has made numerous sacrifices over the years.

Chairman FEINSTEIN. Would you—would you pause, Mr. Brennan?

If you would remove that individual, please, as quickly as you can. Thank you.

[Protestor is removed from the Hearing Room.]

Chairman FEINSTEIN. Mr. Brennan, please proceed.

Mr. BRENNAN [continuing]. My wife, Kathy, who, like the spouses of many other public servants and intelligence professionals, has made numerous sacrifices over the years, bearing the brunt of family responsibilities because of my chosen profession.

Similarly, I would like to pay tribute to my three children, who, like the children of many CIA officers and other national security professionals, have had to deal with the disappointments associated with an absentee parent far more often than they should.

And I'm very pleased to be joined today by my wife, Kathy, and my brother, Tom.

[Disruption by another protestor in the audience.]

Chairman FEINSTEIN. All right, we will stop again.

Please remove that woman.

[Protest continues.]

Chairman FEINSTEIN. If you could please expedite the removal——

[Protest continues.]

[Protestor is removed from the Hearing Room.]

Chairman FEINSTEIN [continuing]. Please proceed, Mr. Brennan. The next time, we're going to clear the chamber and bring people back in one by one. This witness is entitled to be heard, ladies and gentlemen. So please give him that opportunity.

Mr. BRENNAN. Thank you. A heartfelt "thank you" also goes to my family in New Jersey, especially my 91-year-old mother, Dorothy, and my 92-year-old father, Owen, who emigrated from Ireland nearly 65 years ago——

[Disruption by another protestor in the audience.]

Chairman FEINSTEIN. All right, I'm going to ask—we're going to halt the hearing. I'm going to ask that the room be cleared and that the CODEPINK associates not be permitted to come back in. We've done this five times now, and five times are enough. So, we will recess for a few minutes.

[Protest continues.]

Chairman FEINSTEIN. Ladies and gentlemen, if you would mind leaving, we will then have you come back in, but it's the only way I think we're going to stop this. We will recess for a few minutes.

[Whereupon, the Committee recessed briefly.]

Chairman FEINSTEIN. Okay, we will reconvene the hearing. If the press would please take their places——

Mr. Brennan, please proceed.

Mr. BRENNAN. Thank you, Chairman Feinstein.

I was talking about my parents, my 91-year-old mother, Dorothy, and my 92-year-old father, Owen, who emigrated to this country 65 years ago and who, together, raised my sister, my brother, and I to cherish the opportunity known as America.

As I appear before you today, I would additionally like to extend a special salute to David Petraeus, a patriot who remains—as do all former directors—one of the staunchest advocates of the Agency's mission and workforce.

I want to express my admiration for my close friend and colleague, Michael Morell, who has twice guided the CIA as acting director, with a steady hand, integrity, and exceptional skill. If confirmed, it would be a distinct privilege for me to work side by side with Michael—my friend, and the epitome of an intelligence professional—in the months and years ahead.

It also would be a tremendous privilege to serve with the Director of National Intelligence, Jim Clapper, who has mentored literally legions of intelligence professionals ever since his service in Vietnam.

As the President's principal intelligence advisor and the head of the Intelligence Community, Jim is a person of longstanding and deep experience and integrity. He and I share identical views on the role of intelligence and the importance of giving current and fu-

ture generations of intelligence professionals the support they need and that they so richly deserve.

It would be the greatest honor of my professional life to lead the women and men of the Central Intelligence Agency—the Agency where I started my career nearly 33 years ago and where I served for a quarter-century. A 24-year-old fresh out of graduate school, I arrived at Langley in August 1980 as a GS–9 career trainee, determined to do my part for national security as one of this nation's intelligence officers.

When I joined the CIA in August 1980, world events were unsettled. Our Embassy in Tehran had been overrun the year before, and 52 Americans were still being held hostage by a radical new government in Iran. The Soviet invasion of Afghanistan was less than a year old, and the next decade would witness the slow but steady crumbling of the Soviet Union. Nuclear proliferation and the spread of weapons of mass destruction were a constant concern. And U.S. officials were hard at work around the globe, trying to prevent regional tensions and animosities from turning into full-scale wars.

And, ominously, the United States was about to face an upsurge in terrorist attacks that would claim hundreds of American lives in Lebanon, including a 49-year-old CIA officer named Bob Ames, who was killed during a brief visit to our Embassy in Beirut, and who, at the time, was my boss at CIA.

During my 25-year career at CIA, I watched up close, and even participated, in history being made in far off corners of the world, as CIA fulfilled its critical intelligence roles—collecting intelligence, uncovering secrets, identifying threats, partnering with foreign intelligence and security services, analyzing opaque and complicated developments abroad, carrying out covert action, and attempting to forecast events yet to happen—all in an effort to protect our people and to strengthen America's national security.

And throughout my career, I had the great fortune to experience first-hand, as well as witness, what it means to be a CIA officer: such as an analyst, who has the daunting task and tremendous responsibility to take incomplete and frequently contradictory information and advise the senior-most policy-makers of our government about foreign political, military, and economic developments.

Or an operations officer, whose job it is to find and obtain those elusive secrets that provide advanced warning of strategic surprise, political turbulence, terrorist plots, impending violence, cyber attacks, and persistent threats such as nuclear, chemical, and biological weapons proliferation.

Or a technical expert, who seeks new and creative ways to find nuggets of intelligence in tremendous volumes of data, provides secure, and even stealthy, intelligence collection and communication systems, and counters the latest technological threats to our nation.

Or a support officer or manager with the responsibility to ensure that the core missions of the Agency—collecting intelligence, providing all source analysis, and, when directed by the President, conducting covert action—are carried out with the requisite skill, speed, agility, and proficiency.

From the Middle East to the Central Caucasus; from Sub-Saharan Africa to Central and South America; from the vast expanses of Asia to the great cities of Europe, and all countries and regions in between, CIA officers were there—sometimes in force, and sometimes virtually standing alone. And for those 25 years, it was a great honor for me to be a CIA officer, as I knew that the Agency's contributions to this country's security were as invaluable as they were innumerable.

Following my retirement from the CIA in 2005, I had the good fortune to experience other professional opportunities. For three years, I served as President and Chief Executive Officer of a private-sector company, where I learned, first-hand, some very important lessons about fiduciary responsibility and sound business practices. And for the past four years I've had the privilege to serve as the President's principal policy advisor on Homeland Security and Counterterrorism.

In that role, I have had the opportunity to work daily with some of the finest Americans I have ever met from the intelligence, military, homeland security, law enforcement, and diplomatic communities, who have dedicated their lives to the safety and security of their fellow Americans. It is because of the work of those Americans—serving domestically, and especially, those serving in dangerous places abroad—that we are able to experience the freedom and security that are the hallmarks of our nation.

I believe my CIA background and my other professional experiences have prepared me well for the challenge of leading the world's premier intelligence agency at this moment in history, which is as dynamic and consequential as any in recent decades, and will continue to be in the years ahead. Simply stated, the need for accurate intelligence and prescient analysis from CIA has never been greater than it is in 2013 or than it will be in the coming years.

Historic political, economic, and social transformations continue to sweep through the Middle East and North Africa, with major implications for our interests, Israel's security, our Arab partners, and the prospects for peace and stability throughout the region. We remain at war with al-Qa'ida and its associated forces, which, despite the substantial progress we have made against them, still seek to carry out deadly strikes against our homeland and our citizens, and against our friends and allies.

U.S. computer networks and databases are under daily cyber attack by nation states, international criminal organizations, sub-national groups, and individual hackers. And the regimes in Tehran and Pyongyang remain bent on pursuing nuclear weapons and intercontinental ballistic missile delivery systems, rather than fulfilling their international obligations or even meeting the basic needs of their people.

Yes, the CIA's mission is as important to our nation's security today as at any time in our nation's history. In carrying out their mission, the men and women of the CIA are frequently asked to undertake challenging, perilous, and, yes, controversial actions, on behalf of the American people. The CIA is not immune from scrutiny of these efforts, and I welcome a discussion of CIA's past and present activities.

If I am confirmed, one of my highest priorities would be the Committee's lengthy report on the CIA's former rendition, detention, and interrogation program that involved now-banned interrogation techniques. I have read the Findings and Executive Summary of the 6,000-page report, which raises a number of very serious issues. Given the gravity and importance of this subject, I would look forward to further dialogue with Members of the Committee on the report and its Findings, if I am confirmed.

In addition, some of our government's current counterterrorism policies and operations have sparked widespread debate—domestically, internationally, and in this room. I have publicly acknowledged that our fight against al-Qa'ida and associated forces have sometimes involved the use of lethal force outside the hot battlefield of Afghanistan.

Accordingly, it is understandable that there is great interest in the legal basis, as well as the thresholds, criteria, processes, procedures, approvals, and reviews of such actions. I have strongly promoted such public discussions with the Congress and with the American people, as I believe that our system of government and our commitment to transparency demands nothing less.

As the elected representatives of the American people and as Members of this Committee, you have the obligation to oversee the activities of the CIA and the other elements of the Intelligence Community to ensure that they are being carried out effectively, lawfully, successfully, and without regard to partisanship. If confirmed, I would endeavor to keep this Committee fully and currently informed, not only because it is required by law, but because you can neither perform your oversight function nor support the mission of the CIA if you are kept in the dark.

And I know that irrespective of the fullness of that dialogue, there will be occasions when we disagree, just as you disagree among yourselves at times, on aspects of past, current, and future activities of the CIA. Such disagreement is healthy, and is a necessary part of our democratic process. But such disagreements should never prevent us from carrying out our national security and intelligence responsibilities, as a failure to do so could have devastating consequences for the safety and security of all Americans.

During my courtesy calls with many of you, I also heard repeated references to a "trust deficit" that has, at times, existed between this Committee and the CIA. If I am confirmed, a trust deficit between the Committee and the CIA would be wholly unacceptable to me, and I would make it my goal on Day One of my tenure, and every day thereafter, to strengthen the trust between us.

I have a reputation for speaking my mind, and, at times, doing so in a rather direct manner, which some attribute to my New Jersey roots. I like to think that my candor and bluntness will reassure you that you will get straight answers from me—maybe not always the ones you like, but you will get answers, and they will reflect my honest views. That's the commitment I made to you.

I would like to finish by saying a few words about the importance of taking care of the women and men who serve in the CIA. Because of the secrecy that intelligence work requires, few Americans will ever know the extraordinary sacrifices that these professionals

and their families make every day. Many of them risk their lives and, at times, have given their lives to keep us safe.

If confirmed, I would make it my mission, in partnership with the Congress, to ensure that the men and women have the training, tradecraft, linguistic skills, technical tools, guidance, supervision, and leadership they need to do their jobs. They also need assurance that we will do all we can to protect our nation's secrets and prevent leaks of classified information. These leaks damage our national security—sometimes gravely—putting these CIA employees at risk and making their missions much more difficult.

The men and women of the CIA are a national treasure, and I will consider it one of my most important responsibilities to take care of them, just as others took care of me when I first arrived at Langley as a young trainee in 1980.

Chairman, Vice Chairman, and Members of the Committee, as you well know, when you arrive at CIA Headquarters in Langley and enter the main lobby, you immediately see the marble Memorial Wall. On it are stars—each one representing a Member of the CIA family who gave his or her life in the service of this nation. Today, there are 103 stars on that wall.

To me, and to everyone in the CIA, they are not simply stars, nor are they only visible remembrances of dearly departed colleagues and friends. The stars represent heroic and unsung patriots; Americans who lived their lives loving this country and who died protecting it.

That Memorial Wall means something very special to me and to every other American who has proudly served at the Agency. I want all CIA employees always to be proud of the organization to which they belong, and to be proud of its activities.

And if given the honor to serve as the 21st director of the CIA, I would take it as a sacred obligation to do everything in my ability to make sure the Central Intelligence Agency is the absolute best intelligence service it can be, and one that makes all Americans proud.

Thank you very much, and I look forward to taking your questions.

[The prepared statement of Mr. Brennan follows:]

STATEMENT OF JOHN O. BRENNAN, NOMINATION HEARING TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

Chairman Feinstein, Vice Chairman Chambliss, Members of the Committee—I am honored to appear before you today as the President's nominee to lead the Central Intelligence Agency. I am deeply grateful to President Obama for the confidence he has placed in me by sending my name forward to the Senate for consideration.

Senator Warner, thank you for your generous introduction, for your service to our Nation, and for your strong support of those who defend it. This includes the extraordinary men and women of the CIA and our Intelligence Community, so many of whom, like me, call Virginia home and call you our Senator.

I would not be here today without the love and support of my wife Kathy, who has been my life partner for more than 34 years and who, like the spouses of many other public servants and intelligence professionals, has made numerous sacrifices over the years, bearing the brunt of family responsibilities because of my chosen profession. Similarly, I would like to pay tribute to my three children, who, like the children of many CIA officers and other national security professionals, have had to deal with the disappointments associated with an absentee parent far more often than they should.

A heartfelt "thank you" also goes to my family in New Jersey, especially my 91-year-old mother Dorothy and my 92-year-old father Owen—who emigrated from Ire-

land nearly 65 years ago—and who, together, raised my sister, brother, and me to cherish the opportunity that is America.

As I appear before you today, I would additionally like to extend a special salute to David Petraeus, a patriot who remains as do all former Directors—one of the staunchest advocates of the Agency's mission and workforce.

I want to express my admiration for my close friend and colleague, Michael Morell, who has twice guided the CIA as Acting Director with a steady hand, integrity, and exceptional skill. If confirmed, it would be a distinct privilege for me to work side-by-side with Michael in the months and years ahead.

It also would be a tremendous privilege to serve with Director of National Intelligence Jim Clapper, who has mentored literally legions of intelligence professionals ever since his service in Vietnam. As the President's principal intelligence advisor and head of the Intelligence Community, Jim is a person of longstanding and deep experience and integrity. He and I share identical views on the role of intelligence and on the importance of giving current and future generations of intelligence professionals the support they need and so richly deserve.

It would be the greatest honor of my professional life to lead the women and men of the Central Intelligence Agency—the Agency where I started my career nearly 33 years ago and where I served for a quarter century. A 24-year-old fresh out of graduate school, I arrived at Langley in August 1980 as a GS-9 "career trainee," determined to do my part for national security as one of this Nation's intelligence officers.

When I joined the CIA in August 1980, world events were unsettled. Our Embassy in Tehran had been overrun the year before, and 52 Americans were still being held hostage by a radical new government in Iran. The Soviet invasion of Afghanistan was less than a year old, and the next decade would witness the slow but steady crumbling of the Soviet Union. Nuclear proliferation and the spread of weapons of mass destruction were a constant concern, and U.S. officials were hard at work around the globe trying to prevent regional tensions and animosities from turning into full-scale wars. And, ominously, the United States was about to face an upsurge in terrorist attacks that would claim hundreds of American lives in Lebanon, including a 49-year-old CIA officer named Bob Ames, who was killed during a brief visit to our Embassy in Beirut and who, at the time, was my boss at CIA.

During my 25-year career at CIA, I watched up close and even participated in history being made in far-off corners of the world, as CIA fulfilled its critical intelligence roles—collecting intelligence, uncovering secrets, identifying threats, partnering with foreign intelligence and security services, analyzing opaque and complicated developments abroad, carrying out covert action, and attempting to forecast events yet to happen—all in an effort to protect our people and strengthen America's national security.

And throughout my career, I had the great fortune to experience firsthand as well as to witness what it means to be a CIA officer.

- Such as an analyst, who has the daunting task and tremendous responsibility to take incomplete and frequently contradictory information and advise the senior most policymakers of our government about foreign political, military, and economic developments.
- Or an operations officer, whose job it is to find and obtain those elusive secrets that provide advance warning of strategic surprise; political turbulence; terrorist plots; impending violence; cyber attacks; and persistent threats such as nuclear, chemical, and biological weapons proliferation.
- Or a technical expert, who seeks new and creative ways to find nuggets of intelligence in tremendous volumes of data, provide secure and even stealthy intelligence collection and communications systems, and counter the latest technological threats to our Nation.
- Or a support officer or manager with the responsibility to ensure that the core missions of the Agency—collecting intelligence, providing all-source analysis, and, when directed by the President, conducting covert action—are carried out with the requisite skill, speed, agility, and proficiency.

From the Middle East to the central Caucuses, from sub-Saharan Africa to Central and South America, from the vast expanses of Asia to the great cities of Europe, and all countries and regions in between, CIA officers were there . . . sometimes in force and sometimes virtually standing alone.

And for those 25 years, it was a great honor for me to be an officer of the CIA, as I knew that the Agency's contributions to this country's security were as invaluable as they were innumerable.

Following my retirement from CIA in 2005, I had the good fortune to experience other professional opportunities. For three years, I served as President and Chief

Executive Officer of a private sector company, where I learned firsthand some very important lessons about fiduciary responsibility and sound business practices. And for the past four years, I have had the privilege to serve as the President's principal policy advisor on homeland security and counterterrorism. In that role, I have had the opportunity to work daily with some of the finest Americans I have ever met—from the intelligence, military, homeland security, law enforcement, and diplomatic communities—who have dedicated their lives to the safety and security of their fellow Americans. It is because of the work of those Americans—serving domestically and especially in dangerous places abroad—that we are able to experience the freedom and security that are the hallmarks of our Nation.

I believe my CIA background and my other professional experiences have prepared me well for the challenge of leading the world's premier intelligence agency at this moment in history, which is as dynamic and consequential as any in recent decades, and will continue to be in the years ahead. Simply stated, the need for accurate intelligence and prescient analysis from CIA has never been greater than it is in 2013—or than it will be in the coming years.

- Historic political, economic, and social transformations continue to sweep through the Middle East and North Africa, with major implications for our interests, Israel's security, our Arab partners, and the prospects for peace and stability throughout the region.
- We remain at war with al-Qa'ida and its associated forces, which—despite the substantial progress we have made against them—still seek to carry out deadly strikes against our homeland and our citizens, as well as against our friends.
- U.S. computer networks and databases are under daily cyber attack by nation states, international criminal organizations, subnational groups, and individual hackers.
- And regimes in Tehran and Pyongyang remain bent on pursuing nuclear weapons and intercontinental ballistic missile delivery systems rather than fulfilling their international obligations or even meeting the basic needs of their people.

Yes, the CIA's mission is as important to our Nation's security today as at any time in our Nation's history.

In carrying out their mission, the men and women of the CIA are frequently asked to undertake challenging, perilous, and controversial actions on behalf of the American people. The CIA is not immune from scrutiny of these efforts, and I welcome a discussion of CIA's past and current activities. If I am confirmed, one of my highest priorities would be the Committee's lengthy report on the CIA's former rendition, detention, and interrogation program that involved now-banned interrogation techniques. I have read the findings and executive summary of the 6,000 page report, which raise a number of very serious issues. Given the gravity and importance of the subject, I would look forward to further dialogue with Members of the Committee on the report and its findings, if I am confirmed.

In addition, some of our government's current counterterrorism policies and operations have sparked widespread debate, domestically and internationally. I have publicly acknowledged that our fight against al-Qa'ida and associated forces has sometimes involved the use of lethal force outside the "hot battlefield" of Afghanistan. Accordingly, it is understandable that there is great interest in the legal basis as well as the thresholds, criteria, processes, procedures, approvals, and reviews of such actions. I have strongly promoted such public discussion, with the Congress and with the American people, as I believe that our system of government and our commitment to transparency demand nothing less.

As the elected representatives of the American people and as Members of the Committee, you have the obligation to oversee the activities of the CIA and other elements of the Intelligence Community to ensure that they are being carried out effectively, lawfully, successfully, and without regard to partisanship.

If confirmed, I would endeavor to keep this Committee fully and currently informed, not only because it is required by law, but because you can neither perform your oversight function nor support the mission of CIA if you are kept in the dark. And I know that irrespective of the fullness of that dialogue, there will be occasions when we disagree, just as you disagree among yourselves at times on aspects of past, current, and future activities of the CIA. Such disagreement is healthy and is a necessary part of our democratic process. But such disagreement should never prevent us from carrying out our national security and intelligence responsibilities, as a failure to do so could have devastating consequences for the safety and security of all Americans.

During my courtesy calls with many of you, I also heard repeated reference to a "trust deficit" that has, at times, existed between this Committee and the CIA. If I am confirmed, a trust deficit between the Committee and the CIA would be wholly

unacceptable to me, and I would make it my goal on Day One of my tenure—and every day thereafter—to strengthen the trust between us. I have a reputation for speaking my mind and, at times, doing so in a rather direct manner, which some attribute to my New Jersey roots. I like to think that my candor and bluntness will reassure you that you will get straight answers from me—maybe not always the ones you like, but you will get answers, and they will reflect my honest views. That's the commitment I make to you.

I would like to finish by saying a few words about the importance of taking care of the women and men who serve in the CIA. Because of the secrecy that intelligence work requires, few Americans will ever know the extraordinary sacrifices that these professionals—and their families—make every day. Many of them risk their lives and, at times, have given their lives, to keep us safe.

If confirmed, I would make it my mission—in partnership with the Congress—to ensure that the men and women of the CIA have the training, tradecraft, linguistic skills, technical tools, guidance, supervision, and leadership they need to do their jobs. They also need assurance that we will do all we can to protect our Nation's secrets and prevent leaks of classified information. These leaks damage our national security, sometimes gravely, putting these CIA employees at risk and making their missions more difficult. The men and women of the CIA are a national treasure, and I will consider it one of my most important responsibilities to take care of them, just as others took care of me when I first arrived at Langley as a young trainee in 1980.

Chairman, Vice Chairman, and Members of the Committee, as you well know, when you arrive at CIA Headquarters in Langley and enter the main lobby, you immediately see the marble Memorial Wall. On it are stars—each one representing a member of the CIA family who gave his or her life in service to our Nation. Today, there are 103 stars on that wall. To me, and everyone in the CIA, they are not simply stars, nor are they only visible remembrances of dearly departed colleagues and friends. The stars represent heroic and unsung patriots—Americans who lived their lives loving this country, and who died protecting it.

That Memorial Wall means something very special to me and to every other American who has proudly served at the Agency. I want all CIA employees always to be proud of the organization to which they belong and to be proud of all of its activities. And if given the honor to serve as the 21st Director of the CIA, I would take it as a sacred obligation to do everything in my ability to make sure the Central Intelligence Agency is the absolute best intelligence service it can be and one that makes all Americans proud.

Thank you very much, and I look forward to taking your questions.

Chairman FEINSTEIN. Thank you very much, Mr. Brennan.

I have five short questions that we traditionally ask; if you would just answer them yes or no.

Do you agree to appear before the Committee here or in other venues when invited?

Mr. BRENNAN. Yes.

Chairman FEINSTEIN. Do you agree to send officials from the CIA and designated staff when invited?

Mr. BRENNAN. Yes.

Chairman FEINSTEIN. Do you agree to provide documents or any other materials requested by the Committee in order for it to carry out its oversight and legislative responsibilities?

Mr. BRENNAN. Yes; all documents that come under my authority as director of CIA, I absolutely would.

Chairman FEINSTEIN. We'll talk to you more about that in a minute.

Mr. BRENNAN. Yes, Senator.

Chairman FEINSTEIN. Will you ensure that the CIA and its officials provide such material to the Committee when requested?

Mr. BRENNAN. Yes.

Chairman FEINSTEIN. Do you agree to inform and fully brief, to the fullest extent possible, all Members of this Committee, of intel-

ligence activities and covert actions, rather than only the Chairman and Vice Chairman?

Mr. BRENNAN. Yes, I will endeavor to do that.

Chairman FEINSTEIN. Thank you. Now, let me—we are now going to go into eight-minute rounds. And we'll do it by seniority, and alternate from side to side.

I wanted to talk about, just for a moment, the provision of documents; Senator Wyden and others have had much to do about this. But our job is to provide oversight to try to see that the CIA and Intelligence communities operate legally. In order to do that, it is really necessary to understand what the official legal interpretation is, so the Office of Legal Counsel opinions become very important.

We began during the Bush administration, with Mr. Bradbury, to ask for OLC opinions. Up until last night, when the President called the Vice Chairman, Senator Wyden, and myself, and said that they were providing the OLC opinions, we had not been able to get them. It makes our job—to interpret what is legal or not legal—much more difficult if we do not have those opinions.

The staff has asked for eight additional opinions. What I want to know is will you become our advocate with the administration, so that we can obtain those opinions?

Mr. BRENNAN. The National Security Act, as amended, requires that the heads of intelligence agencies provide the Committee with the appropriate legal documentation to support covert actions. I would certainly be an advocate of making sure that this Committee has the documentation it needs in order to perform its oversight functions. I have been an advocate of that position; I will continue to be.

Chairman FEINSTEIN. I take that as a yes, and I'm counting on you to provide eight OLC opinions.

Second question on this: when the opinion came over, our staff were banned from seeing it—this morning. We have lawyers. We have very good staff. This is upsetting to a number of Members. We depend on our staff, because you can't take material home, you can't take notes with you. So the staff becomes very important.

Do you happen to know the reason why our staff are not permitted, when we are permitted, to see an OLC?

Mr. BRENNAN. Senator—Chairman, I understand fully your interest in having your staff have access to this documentation; fully understandable. The reason for providing information just to Committee Members at times is to ensure that it is kept in a limited basis.

It is rather exceptional, as I think you know, that the Office of Legal Counsel opinions, or advice, would be shared directly with you. And this, I think, was determined because of the rather exceptional nature of the issue and in a genuine effort to try to meet the Committee's requirements. I understand your interest in having the staff access to it——

Chairman FEINSTEIN. If you would relay the request, officially——

Mr. BRENNAN. Absolutely.

Chairman FEINSTEIN [continuing]. We'd appreciate it very much.

Mr. BRENNAN. Absolutely; I will.

Chairman FEINSTEIN. Second thing, when I spoke with you in my office, we talked about our report on detention and interrogation—the 6,000-page report you mentioned. I asked you if you would please read it; you said you would—you said you would, for sure, read the 300-page summary. Have you done so?

Mr. BRENNAN. Yes, Chairman, I have read the first volume, which is 300 pages.

Chairman FEINSTEIN. Then, let me ask you this question: Were the EITs key to the takedown of Osama bin Laden?

Mr. BRENNAN. Chairman, the report right now still remains classified. And the report has been provided to the Agency and Executive Branch for comments.

There clearly were a number of things, many things, that I read in that report that were very concerning and disturbing to me, and ones that I would want to look into immediately, if I were to be confirmed as CIA director.

It talked about mismanagement of the program, misrepresentations of the information, providing inaccurate information. And it was rather damning in a lot of its language, as far as the nature of these activities that were carried out.

I am eager to see the Agency's response to that report. I read those 300 pages; I look forward, if confirmed, to reading the entire 6,000-page volume, because it is of such gravity and importance.

But, Chairman, I do not yet—and nor has the CIA finished its review of this information. The Committee's report was done, obviously, over an extended period of time; a tremendous amount of work that's gone into it. Based on the review of the documentary information that was available—the documents, there were not interviews conducted with CIA officers.

I very much look forward to hearing from the CIA on that and then coming back to this Committee and giving you my full and honest views.

Chairman FEINSTEIN. Well, thank you. You will have that opportunity, I assure you.

I'd like to ask you about the status of the administration's efforts to institutionalize rules and procedures for the conduct of drone strikes; in particular, how you see your role as CIA director in that approval process.

Mr. BRENNAN. Chairman, as this Committee knows—and I'm sure wants to continue to protect certain covert action activities—but let me talk, generally, about the counterterrorism program and the role of CIA, and this effort to try to institutionalize and to ensure we have as rigorous a process as possible, that we feel that we're taking the appropriate actions at the appropriate time.

The President has insisted that any actions we take will be legally grounded, will be thoroughly anchored in intelligence, will have the appropriate review process, approval process, before any action is contemplated, including those actions that might involve the use of lethal force.

The different parts of the government that are involved in this process are involved in the interagency, and my role as the President's counterterrorism advisor was to help to orchestrate this effort over the past four years to ensure, again, that any actions we take fully comport with our law and meet the standards that I

think this Committee and the American people expect of us, as far as taking actions we need to protect the American people, but at the same time ensuring that we do everything possible before we need to resort to lethal force.

Chairman FEINSTEIN. Thank you.

Mr. Vice Chairman.

Vice Chairman CHAMBLISS. Thanks very much, Madam Chair.

Mr. Brennan, the 9/11 Commission report describes a canceled 1998 CIA operation to capture Osama bin Laden using tribal groups in Afghanistan.

The former head of CIA's bin Laden Unit told staff that you convinced Director Tenet to cancel that operation. He says that following a meeting you had in Riyadh with Director Tenet, the bin Laden Unit chief, and others, that you cabled National Security Advisor Sandy Berger, saying the operation should be canceled in favor of a different approach, described by the 9/11 Commission as "an all-out secret effort to persuade the Taliban to expel bin Laden."

Now, as we know, bin Laden was not expelled. Three months later, the bin Laden wrath was unleashed with the attack on our embassies. Did you advise Director Tenet and National Security Advisor Berger against this operation; and if so, why?

Mr. BRENNAN. I had conversation with George Tenet at the time. But I must point out, Senator, that every single CIA manager—George Tenet, his deputy, the head of the Directorate of Operations at the time, and other individuals—the Chief of the Counterterrorism Center—argued against that operation, as well, because it was not well grounded in intelligence and its chances of success were minimal. And it was likely that other individuals were going to be killed.

And so, when I was involved in those discussions, I provided the director and others my professional advice about whether or not I thought that that operation should go forward. I also was engaged in discussions with the Saudi government at the time and encouraged certain actions to be taken so that we could put pressure on the Taliban, as well as on bin Laden.

Vice Chairman CHAMBLISS. So, I'm taking it that your answer to my question is you did advise against—in favor of the cancellation of that operation?

Mr. BRENNAN. Based on what I had known at the time, I didn't think that it was a worthwhile operation and it didn't have a chance of success.

Vice Chairman CHAMBLISS. The 9/11 Commission reported that no capture plan before 9/11 ever again attained the same level of detail and preparation; do you have any second thoughts about your recommendation to the director to cancel that operation?

Mr. BRENNAN. Senator, I have no second thoughts whatsoever about my advice, which was to look carefully at this operation because the chances of success were minimal. I was not in the chain of command at that time. I was serving abroad as chief of station.

Vice Chairman CHAMBLISS. As deputy executive director, you received the daily updates from the time of Abu Zubaydah's capture throughout his interrogation, including the analysis of the lawfulness of the techniques, putting you in a position to express any con-

cerns you had about the program before any of the most controversial techniques, including waterboarding, were ever used.

Now, we found a minimum of 50 memos in the documents within the 6,000 pages, on which you were copied. What steps did you take to stop the CIA from moving to these techniques you now say you found objectionable at the time?

Mr. BRENNAN. I did not take steps to stop the CIA's use of those techniques. I was not in the chain of command of that program. I served as deputy executive director at the time. I had responsibility for overseeing the management of the Agency and all of its various functions. And I was aware of the program; I was cc'd on some of those documents, but I had no oversight of it. I wasn't involved in its creation.

I had expressed my personal objections and views to some Agency colleagues about certain of those IETs, such as waterboarding, nudity, and others, where I professed my personal objections to it, but I did not try to stop it, because it was, you know, something that was being done in a different part of the Agency under the authority of others, and it was something that was directed by the administration at the time.

Vice Chairman CHAMBLISS. Now, you say you expressed your objection to other colleagues; did you ever express any concern to Director Tenet, to John McLaughlin, Executive Director Krongard, or any other of the CIA leaders?

Mr. BRENNAN. I had a number of conversations with my Agency colleagues on a broad range of issues during that period of time—not just on this program, but other ones. We would have personal conversations on that.

Vice Chairman CHAMBLISS. Well, my reason, particularly, for naming those individuals, Mr. Brennan, is that they were the ones directly above you. Mr. McLaughlin has been quoted in the press as saying he never heard from you; he doesn't doubt that you did this, but he says he never heard from you. And we just have not seen anybody who has come forward and said they ever heard any objections from you with respect to these programs.

Moving on—Mr. Krongard, your boss at the CIA, told the Wall Street Journal that you had a role in setting the parameters of the program, and I quote, "Helping to seek Justice Department approval for the techniques." He went on to say that "John would have been part and parcel of that process." How does that comport with your response to the Committee that you played no role in the program's—and I quote again, your answer—its "creation, execution, or oversight"?

Mr. BRENNAN. I respectfully disagree with my former colleague, Buzzy Krongard. I was not involved in establishing the parameters of that program. I think in that same Wall Street Journal article, he goes on to say, in fact, that I was not involved in a lot of elements of that program.

But I was not involved in the establishment of that program. Again, I had awareness that the Agency was being asked to do this; I had awareness that the Agency was going forward on it. I had some visibility into some of the activities there, but I was not part of any type of management structure or aware of most of the details.

Vice Chairman CHAMBLISS. That being the case, why would you be the recipient of a minimum of 50 e-mails, Mr. Brennan, on the progress of the interrogation of Abu Zubaydah, including the techniques used in that interrogation?

Mr. BRENNAN. Senator, that was probably a standard e-mail distribution. I was on thousands upon thousands of e-mail distributions, as deputy executive director. I think I was just cc'd on them; I wasn't an action officer on it. I know of no action I took at the Agency that in any way authorized or reprogrammed funds, or anything along those lines.

Vice Chairman CHAMBLISS. Executive Director Krongard is said to have been an advocate of using SERE techniques. Did he discuss with you a proposal to move to SERE techniques with Abu Zubaydah; and if so, did you raise any objection?

Mr. BRENNAN. I don't recall a conversation with Mr. Krongard about that particular issue.

Vice Chairman CHAMBLISS. When you reviewed the intelligence that the CIA was getting on Abu Zubaydah after the use of EITs, did you think the information was valuable?

Mr. BRENNAN. The reports that I was getting subsequent to that, and in the years after that, it was clearly my impression that there was valuable information that was coming out.

Vice Chairman CHAMBLISS. In a November 2007 interview, you said that information from the interrogation techniques, quote, "saved lives." But you also say that CIA should be out of the detention business.

The main benefit that I saw in CIA's program was the ability to hold and question individuals about whom there was significant intelligence that they were terrorists, but not necessarily evidence that could be used in a court of law.

Your view seems to be that even if we could save American lives by detaining more terrorists, using only traditional techniques, it would be better to kill them with a drone or let them go free rather than detain them. Can you explain the logic in that argument?

Mr. BRENNAN. I respectfully disagree, Senator. I never believe it's better to kill a terrorist than to detain him. We want to detain as many terrorists as possible so we can elicit the intelligence from them in the inappropriate manner so that we can disrupt follow-on terrorist attacks. So, I'm a strong proponent of doing everything possible short of killing terrorists, bringing them to justice, and getting that intelligence from them.

I clearly had the impression, as you said, when I was quoted in 2007, that there was valuable intelligence that came out from those interrogation sessions. That's why I did say that they save lives. I must tell you, Senator, that reading this report from the Committee raises serious questions about the information that I was given at the time, and the impression I had at the time.

Now I have to determine, based on that information, as well as what CIA says, what the truth is. And at this point, Senator, I do not know what the truth is.

Vice Chairman CHAMBLISS. How many high value targets have been captured during your service with the administration?

Mr. BRENNAN. There have been a number of individuals who have been captured, arrested, detained, interrogated, debriefed,

and put away by our partners overseas, which is—we have given them the capacity now, we have provided them the intelligence. And, unlike in the immediate aftermath of 9/11 when a lot of these countries were both unwilling and unable to do it, we have given them that opportunity. And so, that's where we're working with our partners.

Vice Chairman CHAMBLISS. How many high-value targets have been arrested and detained, and interrogated by the United States, during your four years with the administration?

Mr. BRENNAN. I'll be happy to get that information to you, in terms of those high-value targets that have been captured with U.S. intelligence support.

Vice Chairman CHAMBLISS. I submit to you the answer to that is one. And it's Warsame, who was put on a ship for 60 days and interrogated.

Thank you.

Chairman FEINSTEIN. Thank you very much, Mr. Vice Chairman.

I want to point out that I'm going to try and enforce the eight minutes. If you hear a tapping, it is not personal.

Senator Rockefeller.

Senator ROCKEFELLER. Thank you, Madam Chair.

Welcome, Mr. Brennan. And if confirmed, you're going to lead an extraordinary agency with extraordinary people who perform extraordinary services, most of them totally unknown by the American people. Most people don't think about that—what it is to do a life of public service and never have anything known. Those of us who sit up here do a life of public service and want everything that we do to be known. It's how we get elected. It's a very different ethic in the Central Intelligence Agency and all intelligence agencies, and I respect it very much.

I want to go to the EITC—sorry; that's Earned Income Tax Credit—to the enhanced interrogation techniques. Well, I'm for both. Well, I'm not for the second, but for the first.

You talk about the 6,000 pages. What I want to say, and when the second round comes, I will, I'm going to pour out my frustration on dealing with the Central Intelligence Agency, and dealing with various administrations, about trying to get information.

Why was it that they felt that we were so unworthy of being trusted? Why was it they were willing to talk to Pat Roberts and me, or Saxby Chambliss and Dianne Feinstein, but not anybody else, until we literally bludgeoned them—Kit Bond and I—into agreeing to include everybody? Like, Carl Levin's not trustworthy? You know? I mean, it's amazing.

And I pursue Dianne Feinstein's point about staff. When you go and you have, under the previous administration, a briefing with the President or the Vice President, or the head of the CIA, or others, you're not allowed to—I can remember driving with Pat Roberts, when he was Chairman and I was Vice Chairman, and we weren't allowed to talk to each other driving up or driving back. You weren't allowed to do that.

Staff were a part of nothing. You have to understand that you're surrounded by people who work with you and fill you in—people who are experts. We are, too. But they've got to be part of this.

They've got to be part of—when the OLC comes, it should come to them, also. I strongly support the Chairwoman's view on that.

Now, in the enhanced interrogation techniques matter, a handful of former senior CIA officials who were personally invested—and are personally invested—in defending the CIA's detention and interrogation program, largely because their professional reputations depend on it, depend on it.

[Inaudible] to speak for the CIA and its workforce on this issue, and I think it does all a great disservice. In my office, you and I discussed the Committee's landmark report on this program. You do understand that this took six years to write—not just 6,000 pages, but six years to write, perhaps longer—23,000, 30,000 footnotes. Why did we do this? We did this because we heard nothing from the Intelligence Agency. We had no way of being briefed. They would not tell us what was going on. So we had to do our own investigation, and we're pretty good at it.

And when you read those first 350 pages, you told me that you were shocked at some of what you read. You did not know that. And that, to me, is shocking—but not to condemn anybody; simply says that has to be fixed, and changed forever. There never can be that kind of situation again, where we have to tell you what's going wrong in your Agency, and thus demoralizing some of the people in your Agency who want to be relieved of the burden and the taint of bad techniques in interrogation. They suffer from that.

And yet, nobody would talk with us about that. We had to get that information on our own. It's a magnificent piece of work, and I think it's a piece of history; it'll go down in history because it will define the separation of powers as between the intelligence committees of the House and Senate, and the Agency and others that relate to it.

I'm also very aware that this is all crucial to the President's authority. Not just on the more modern question of the day about drones. But, you know, that determination is made by one person and one person alone. And if there is a breakdown in protocol, if there is a breakdown in line of command in reacting, therefore, into something which is not good, where there's too much collateral damage, I think, for the most part, I would agree with the Chairwoman—I believe she said this—that the work of the drone had been fairly safe. However, any collateral damage is unacceptable. And that has to be the purpose of the Agency.

And therefore, this detention and interrogation program, I've got to say, it was—the people who ran it were ignorant of the topic; executed by personnel without relevant experience, managed incompetently by senior officials who did not pay attention to crucial details, and corrupted by personnel with pecuniary conflicts of interest. It was sold to the policymakers and lawyers of the White House, the Department of Justice, and Congress with grossly-inflated claims of professionalism and effectiveness; so-called "lives saved."

It was a low point in our history. And this document, this book, should change that forever. I would hope very much that you would, if you are confirmed, which I hope you will be, that you will make parts of this at your discretion, required reading for your

senior personnel so they can go through the same experience that you went through. Are you willing to do that?

Mr. BRENNAN. Yes, Senator. I am looking forward to taking advantage of whatever lessons come out of this chapter in our history and this Committee's report.

Senator ROCKEFELLER. How do you cross-reference—and tell me when I'm out of time.

Chairman FEINSTEIN. Eight seconds. No, a minute and eight seconds.

Senator ROCKEFELLER. A minute and eight seconds, yes.

Chairman FEINSTEIN. Right; a long time.

Senator ROCKEFELLER. The cross-referencing of the EIT disaster and the future of the drone, and the decisions that—only the President, of course, can authorize that—but the decision sometimes is passed down, and it has to be passed down in a very accurate manner. And there have to be a protocol, which is exact—more exact, even, than the interrogation techniques, because I think that's probably been put to bed just a bit; it's beginning to get straightened out.

But the drones are going to grow. There's going to be more and more of that warfare—not just by us, but by other countries, including, perhaps, by people from within our own country. So the protocol of that, insofar as it would refer to a particular agency, is going to have to be exact, and directed, and of particular excellence and exactitude. How will that happen?

Mr. BRENNAN. Senator, you make an excellent point, and that's what I'm most interested in—is finding out what went wrong. If this report is, as stated, accurate, what went wrong in the system where there were systemic failures; where there was mismanagement or inaccurate information that was put forward?

Because there are covert activities that are taking place, you know, today, under the direction and management of the CIA. And I would have the obligation to make sure I could say to this Committee that all of those covert action programs are being run effectively, they're being well managed, they're being overseen, and that the measures of effectiveness, the results of those programs, are an accurate and fair representation of what actually is happening.

This report raises serious questions about whether or not there are serious systemic issues that are at play here. I would need to get my arms around that, and that would be one of my highest priorities, if I were to go to the Agency.

Senator ROCKEFELLER. I thank you. Thank you, Chair.

Chairman FEINSTEIN. Thank you, Senator Rockefeller.

Senator Burr.

Senator BURR. Thank you, Chair.

Mr. Brennan, welcome. Thank you for your long history of public service; and more importantly, to your family—thank you for your willingness to put up with his hobby.

Most, if not all, of the intelligence that our Committee receives is the finished analysis that's derived from source reports and other raw intelligence materials that we don't see—and I might say, we don't need to see—all of.

In order to ensure that we can perform our oversight duties of the Intelligence Committee, would you agree that the Committee should be able to review all analytical product, if requested?

Mr. BRENNAN. On the face of that question, yes. My answer would be yes. However, I would have to take a look at the issues it involved in terms of, you know, what are we talking about, in terms of access to that analytic product—whether it's all staff, all Committee Members, whatever.

I just can't make a commitment to that. But your intention, and what I think your objective is, I fully support, in terms of making sure this Committee has the breadth of analytic expertise available from the Agency.

Senator BURR. As we go forward, there may be times that the Committee will need the raw intelligence to judge the accuracy of analytical product that we're provided. If confirmed, will you provide the raw intelligence on those occasions when the Committee requests it?

Mr. BRENNAN. Senator, I would give every request from this Committee for access to that information full consideration. That's my commitment to you.

Senator BURR. Do you agree that it's a function of this Committee's oversight that occasionally we would need to look at it?

Mr. BRENNAN. I would agree that it is probably a function of your oversight that you would have interest in doing that, and it would be my obligation, I think, as director of CIA, to try to be as accommodating as possible to that interest, while at the same time trying to respect whatever considerations need to be taken into account as we do that.

Senator BURR. Mr. Brennan, as you know, the Committee is conducting a thorough inquiry into the attacks in Benghazi, Libya. In the course of this investigation, the CIA has repeatedly delayed, and in some cases, flatly refused, to provide documents to this Committee. If confirmed, will you assure this Committee that this refusal will never happen again?

Mr. BRENNAN. I can commit to you, Senator, that I would do everything in my ability and my authority to be able to reach an accommodation with this Committee that requests documents, because an impasse between the Executive Branch and the Legislative Branch on issues of such importance is not in the interest of the United States Government. And so, it would be my objective to see if we could meet those interests.

At the same time, our founding fathers did, sort of, separate the branches of government—Judicial, Legislative, and Executive. And so, I want to be mindful of that separation, but at the same time, meet your legitimate interests.

Senator BURR. They also gave us the "power of the purse."

Mr. BRENNAN. They certainly did, Senator; I'm fully aware of that.

Senator BURR. I would suggest that that's the only tool, and it's one we hate to use.

Mr. BRENNAN. Yes.

Senator BURR. Do you think that there's any situation where it's legal to disclose to the media, or to the public, details of covert action programs?

Mr. BRENNAN. I do not think it is ever appropriate to improperly disclose classified information to anybody who does not have legitimate access to it and has the clearances for it.

Senator BURR. Let me clarify. I didn't ask for classified information. I specifically said "covert action programs."

Mr. BRENNAN. By definition, covert action programs are classified, Senator.

Senator BURR. I realize that.

Mr. BRENNAN. Right. So, I do not believe it is appropriate to improperly disclose any of those details related to covert action programs.

Senator BURR. Let me point out that in the Committee pre-hearing questions, you didn't really answer a question that dealt with specific instances where you were authorized to disclose classified information to a reporter. So, could you provide for the Committee any times that you were given the authority to release classified information?

Mr. BRENNAN. I have never provided classified information to reporters. I engaged in discussions with reporters about classified issues that they might have had access to because of unfortunate leaks of classified information, and I frequently work with reporters, if not editors, of newspapers, to keep out of the public domain some of this country's most important secrets.

And so I engage with them on those issues. But after working in the intelligence profession for 30 years and being at the CIA for 25 years, I know the importance of keeping those secrets secret.

Senator BURR. Have any of your conversations with those reporters or media consultants about intelligence matters been recorded, or were there transcriptions of it?

Mr. BRENNAN. I believe there have been. I've been on news network shows, and I have been, you know, engaged in conversations on the telephone and other things that I presume—and I know—that they have been recorded on occasion.

Senator BURR. Have you specifically asked for them not to be recorded?

Mr. BRENNAN. Whenever I talk to reporters, I do so at the request of the White House Press Office, and there are ground rules that are established there. And I'm not the one to establish those ground rules about whether or not they would be recorded or not.

Senator BURR. You said in your responses to pre-hearing questions that in exceptional circumstances, it may be necessary to acknowledge classified information to a member of the media.

Did you tell media commentators that the United States had, and I quote, "inside control" or "inside information" on the AQAP bomb plot in May of last year?

Mr. BRENNAN. I think what you're referring to, Senator, is when I had a teleconference with some individuals, former government officials from previous administrations, who were going to be out on talk shows on the night that an IED was intercepted.

And so, I discussed with them that some of the aspects of that—because I was going on the news network shows the following day—I wanted to make sure they understood the nature of the threat, and what it was, and what it wasn't.

And so, what I said at the time—because I said I couldn't talk about any operational details, and this was shortly after the anniversary of the bin Laden takedown—I said there was never a threat to the American public as we had said so publicly, because we had inside control of the plot, and the device was never a threat to the American public.

Senator BURR. Did you think that that comment actually exposed sources or methods?

Mr. BRENNAN. No, Senator, I did not. And there is an ongoing investigation, I must say, right now about the unfortunate leak of information that was very, very damaging. And I voluntarily cooperated with the Department of Justice on that and have been interviewed on it.

Senator BURR. Well, let me just say, as one that was overseas shortly after that, I certainly had, on numerous occasions, U.S. officials who expressed to me the challenges they've gone through to try to make apologies to our partners. And I personally sat down in London to have that apology conversation, and it was very disruptive.

Very quickly—did you provide any classified or otherwise sensitive information to reporters or media consultants regarding the details of the Abbottabad raid?

Mr. BRENNAN. No, I did not, Senator.

Senator BURR. Then, do you know who disclosed information that prompted the Secretary of Defense, Robert Gates, to advise the White House to tell people to shut up?

Mr. BRENNAN. You would have to ask Secretary Gates what he was referring to at that time, because I don't know.

Senator BURR. In conclusion, let me just go back to the initial questions that the Chair referred to. And in that, I think you might have taken her request on documents to be the documents that we've got outstanding right now; I think she was referring to the future.

But let me just say I hope that you take the opportunity, if you haven't already, to take back to the administration that it is absolutely essential that the documents this Committee has requested on Benghazi be supplied before the confirmation moves forward. I realize—I'm not saying that you were part of it, but it is absolutely essential that we get those documents before we begin a new administration at the CIA. And I hope you will deliver that message. I thank you.

Mr. BRENNAN. Thank you, Senator.

Chairman FEINSTEIN. Thank you very much, Senator.

Senator Wyden.

Senator WYDEN. Thank you, Madam Chair. And Mr. Brennan, thank you for our discussions and for the joint meeting that you had with several of us on the Committee last week.

As we discussed then, I believe the issues before us really have nothing to do with political party, and have everything to do with the checks and balances that make our system of government so special.

Taking the fight to al-Qa'ida is something every Member of this Committee feels strongly about. It's the idea of giving any president unfettered power to kill an American without checks and bal-

ances that's so troubling. Every American has the right to know when their government believes it's allowed to kill them.

And ensuring that the Congress has the documents and information it needs to conduct robust oversight is central to our democracy. In fact, the Committee was actually created, in large part, in response to lax oversight of programs that involved targeted killings.

So it was encouraging last night when the President called and indicated that, effective immediately, he would release the documents necessary for Senators to understand the full legal analysis of the President's authority to conduct the targeted killing of an American. What the President said is a good first step towards ensuring the openness and accountability that's important, and you heard that reaffirmed in the Chair's strong words right now.

Since last night, however, I have become concerned that the Department of Justice is not following through with the President's commitment just yet. Eleven United States Senators asked to see any and all legal opinions, but when I went to read the opinions this morning, it is not clear that that is what was provided.

And moreover on this point, with respect to lawyers, I think the concern is that there's a double standard. As the National Security Advisor—you volunteered, to your credit, you weren't a lawyer—you ask your lawyers and your experts to help you. And we're trying to figure out how to wade through all these documents, and one of the reasons why I'm concerned that it's not yet clear that what the President committed to has actually been provided.

And finally on this point, the Committee has been just stonewalled on several other requests, particularly with respect to secret law. And I'm going to leave this point simply by saying I hope you'll go back to the White House and convey to them the message that the Justice Department is not yet following through on the President's commitment. Will you convey that message?

Mr. BRENNAN. Yes, I will, Senator.

Senator WYDEN. Very good.

Let me now move to the public side of oversight—making sure that the public's right to know is respected. One part of oversight is Congressional oversight, and our doing our work here. The other is making sure that the American people are brought into these debates; just like James Madison said—this is what you need to preserve a republic.

And I want to start with the drone issue. In a speech last year, the President instructed you to be more open with the public about the use of drones to conduct targeted killings of al-Qa'ida members.

So, my question is what should be done next, to ensure public conversation about drones, so that the American people are brought into this debate and have a full understanding of what rules the government is going to observe when it conducts targeted killings?

Mr. BRENNAN. Well, I think this hearing is one of the things that can be done, because I think this type of discourse between the Executive and the Legislative Branch is critically important.

I believe that there needs to be continued speeches that are going to be given by the Executive Branch to explain our counterterrorism programs. I think there is a misimpression on the part of

some of the American people who believe that we take strikes to punish terrorists for past transgressions—nothing could be further from the truth. We only take such actions as a last resort to save lives when there's no other alternative to taking an action that's going to mitigate that threat.

So we will need to make sure that there is an understanding. And the people that were standing up here today, I think they really have a misunderstanding of what we do as a government, and the care that we take, and the agony that we go through to make sure that we do not have any collateral injuries or deaths.

And as the Chairman said earlier, the need to be able to go out and say that publicly and openly, I think, is critically important, because people are reacting to a lot of falsehoods that are out there. And I do see it as part of my obligation, and I think it's the obligation of this Committee, to make sure the truth is known to the American public and to the world.

Senator WYDEN. Mr. Brennan, I'm also convinced there are parts of drone policy that can be declassified consistent with national security. And I hope that you will work with me on that if you are confirmed.

Let me ask you several other questions with respect to the President's authority to kill Americans. I've asked you how much evidence the President needs to decide that a particular American can be lawfully killed, and whether the administration believes that the President can use this authority inside the United States. In my judgment, both the Congress and the public needs to understand the answers to these kinds of fundamental questions.

What do you think needs to be done to ensure that members of the public understand more about when the government thinks it's allowed to kill them, particularly with respect to those two issues—the question of evidence, and the authority to use this power within the United States?

Mr. BRENNAN. I have been a strong proponent of trying to be as open as possible with these programs as far as our explaining what we're doing. What we need to do is optimize transparency on these issues, but at the same time, optimize secrecy and the protection of our national security. I don't think that it's one or the other; it's trying to optimize both of them.

And so, what we need to do is make sure we explain to the American people: what are the thresholds for action; what are the procedures, the practices, the processes, the approvals, the reviews.

The Office of Legal Counsel advice establishes the legal boundaries within which we can operate. It doesn't mean that we operate at those outer boundaries. And, in fact, I think the American people would be quite pleased to know that we've been very disciplined and very judicious, and we only use these authorities and these capabilities as a last resort.

Senator WYDEN. One other point with respect to public oversight: if the Executive Branch makes a mistake and kills the wrong person or a group of the wrong people, how should the government acknowledge that?

Mr. BRENNAN. I believe we need to acknowledge it. I believe we need to it knowledge it to our foreign partners. We need to acknowledge it publicly.

There are certain circumstances where there are considerations to be taken into account, but as far as I'm concerned, if there is this type of action that takes place, in the interest of transparency, I believe the United States Government should acknowledge it.

Senator WYDEN. And acknowledge it publicly?

Mr. BRENNAN. That would be ideal, and that would be the objective of the program.

Senator WYDEN. One last question if I might: in my letter to you three weeks ago, I noted that I've been asking for over a year to receive the names of any and all countries where the Intelligence Community has used its lethal authorities.

If confirmed, would you provide the full list of countries to the Members of this Committee and our staff?

Mr. BRENNAN. I know that this is an outstanding request on your part. During our courtesy call, we discussed it. If I were to be confirmed as director of CIA, I would get back to you, and it would be my intention to do everything possible to meet this Committee's legitimate interests and requests.

Senator WYDEN. Well, I'm going to wrap up just with one sentence on this point, Chair Feinstein.

It's a matter of public record, Mr. Brennan, that the raid that killed Osama bin Laden was carried out under the authority of CIA Director Leon Panetta. So that tells you right there that the Intelligence Community's lethal authorities have been used in at least one country.

I want to hear you say that if these authorities have been used in any other countries, that you'll provide this Committee with the full list. Now, will you give us that assurance?

Mr. BRENNAN. You're talking about a historical list; are you not, Senator Wyden—as far as anytime, anywhere, that the CIA was involved in such a lethal provision?

Senator WYDEN. Yes.

Mr. BRENNAN. I would have to go back and take a look at that request. Certainly, anything that—if I were to go to CIA, and the CIA was involved in any type of lethal activity, I would damn well make sure that this Committee had that information; absolutely.

Senator WYDEN. That's a good start.

Chairman FEINSTEIN. Thank you very much, Senator Wyden.

Senator Risch.

Senator RISCH. Thank you, Madam Chairman.

Mr. Brennan, thank you for your service over the years.

I want to follow up on a conversation you and I had in my office, and it touches on what Senator Burr asked you about a little bit, and that is the question of leaks.

I was glad to hear you acknowledge in your opening statement how important it is that we avoid leaks of any kind, because they are dangerous, they endanger the lives of Americans, and they can't be tolerated in the business that we're in. And you agree with that, I gather?

Mr. BRENNAN. Absolutely, Senator.

Senator RISCH. Okay. Well, I want to talk to you about a person who I believe, and I think you acknowledge, is one of the most dangerous people on the planet, and that's Ibrahim al-Asiri. And the conversation that you had with Senator Burr was referring to the

interview that you gave that talked about the plot that was uncovered that involved him. Do you recall that conversation with Senator Burr?

Mr. BRENNAN. Yes, I do, Senator.

Senator RISCH. Okay. And I have in front of me the Reuters article that's dated May 18, 2012, describing your engagement with the media regarding Mr. Asiri and the plot; you're familiar with that article, I would assume?

Mr. BRENNAN. I have read many articles, so I presume I read that one.

Senator RISCH. Well, this particular one is one that's similar, I think, as far as the leak itself and how we got to where we are on this.

I want to quote from the article. It says, "At about 5:45 p.m., Eastern Daylight Time, on Monday, May 7, just before the evening newscasts, John Brennan, President Barack Obama's top White House advisor on counterterrorism, held a small, private teleconference to brief former counterterrorism advisors who have become frequent commentators on TV news shows."

Is that an accurate statement?

Mr. BRENNAN. That is an accurate statement, Senator. Yes.

Senator RISCH. And can you tell me—who was involved in that conversation; who was involved in that interview?

Mr. BRENNAN. I believe that the people who were on that phone included one of my predecessors, Fran Townsend; Roger Cressey; Juan Zarate; Richard Clarke. I think these are individuals who have served in the government and are counterterrorism professionals.

Senator RISCH. Any others you can think of?

Mr. BRENNAN. I do not remember the others.

Senator RISCH. Do you have notes from that conversation?

Mr. BRENNAN. There are notes, yes—that people took at that, yes.

Senator RISCH. Have those been turned over to the Justice Department?

Mr. BRENNAN. The Justice Department—as I said, I voluntarily and eagerly engaged in that investigation, and they have——

Senator RISCH. That wasn't the question. Were those notes turned over?

Mr. BRENNAN. Everything that was available on that has been turned over to the Department of Justice; absolutely, Senator.

Senator RISCH. Did you turn those notes over?

Mr. BRENNAN. My office turned over everything that was available about that, yes.

Senator RISCH. Who took those notes?

Mr. BRENNAN. Senator, I was not taking notes at the time. There were people, also, from the White House, who were on that conversation, as we do with all of these types of engagements.

Senator RISCH. And who were the people that were involved in that conversation?

Mr. BRENNAN. Aside from the reporters? There was somebody from the White House Press Office and someone from the Counterterrorism directorate.

Senator RISCH. You don't know the peoples' names?

Mr. BRENNAN. I do. They were Nick Rasmussen and Caitlin Hayden.

Senator RISCH. Those are the two people from the White House that were involved; is that——

Mr. BRENNAN. That's my recollection of who was involved in that conference call, yes.

Senator RISCH. May 7th was the date that the incident occurred; is that correct?

Mr. BRENNAN. The date of the conversation with those reports?

Senator RISCH. Excuse me—the date of the underlying event that you were talking about involving Mr. Asiri.

Mr. BRENNAN. Now you're talking about Mr. Asiri—in terms of being the person who was responsible for putting together the IED?

Senator RISCH. Correct.

Mr. BRENNAN. I believe May 7th was about the right date, yes.

Senator RISCH. And can you tell me why you felt compelled to release that information to these people on May 7, 2012?

Mr. BRENNAN. Well, as I explained on the network news the following morning, and as we said publicly, that device was not a threat to the American public at the time of the bin Laden anniversary——

Senator RISCH. I don't want to cut you off, but that's not the question.

Mr. BRENNAN. I thought it was, Senator. But go ahead.

Senator RISCH. No. The question was why did you feel compelled to hold this press conference and divulge that information at that time on that day?

Mr. BRENNAN. It wasn't a press conference; it was a teleconference with these individuals. And I know they were going out on TV that evening and I wanted to make sure that these individuals with that background on counterterrorism were able to explain appropriately to the American people as we've been talking about—the importance of making sure the American people were aware of the threat environment and what we're doing on the counterterrorism front.

Senator RISCH. And they were going to go on TV that evening to discuss this event?

Mr. BRENNAN. Yes, because it had already broken. The news reports had broken that afternoon, Senator, and so there was a flurry of activity and press reporting that was going on. These individuals reached out to us, as they normally do. So this was just a routine engagement with the press, as we normally do when these things are made public.

Senator RISCH. The next paragraph says, "According to five people familiar with the call, Brennan stressed that the plot was never a threat to the U.S. public or air safety because Washington had inside control over it."

Is that an accurate statement?

Mr. BRENNAN. Inside control of the plot, yes, that's exactly right.

Senator RISCH. Okay. So, based on that, one would know that we had something inside; is that a fair statement?

Mr. BRENNAN. From that statement, it is known that that IED, at the time, was not a threat to the traveling public, because we

had said publicly that there was no active plot at the time of the bin Laden anniversary. That's correct.

Senator RISCH. Would you agree with me that that disclosure resulted in the outing of an asset that shouldn't have been outed?

Mr. BRENNAN. Absolutely not, Senator. I do not agree with you, whatsoever.

Senator RISCH. Well, how can you say that?

Mr. BRENNAN. What I'm saying is that we were explaining to the American public why that IED was not, in fact, a threat at the time that it was in the control of individuals. When we say "positive control," "inside control," that means that we have, in fact, that operation, either environmentally or any number of ways. It did not in any way reveal any type of classified information.

And I told those individuals—and there are transcripts that are available of that conversation—"I cannot talk to you about the operational details of this, whatsoever."

Senator RISCH. Having used the words that you used of "inside control," it isn't much of a leap to determine that somehow you had a handle on it.

Mr. BRENNAN. It's not much of a leap to know that if in fact we said this IED was, in fact, obtained, and it was not a threat at the time, that there was some type of inside control. It is almost a truism.

Senator RISCH. Well, having said that, it seems to me that the leak that the Justice Department is looking for is right here in front of us. And you disagree with that?

Mr. BRENNAN. I disagree with you vehemently, Senator. And I've talked to the Department of Justice. As I said, I conducted interviews with them. And, you know, I am a witness in that, as many other people are. And as you know, there's witness and subject and target. I'm not a subject. I'm not a target. I am a witness. Because I want to make sure whoever leaked this information that got out to the press and that seriously did disrupt some very sensitive operational equities on the part of some of our international partners—that never should have happened.

Senator RISCH. And you're in agreement with that—that this was a serious flaw in what should have happened; is that correct?

Mr. BRENNAN. It's a serious flaw that it got out to the press before that operation was, in fact, concluded; absolutely. And my discussion with those individuals that night, it already was out in the press.

Senator RISCH. You would agree with me that on the day that we get Mr. Asiri, it's going to be either a very, very good day, or, if he gets us first, it's going to be a very, very bad day for the American people, and particularly for anyone who was involved in a leak concerning him.

Mr. BRENNAN. Senator, I live this every day and night.

Senator RISCH. I understand.

Mr. BRENNAN. I go to bed at night worrying that I didn't do enough that day to make sure I could protect the American people. So, when Mr. Asiri is brought to justice, one way or another, it will be because of the work that's been done over the past number of years by some very brave Americans in CIA and other places.

So, believe me, I am focused as a laser on the issue of the IED threat, AQAP, and Mr. al-Asiri.

Senator RISCH. I have more, but my time is up.

Thank you, Madam Chairman.

Chairman FEINSTEIN. Thank you, Senator Risch.

Senator Mikulski.

Before you start, Senator, a vote is due to start at four. It's now five after four. Senator Chambliss went to vote; as soon as he returns, I will go. And we will just keep this going. So, Members, be guided by that.

The vote just started. Please go ahead.

Senator MIKULSKI. Mr. Brennan, first of all, welcome to the Committee. And in the short time I have—you mentioned your wife, Kathy; could you introduce us to her?

Mr. BRENNAN. Yes, this is my wonderful, beautiful wife, Kathy, who's been my spouse for 34 years and my partner in my work. And my brother, Thomas, also is here, from New Jersey.

Senator MIKULSKI. Well, we'd like to welcome you. And we know that not only will you serve, but your entire family has served, and will continue to serve. And I'm going to echo the remarks of my colleague, Senator Warner, thanking the people of the Central Intelligence Agency for what they do every day in every way, working often in a way that is not known, not recognized, and quite frankly, not always appreciated.

So, let me get to my questions. I have been concerned for some time that there is a changing nature of the CIA, and that instead of it being America's top human spy agency to make sure that we have no strategic surprises, that it has become, more and more, executing paramilitary operations.

And I've discussed this with you in our conversation. How do you see this? I see this as mission-creep. I see this as overriding the original mission of the CIA, for which you're so well versed, and more a function of the Special Operations Command.

Could you share with me how you see the CIA and what you think about this militarization of the CIA that's going on?

Mr. BRENNAN. Thank you, Senator, and thank you——

Senator MIKULSKI. You might disagree with me, and I welcome your disagreement is you so do so.

Mr. BRENNAN. Senator, the principal missions of the Agency is to collect intelligence, uncover those secrets, as you say, to prevent those strategic surprises, and to be the best analytic component within the U.S. Government, to do the all-source analysis that CIA has done so well for many, many years.

At times, the President asks and directs the CIA to do covert action. That covert action can take any number of forms, to include paramilitary. And, as we've discussed here today on the counterterrorism front, there are things that the Agency has been involved in since 9/11 that, in fact, have been a bit of an aberration from its traditional role.

One of the things that I would do if I would go back to the Agency is to take a look at that allocation of mission within CIA—the resources that are dedicated to this, and, as we had the discussion when I paid my courtesy call, I am concerned that looking at the world, which is a very big place, we need to make sure we have

the best intelligence collection capabilities possible and the best analytic capabilities possible. And the CIA should not be doing traditional military activities and operations.

Senator MIKULSKI. Well, I appreciate that and look forward to working with you on this to really identify what's up with the CIA, and to DoD, which then takes me to the issue of cyber threat.

Both Secretary Panetta, General Dempsey, and so on—and we, in your current role at the White House—have talked about the cyber threat. You were a big help in trying to help us get the cyber legislation passed.

Now, tell us what you think is the role of the CIA in dealing with the cyber threat in the area of human intelligence with the CIA? You have a unique insight into it. We know what NSA does; we know what Homeland Security is supposed to do; tell us where you see the CIA in this.

Mr. BRENNAN. Well, first of all, the cyber threat that this country faces is one of the most insidious and one of the most consequential to our national security, and one that I think that our government as a whole and this body, the Congress, really needs to be focused on and do everything possible to prevent a devastating attack against this country because of our vulnerabilities on the cyber front.

CIA's traditional mission on the collection front is to try to determine the plans and intentions of foreign governments, foreign groups, sub-national groups, and others.

Learning about those plans and intentions, and the development of capabilities in the cyber world, is something that CIA, I think, is best placed to do, so that we have an understanding of what foreign countries are doing, what organized criminal organizations are doing, what sub-national groups are doing, and the nature of the threat to us.

Then, in addition, the analysts at CIA can take that information, working with the rest of the Community, to make sure that policymakers have a good sense of the nature of the threat and some potential mitigation strategies. And then, working with NSA, Department of Homeland Security, and others, put together that structure that's going to make this country resistant and resilient to those attacks.

Senator MIKULSKI. Well, Mr. Brennan, I really look forward to working with you on this, because this cuts across all the agencies—those that have responsibility for work outside of this country, inside this country, and yet, we all have to be doing—what we're—to use the Marine Corp saying—the best that we're best at and best that we're most needed for.

I consider this one of the greatest threats and one of the greatest vulnerabilities, because we failed to pass the legislation ourselves. We can't stop what foreign predators want to do. I mean, we can divert; identify an attack. But we are making ourselves vulnerable.

Now, I want to get to the job of the CIA director. I'm going to be blunt—and this will be no surprise to you, sir—but I've been on this Committee for more than 10 years, and with the exception of Mr. Panetta, I feel I've been jerked around by every CIA director. I've either been misled, misrepresented, had to pull information out—often at the most minimal kind of way; from Tenet, with his

little aluminum rods, to tell us that we had weapons of mass destruction in Iraq, to Porter Goss—not forthcoming.

You know the problems we've had with torture. The Chair has spoken eloquently about it, all the way. And quite frankly, during those questions, they were evaded; they were distorted, et cetera.

So, my question to you is: knowing your background, knowing your Jesuit education, knowing what I think your values are, can I have your word that you're going to be very forthcoming with this Committee, to speak truth to power, to speak truth about power, even when it's uncomfortable, or where we're going to have to probe in a way that is not an easy way to go?

Mr. BRENNAN. Honesty, truthfulness, was a value that was inculcated in me in my home in New Jersey, from my parents, Owen and Dorothy. It still is to this day.

Honesty is the best policy. None of us are perfect beings. I'm far from perfect. But, Senator, I would commit that I would be honest with this Committee and do everything possible to meet your legitimate needs and requirements. As I think I've told you before, I know that you are a very proud senator of one of the jewels in the Intelligence Community, NSA, which resides in Maryland, but it would be my objective to make CIA your favorite intelligence agency and push Keith Alexander aside.

[Laughter.]

Senator MIKULSKI. Well, I think you're pushing your luck now.

Thank you very much.

Vice Chairman CHAMBLISS. Senator Levin.

Senator LEVIN. Thank you.

Thank you for your willingness to serve here, Mr. Brennan.

You've said publicly that you believe waterboarding is inconsistent with American values; it's something that should be prohibited, and it goes beyond the bounds of what a civilized society should employ.

My question is this: in your opinion, does waterboarding constitute torture?

Mr. BRENNAN. The attorney general has referred to waterboarding as torture. Many people have referred to it as torture. The attorney general, premiere of law enforcement officer and lawyer of this country. And as you well know, and as we've had the discussion, Senator, the term "torture" has a lot of legal and political implications. It is something that should have been banned long ago. It never should have taken place in my view. And, therefore, if I were to go to CIA, it would never, in fact, be brought back.

Senator LEVIN. Do you have a personal opinion as to whether waterboarding is torture?

Mr. BRENNAN. I have a personal opinion that waterboarding is reprehensible, and it's something that should not be done. And, again, I am not a lawyer, Senator, and I can't address that question.

Senator LEVIN. Well, you've read opinions as to whether or not waterboarding is torture. And I'm just—do you accept those opinions of the attorney general? That's my question.

Mr. BRENNAN. Senator, you know, I've read a lot of legal opinions. I've read an Office of Legal Counsel opinion in the previous administration that said in fact waterboarding could be used. So,

from the standpoint of that, you know, I cannot point to a single legal document on this issue.

But, as far as I'm concerned, waterboarding is something that never should have been employed, and, as far as I'm concerned, never will be, if I have anything to do with it.

Senator LEVIN. Is waterboarding banned by the Geneva Conventions?

Mr. BRENNAN. I believe the attorney general also has said that it's contrary, in contravention, of the Geneva Convention.

Again, I am not a lawyer, or a legal scholar, to make a determination about what is in violation of an international convention.

Senator LEVIN. Mr. Rodriguez, the former CIA deputy director for operations, was asked about his personal moral or ethical perspective on these enhanced interrogation techniques, including waterboarding.

He said that he knew of—and these are his words—"I know that many of these procedures were applied to our own servicemen. Tens of thousands of U.S. soldiers had gone through this."

Now, as we investigated, at Senate Armed Services Committee, in our 2008 report, these so-called "Survival, Evasion, Resistance, and Escape"—or "SERE"—techniques referred to by Mr. Rodriguez were used to train members of our military. They were never intended to be used by U.S. interrogators.

These techniques were based on Chinese Communist interrogation techniques used during the Korean War to elicit confessions, were developed to expose U.S.—and the use of or the training of U.S. personnel and exposing of them for a few moments to these techniques which helped to—was meant to help them survive in the event they were captured and the event they were subjected to these techniques.

My question to you is this: is there any comparability between a friendly trainer in the United States exposing our troops to abuses—these SERE techniques, including waterboarding—for a few moments under close supervision; is there any possible comparability to that to using these techniques on an enemy in an effort to extract intelligence?

Mr. BRENNAN. They are for completely different purposes and intentions. I do not see any comparability there.

Senator LEVIN. Now, the Chairman and I issued a report, or made a statement, on April 27, 2012. This also began with a statement of Mr. Rodriguez.

And here's what he said: "Information provided by CIA detainees Khalid Sheikh Mohammed and Abu Faraj al-Libbi about bin Laden's courier being the lead information that eventually led to the location of bin Laden's compound and the operation that led to his death."

That's what Rodriguez said. We said that statement is wrong. The original lead information had no connection to CIA detainees. The CIA had significant intelligence on the courier that was collected from a variety of classified sources. While the CIA's enhanced interrogation techniques were used against KSM and al-Libbi, the pair provided false and misleading information during their time in CIA custody.

Now, my question to you is: are you aware of any intelligence information that supports Mr. Rodriguez's claim that the lead information on the courier came from KSM and al-Libbi?

Mr. BRENNAN. I have not reviewed the intelligence thoroughly, but I am unaware of any.

Senator LEVIN. Next, Michael Hayden, former CIA director, on May 3, 2011, said that "What we got, the original lead information, began with information from CIA detainees at black sites."

The Chairman and I issued, in the same statement, the following—that the statement of the former attorney general, Michael Mukasey, was wrong. Do you have any information to disagree with our statement?

Mr. BRENNAN. I do not.

Senator LEVIN. The third statement that we quoted in our report—out of Michael Hayden, former CIA director: "What we got, the original lead information, began with"—excuse me; that was Mr. Hayden that I was asking you about, not Mr. Mukasey. Your answer is the same, I assume?

Mr. BRENNAN. Yeah, I do not know. I'm unaware.

Senator LEVIN. You don't have any information to the contrary?

Mr. BRENNAN. Right.

Senator LEVIN. Now Michael Mukasey, former attorney general, Wall Street Journal: "Consider how the intelligence that led to bin Laden came to hand: it began with a disclosure from Khalid Sheikh Mohammed, who broke like a dam under pressure of harsh interrogation techniques that included waterboarding. He released a torrent of information, including eventually the name"—the name – "of a trusted courier of bin Laden."

Our statement—that of the Chairman and myself—is that that statement is wrong. Do you have any information to the contrary?

Mr. BRENNAN. Senator, my impression earlier on was that there was information that was provided that was useful and valuable, but, as I said, I've read now the first volume of your report, which raises questions about whether any of that information was accurate.

Senator LEVIN. But I'm now referring not to the report, but to the statement that Chairman Feinstein and I issued on April 27, 2012. We flat-out say that those statements are wrong.

Mr. BRENNAN. Right.

Senator LEVIN. Do you have any basis to disagree with us?

Mr. BRENNAN. I do not.

Senator LEVIN. Will you, when you become the CIA director, assuming you are confirmed, take the statement that we have issued and tell us whether or not you disagree with any of these statements that we have made about those statements of those three men; will you do that if you are confirmed?

Mr. BRENNAN. I will look and consider that request, Senator. As I said, the report that this Committee has put together, I need to take a look at what CIA's response is to it. And that report raises serious questions about whether any worthwhile intelligence came from these individuals.

Senator LEVIN. Will you include, in your review, a review of our joint statement and tell us whether, after your review, you disagree with anything that we've said; will you do that?

Mr. BRENNAN. I would be happy to.

Senator LEVIN. Now, there's one final point, and that has to do with a very famous document. And that has to do with a cable that came in that relates to the so-called "Atta" matter. Are you familiar with that issue?

Mr. BRENNAN. Yes, I am, Senator.

Senator LEVIN. The issue here is whether or not there ever was a meeting in Prague between Mohammed Atta, who is one of the people who attacked the Trade Center, and the Iraqi Intelligence.

The cable that came in has been classified by the CIA, even though the report of—this is what the CIA did to the cable. (Holds up a piece of paper containing text that has mostly been redacted.)

Now, will you check with the Czechs for the source of this cable and see if they have any objection to the release of this cable relative to the report of that meeting?

Mr. BRENNAN. Yes, Senator. And since our courtesy call, I have looked into this issue, and I know that you and Director Petraeus were involved in a discussion on this. And I would be happy to follow up on it. But there does seem to be some concerns about release of the cable.

Senator LEVIN. The unclassified report of the Intelligence Committee—which was not classified; was not redacted by the CIA—made at least four references to the Czech Intelligence Service providing the CIA with reporting, based on a single source, about this alleged meeting, which never took place. We knew it never took place. And yet, repeatedly—particularly the Vice President—made reference that there was a report of a meeting between these two.

Now, it's very significant for the historical record here. We went to war based on allegations that there was a relationship between Iraq and the attackers—the 9/11 attackers. It's very important that this cable be declassified. The only reason to keep it redacted and classified, frankly, is to protect an administration, not to protect sources and methods, because the sources and methods—if you will check with the Czechs, I'm sure they will tell you they have no objection to the release of that cable.

My question to you is will you check with the Czechs, if you are confirmed, and determine whether they have any objection to the release of the cable, which makes reference to them?

Mr. BRENNAN. Absolutely, Senator; I will.

Senator LEVIN. Thank you. My time is up.

Vice Chairman CHAMBLISS. Thank you, Senator.

Senator Coats.

Senator COATS. Thank you, Mr. Chairman.

Mr. Brennan, we acknowledge your experience, and I think that experience is important to have for the position that, if confirmed, you will occupy. I acknowledge your service to the country and your experience in this field. I think the President used that as one of the criteria, of course.

You and I, when we talked earlier in a private talk, talked about the relationship that you want to have with this Committee—not just with the Chairman and the Vice Chairman, but with all the Committee Members. And I appreciate your answers on that, and you addressed it again today, in terms of a potential trust deficit

or—you said that that's "wholly unacceptable" and that you would give straight answers and be blunt and candid.

And you've been that today. It's not a prerequisite to be Mr. Congeniality to occupy the position of director of CIA, so I don't hold that as—in fact, it would be probably a red flag for me if somebody did have that award and wanted your position.

The kind of issues that you have to deal with require straight talk, straight answers, and getting to the chase real quick. You said it's the "New Jersey" way. I'll accept that; it's bipartisan. Governor Christie exhibits the same kind of responses and has a pretty high approval rating.

So, we will go forward with taking you at your word that we'll have the kind of relationship that we can have a blunt, straightforward, fully disclosed, working relationship. I think it's critical to our ability to provide oversight, our ability to have the right kind of relationship with the Agency so we know where each other is and can move forward together in terms of what needs to be done to provide the intelligence necessary to protect the American people.

So, I wanted to say that. I'd like to follow up a little bit more on the leaks question because I have a few more questions. I was going to delve into that in more detail, but it's already been discussed by Senator Risch and others. But let me just ask a couple of other questions to clear some things up in my mind.

My understanding is that the Associated Press had information relative to the intercept of a planned operation that perhaps had something to do with airlines and explosive devices; that apparently they had that for a few days and then either were about to or had gone ahead and released it. I'm assuming that your then calling the conference call was in response to what they had just released; is that correct?

Mr. BRENNAN. Yes. A number of news networks have put out information about this. Yes.

Senator COATS. And you expressly arranged this teleconference for what exact purpose?

Mr. BRENNAN. There were a number of people who were going to be going out on the news shows that night who were asking about the reports about this intercepted IED and wanted to get some context, as far as the nature of the threat, and also were asking questions about—"Well, you said, and the U.S. Government said, that there was no threat during the anniversary of the bin Laden take-down, so how could there not have been a threat if, in fact, this IED was out there?"

Senator COATS. The question I have is this—because based on what you said and what we have learned, you then, in that teleconference, talked about the fact that, in answering the question, "How do we know this?"—I think the quote that came across from Richard Clarke was, "never came close, because they had insider information, insider control." And you had referenced that you had said that to the group.

Mr. BRENNAN. No, what I said was inside control of the plot, and that the device was never a threat.

Senator COATS. Okay, "insider control."

Mr. BRENNAN. No, I said "inside control"—not "insider."

Senator COATS. Okay, "inside control." The Associated Press never made any mention about inside control. Why was it necessary, then, to add that? Why couldn't you have just simply said, "We've intercepted a plot—it's been a successful interception"? Because once the word "inside control" got out, then all the speculation—and correct—was that that "inside control" was interpreted as meaning "we've got somebody inside."

And the result of that was the covert action operation had to be dissolved because the control agent, the inside person, was—well, essentially, the plot was exposed, and therefore, the whole operation had to be dissolved.

Mr. BRENNAN. Well, Senator, I must caution that there are still elements of this event that remain classified and that we cannot talk about in public. There was a lot of information that came out immediately after AP broke that story. Unfortunately, there was a hemorrhaging of information and leaks.

Again, what I said was that there was inside control, because what I needed to do, and what I said to the American public in open networks the following morning, is that during the anniversary period of the bin Laden take-down, when we said to the American public that there were no active plots, no threat to the American public, that we were aware of, that was specific and credible.

Well, why was not this IED that we had intercepted—why wasn't that a threat? Well, because we had inside control of the plot, which means any number of things—in terms of environmentally, working with partners, whatever else. It did not reveal any classified information. And as I said, we have to be careful here because there are still operational elements of this that remain classified.

Senator COATS. And that's appropriate, but, you know, it was just a couple weeks later when Reuters reported publicly, and I quote, "As a result of the news leaks, U.S. and allied officials told Reuters that they were forced to end an operation which they had hoped could have continued for weeks or longer."

Mr. BRENNAN. There were a lot of things that were reported by the press—accurate, inaccurate—a whole bunch of stuff, Senator. So I would not put stock in the types of things that you might be reading there. I know that I engaged for an extended period of time both before that leak and afterward to make sure we were able to mitigate any damage from that initial leak, and the subsequent leaks, of classified information.

Senator COATS. So, you're essentially saying that this Reuters report may or may not be accurate, but had no link to what was disclosed to Mr. Clarke and then what he said shortly thereafter on ABC News?

Mr. BRENNAN. What I'm saying, Senator, is that I'm very comfortable with what I did and what I said at that time to make sure that we were able to deal with the unfortunate leak of classified information.

Senator COATS. How frequently did you have to pull groups like this together in order to, in a sense, put out authorized, or at least what you think is appropriate, news for the correct purposes?

Mr. BRENNAN. Senator, frequently, if there is some type of event, or if there's a disrupted terrorist attack, whether it's some "underwear bomber" or a disrupted IED, or a printer bomb, or whatever

else, we will engage with the American public. We'll engage with the press. We'll engage with individuals who are experienced professional counterterrorism experts who will go out and talk to the American public.

We want to make sure that there are not misrepresentations, in fact, of the facts, but at the same time, do it in a way that we're able to maintain control over classified material.

Senator COATS. Now, it does occur, I assume, or it is possible, to put out an authorized leak; is that correct?

Mr. BRENNAN. No. Those are oxymorons: "authorized leak." It is something that would have to be declassified, disclosed, and done in a proper manner.

Senator COATS. And this, in no way, fell into that category?

Mr. BRENNAN. Absolutely not. I was asked to engage with these individuals by the White House Press Office. I talked with them about the interception. No, it was not.

Senator COATS. There is a provision in last year's Intelligence Authorization Bill that requires a report to this Committee of any authorized leak; so, you are aware of that?

Mr. BRENNAN. I'm aware of the provision, yes, that's been put forward.

Senator COATS. And no report has come forward, so I assume there haven't been any authorized leaks in the past year?

Mr. BRENNAN. I think, you know, what we want to do is to make sure if there's going to be any disclosures of classified information, that this Committee is going to be informed about that. So we will adhere to the provision that was in that Intel Authorization Bill.

Senator COATS. Thank you.

Mr. Chairman, my time is expired.

Vice Chairman CHAMBLISS. Senator Udall.

Senator UDALL. Thank you, Mr. Vice Chairman.

Good afternoon, Mr. Brennan. I can't help but—observing that Senator Coats talked about being governor of New Jersey, I think being governor of Jersey is a piece of cake compared to being the director of the CIA.

I hope Governor Christie won't take that in the wrong way, by the way, because I have great respect for him.

Mr. BRENNAN. I have no plans to run against Governor Christie. [Laughter]

Senator UDALL. Thank you for your service. Thank you for your willingness to continue serving as the head of the CIA. I have some comments I'd like to share with you, and then of course I'll direct some questions your way.

You've said that President Obama believes that, done carefully, deliberately, and responsibly, we can be more transparent and still ensure our nation's security. I absolutely agree. The American people have the right to know what their government does on their behalf.

Consistent with our national security, the presumption of transparency should be the rule, not the exception, and the government should make as much information available to the American public as possible.

So when we, on the Committee, and we, as Members of Congress, push hard for access to the legal analysis justifying the authority

of the Executive Branch to lethally target Americans using drones, for instance, it erodes the government's credibility of the American people.

I want to tell you I'm grateful to the President for allowing Members of this Committee to briefly use some of the legal opinions on targeting American citizens. This is an important first step. But I want to tell you, I think there's much more to be done in that regard. And you've heard that from my colleagues here today.

I've long believed that our government also has an obligation to the American people to face its mistakes transparently, help the public understand the nature of those mistakes, and correct them. The next director of the CIA has an important task ahead in this regard.

Mr. Brennan, I know you're familiar with the mistakes that I'm referring to. We've already discussed those here today to some extent. They're outlined in the Committee's 6,000-page report on the CIA's detention and interrogation program, based on a documentary view of over 6 million pages of CIA and other records, and including 35,000 footnotes.

I believe that this program was severely flawed. It was mismanaged. The enhanced interrogation techniques were brutal, and, perhaps most importantly, it did not work. Nonetheless, it was portrayed to the White House, the Department of Justice, the Congress, and the media as a program that resulted in unique information that saved lives.

And I appreciate the comments you made earlier about the misinformation that may have flowed from those who were in charge of this program to people like yourself. Acknowledging the flaws of this program is essential for the CIA's long-term institutional integrity, as well as for the legitimacy of ongoing sensitive programs. The findings of this report directly relate to how other CIA programs are managed today.

As you said in your opening remarks, and you so powerfully referenced the Memorial Wall, all CIA employees should be proud of where they work, and of all the CIA's activities. I think the best way to ensure that they're proud is for you to lead in correcting the false record, and instituting the necessary reforms that will restore the CIA's reputation for integrity and analytical rigor. The CIA cannot be its best until the leadership faces the serious and grievous mistakes of this program.

So, if I might, let me turn to my first question. Inaccurate information on the management operation effectiveness of the CIA's detention and interrogation program was provided by the CIA to the White House, the DoJ, Congress, and the public. Some of this information is regularly and publicly repeated today by former CIA officials, either knowingly or unknowingly.

And although we now know this information is incorrect, the accurate information remains classified, while inaccurate information has been declassified and regularly repeated.

And the Committee will take up the matter of this report's declassification separately. But there's an important role I think the CIA can play in the interim: CIA has a responsibility to correct any inaccurate information that was provided to the previous White

House, Department of Justice, Congress, and the public, regarding the detention and interrogation program.

So, here's my question: do you agree that the CIA has this responsibility? And I'd appreciate a yes or no answer.

Mr. BRENNAN. Yes, Senator.

Senator UDALL. Thank you for that. Again, yes or no—will you commit to working with the Committee to correct the public and internal record regarding the detention and interrogation program within the next 90 days?

Mr. BRENNAN. Senator, I think it's only fair of me to say that I am looking forward to CIA's response to that report so that we're assured that we have both the Committee's report, as well as CIA's comments on it. And I will be getting back to you, yes.

Senator UDALL. I can understand you want to make sure you have accurate time. I understand, as well, that the CIA will finish their analysis by the middle of February. And so, I hope we can work within that time frame.

And I know that in your answers to the Committee in preparing for this hearing, you wrote that "the CIA, in all instances, should convey accurate information to Congress. When an inaccurate statement is made and the CIA is aware of the inaccuracy, it must immediately correct the record. And certainly, I would do so, if I were director."

So, I take your answer in the spirit of the written testimony you provided to the Committee. Let me turn to the report and its eventual declassification, if I might.

I don't think it has to be difficult—that is, the declassification—for these reasons: the identities of the most important detainees have already been declassified; the interrogation techniques themselves have been declassified; the application of techniques to detainees has been declassified to some extent, with a partial declassification of the inspector general report; and the intelligence was declassified to a significant extent when the Bush administration described plots it claimed were thwarted as a result of the program.

So long as the report does not identify any undercover officers, or perhaps the names of certain countries, can you think of any reason why the report could not be declassified with the appropriate number of redactions? Can you answer yes or no to that question?

Mr. BRENNAN. I would have to take that declassification request under serious consideration, obviously. That's a very weighty decision, in terms of declassifying that report, and I would give it due consideration. But there are a lot of considerations that go into such decisions.

Senator UDALL. I want to, again, underline that I think this would strengthen the CIA. It would strengthen our standing in the world. America is at its best, as we discussed earlier today, when it acknowledges its mistakes, and learns from those mistakes.

And I want to quote Howard Baker, who I think we all admire in this room. He spoke about the Church Committee, which he, you know, was an important effort on the part of this Congress. And there was much broader criticism of the CIA in that Church Com-

mittee process. And the CIA came out of that stronger and more poised to do what it's supposed to do.

So I want to quote Howard Baker. He wrote: "In all candor, however, one must recognize that an investigation such as this one"—he's referencing the Church Committee, but I think it could apply to what this Committee has done, as well—"of necessity, will cause some short-term damage to our intelligence apparatus. A responsible inquiry, as this has been, will, in the long run, result in a stronger and more efficient Intelligence Community.

"Such short-term inquiry will be outweighed by the long-term benefits gained from the restructuring of the Intelligence Community with more efficient utilization of our intelligence resources."

So, again, Mr. Brennan, I look forward to working with you to complete these tasks that we've outlined here today. In the long run, I have faith in the CIA like you have faith in the CIA that it will come out of this study stronger and poised to meet the 21st Century intelligence challenges that are in front of us. Thank you again for your willingness to serve.

Mr. BRENNAN. Thank you, Senator.

Chairman FEINSTEIN. Thank you, Senator Udall.

Senator Rubio.

Senator RUBIO. Thank you. Thank you, Mr. Brennan, for being here with us today, and congratulations on your nomination.

I wanted to ask, in the 2007 CBS interview, you said that information obtained in interrogations have saved lives. In September of 2011, you said in a speech at Harvard, that whenever possible, the preference of the administration is to take custody of individuals so that we could obtain information which is, quote, "vital to the safety and security of the American people."

So, obviously, you believe that interrogations of terrorists can give us information that could prevent attacks in the future?

Mr. BRENNAN. Absolutely agree.

Senator RUBIO. But you don't believe the CIA should be in the business of detention, correct?

Mr. BRENNAN. I agree.

Senator RUBIO. So, who should be?

Mr. BRENNAN. Well, there are a number of options—U.S. military, which maintains an active interrogation program, detention program; the FBI, as part of its efforts on counterterrorism; and our international partners, and working with them. And that's where, in fact, most of the interrogations are taking place of terrorists who have been taken off of the battlefields in many different countries.

Senator RUBIO. So there are active interrogations occurring?

Mr. BRENNAN. Absolutely, every day.

Senator RUBIO. Okay. About the foreign partners that you talk about, have you talked to folks in the CIA about their impressions of the quality of information we're getting from our foreign partners?

Mr. BRENNAN. Yes, on a regular basis.

Senator RUBIO. Would it surprise you to know that some of them have indicated to us repeatedly, over the last couple of years that I've been here, that the information we get directly is much better

than anything we get from our foreign partners on some of these issues?

Mr. BRENNAN. Right. And that's why we work with our foreign partners so that we can have direct access to these individuals that have been detained.

Senator RUBIO. Well, I'll tell you why I'm concerned. Ali Ani al-Harzi—I think is how I pronounce his name—he's a suspect in the Benghazi attack, and the Tunisians detained him, correct?

Mr. BRENNAN. Yes, he was taken into custody by the Tunisians.

Senator RUBIO. Did we not ask for access to him, to be able to interrogate him and find out information?

Mr. BRENNAN. Yes. And the Tunisians did not have a basis in their law to hold him.

Senator RUBIO. So they released him?

Mr. BRENNAN. They did.

Senator RUBIO. Where is he? We don't know?

Mr. BRENNAN. He's still in Tunisia.

Senator RUBIO. That doesn't sound like a good system of working with our foreign partners.

Mr. BRENNAN. No, it shows that the Tunisians are working with their rule of law, as well—just the way we do.

Senator RUBIO. Well, we have someone who was a suspect in the potential in the attack on Benghazi. They didn't give us access to him and we don't have any information from him.

Mr. BRENNAN. We work with our partners across the board, and when they are able to detain individuals, according to their laws, we work to see if we can have the ability to ask them questions—sometimes indirectly and sometimes directly.

Senator RUBIO. So your point is that Tunisian law did not allow them to hold him, and therefore they let him go before we could get there to talk to him?

Mr. BRENNAN. And we didn't have anything on him, either, because if we did, then we would've made a point to the Tunisians to turn him over to us. We didn't have that.

Senator RUBIO. What role should the CIA play in interrogations?

Mr. BRENNAN. The CIA should be able to lend its full expertise, as it does right now, in terms of—in support of military interrogations, FBI debriefings and interrogations, and our foreign partner debriefings. And they do that on a regular basis.

Senator RUBIO. And so, what's the best setting to do that in? For example, if a suspected terrorist is captured, and we think we can obtain information from them, where would they go? Where do you suggest that they be taken, for example; what's the right setting for it?

Mr. BRENNAN. There are many different options, as far as where they go. Sometimes it is with—foreign partners, they put the individuals in their jails and in their detention facilities according to their laws, and people can access that.

We take people, as we've done in the past, and put them on naval vessels and interrogate them for an extended period of time.

Senator RUBIO. Okay. So you think that's the best setting—the naval vessel?

Mr. BRENNAN. No, I think——

Senator RUBIO [continuing]. From our perspective, leaving aside the foreign partners for a second—for us.

Mr. BRENNAN [continuing]. I think each case requires a very unique and tailored response. And that's what we've done.

Whether somebody is picked up by a foreign partner, whether somebody is picked up on the high seas, or anywhere else, what we need to do is see what the conditions are, what we have as far as the basis for that interrogation, what type of legal basis we have for that. So it's very much tailored to the circumstances.

Senator RUBIO. When we detain a suspected terrorist, the purpose of the interrogation—and I think you'd agree with this statement—the purpose of an interrogation is to develop information that could be used to disrupt terrorist activities and prevent attacks, correct?

Mr. BRENNAN. Without a doubt.

Senator RUBIO. It's not to lay the case for a criminal conviction.

Mr. BRENNAN. Well, I think, you know, you want to take the person off the battlefield. You also want to get as much intelligence as possible. You don't just want to get the information from somebody and then send them off. You need to be able to do something with them. And we've put people away for 99 years—for life—so that, in fact, they're not able to hurt Americans ever again.

So, what you want to do is get that intelligence, but also, at the same time, put them away so that justice can be done.

Senator RUBIO. I understand. But the number one priority, initially, is not necessarily to protect the record for a criminal prosecution; it's to obtain timely information——

Mr. BRENNAN. Absolutely right.

Senator RUBIO [continuing]. So we can act correctly——

Mr. BRENNAN. Absolutely right.

Senator RUBIO. Priority number two is to take them off the battlefield to ensure they can't attack us in the future.

Mr. BRENNAN. Right. It's not an either-or, but I agree with you.

Senator RUBIO. Why shouldn't we have places where we interrogate people; for example, Guantanamo? Why shouldn't we have a place to take people that we obtain? Because is it not an incentive to kill them rather than to capture them, if we don't have a——

Mr. BRENNAN. No, it's never an incentive to kill them. And any time that we have encountered somebody, we have come up with, in fact, the route for them to take in order to be interrogated, debriefed, as well as prosecuted.

Senator RUBIO. So, where would we—but why is it a bad idea to have a place that we can take them to?

Mr. BRENNAN. It's not a bad idea. We need to have those places.

And again, sometimes it might be overseas, sometimes it might be a naval vessel, a lot of times it's back here in the States, where we bring someone back because we, in fact, have a complaint on them or an indictment on them, and then we bring them into an Article 3 process. And so we can elicit information from them and put them away behind bars.

Senator RUBIO. Is the Article 3 process, in your mind, an ideal way to develop this kind of information, or aren't there limitations in the Article 3 process?

Mr. BRENNAN. I'm very proud of our system of laws here and the Article 3 process. Our track record is exceptionally strong over the past dozen years, couple dozen years; that so many terrorists have been, in fact, successfully prosecuted and will not——

Senator RUBIO. No, I understand, but in terms of—our first priority is to develop information——

Mr. BRENNAN. Absolutely; the FBI does a great job.

Senator RUBIO. But an Article 3 setting is not the most conducive to that.

Mr. BRENNAN. I would disagree with that.

Senator RUBIO. Well, they're immediately advised about not cooperating and turning over information that would incriminate them.

Mr. BRENNAN. No. Again, it's tailored to the circumstances. Sometimes an individual will be Mirandized. Sometimes they will not be Mirandized right away. Mirandizing an individual means only that the information that they give before then cannot be used in Article 3 court.

But, in fact, the FBI do a great job, as far as listing information after they're Mirandizing them, and so they can get information as part of that type of negotiation with them, let them know they can in fact languish forever, or we can in fact have a dialogue about it intelligently.

Senator RUBIO. Just one last point, and I'm not going to use all my—I only have a minute left.

This Harzi case that I talked about—you're fully comfortable with this notion that because the Tunisians concluded that they didn't have a legal basis to hold him, we now lost the opportunity to interrogate someone that could've provided us some significant information on the attack in Benghazi?

Mr. BRENNAN. Senator, you know, this country of America really needs to make sure that we are setting a standard and an example for the world, as far as the basis that we're going to, in fact, interrogate somebody, debrief somebody. We want to make sure we're doing it in conjunction with our international partners.

We also want to make sure that we have the basis to do it, so that we don't have to face, in the future, challenges about how we, in fact, obtained the——

Senator RUBIO. What is that law? You keep on talking about the basis of our law; what law exactly are you talking about in terms of the basis of detaining someone? When you say that we want to make sure that we have a basis to—because you said that——

Mr. BRENNAN. Well, that's right.

Senator RUBIO. Based on what? Which law are we talking about?

Mr. BRENNAN. Well, it all depends on the circumstance. Are we talking about law of war detention authority, which the U.S. military has? Are you talking about Article 3 authority that the FBI has?

Senator RUBIO. Right.

Mr. BRENNAN. The CIA does not have, by statute, any type of detention authority.

Senator RUBIO. The point I'm trying to get at is we don't—the truth of the matter is we don't know Harzi knew anything about the Benghazi attack.

We don't know if he knew about future attacks that were being planned by the same people, because we never got to talk to him because Tunisia said their laws wouldn't let them hold him, which is an excuse we've heard in other parts of the world, as well.

And that doesn't concern you, that we don't—that we weren't able to obtain this information?

Mr. BRENNAN. We press our partners and foreign governments to hold individuals and to allow us access to it. Sometimes their laws do not allow that to happen. I think the United States government has to respect these governments' right to, in fact, enforce their laws appropriately.

What we don't want to do is to have these individuals being held in some type of custody that's extrajudicial.

Senator RUBIO. Okay, thank you.

Chairman FEINSTEIN. Thank you, Senator Rubio.

Senator Warner.

Senator WARNER. Thank you, Madam Chairman. Thank you, again, Mr. Brennan, for your testimony today.

One of the things that I think we've heard from a number of my colleagues, and we had this discussion when we discussed the Committee's study on detention and interrogation, is, should you be confirmed, how do we ensure that the CIA director is always going to be well-informed?

And particularly, to a—we've questioned you today about a number of key sensitive programs. The nature of the Agency's work is that a lot of these programs are disparate, varied. And there needs to be some ability to measure objectively the success of these programs; not simply by those individuals that are implementing the programs.

And while this is not the setting to talk about any individual of these programs, I guess what I'm interested in is pursuing the conversation we started about how you might set up systems so that, to the best extent possible, as the CIA director, you're going to make sure what's going on, get an accurate, objective review, and not simply have the information that simply bucks up through the system?

Mr. BRENNAN. Yes, that's an excellent point, Senator—one that I'm very concerned about. In order to have objective measures of effectiveness, the metrics that you want to be able to evaluate the worth of a program, you cannot have the individuals who are responsible for carrying it out. As hard as they might try, they cannot help, I think, view the program and the results in a certain way. They become witting or unwitting advocates for it.

So what we need to do is to set up some type of system where you can have confidence that those measures of effectiveness are being done in the most independent and objective way. And that's one of the things that I want to make sure I take a look at, if I were to go to the Agency.

Senator WARNER. Again, the nature of so many programs—all very sensitive in nature; you have to have almost, as we discussed, probably not an IG type vehicle, something that is more run out of the director's office, but you've got to have some kind of red team that's going to be able to check this information out to make sure you've—so that you hear colleagues here press on what you have

done, or could have done, or should have done, or if you had that oversight, you've got to have that objective information to start with.

Mr. BRENNAN. Absolutely. I tend to have a reputation for being a detailed person. And having been an analyst in an intelligence office for many years, I need to see the data. I cannot rely just on some interpretation of it. So, I do very much look forward to finding a way that the director's office can have this ability to independently evaluate these programs so that I can fairly and accurately represent them to you. I need to be able to have confidence, myself.

Senator WARNER. As you know—and we all know—our country is grappling with enormous fiscal challenges. And that means, well, national security remains our most essential requirement for our national government. Everything's going to have to able to be done in a fiscally constrained period.

You know, how are you going to think about thinking through those challenges on where cuts, changes need to be made? And if you can specifically outline—one of the concerns that I have is, kind of, division of labor and appropriate roles between the CIA and the DoD SOCOM operations, fields where that kind of potential build-up in that capacity is—how do we get that done in these tight budget times?

If you could address both of those, I'd appreciate it.

Mr. BRENNAN. In a fiscally constrained environment, we have to make sure, more than ever, that every single dollar that's dedicated to intelligence is going to be optimized. And in fact, if sequestration kicks in, what I wouldn't want to do as CIA director is do the salami-slicing, which is, you know, five percent off the top of gross, all programs, because all the programs are not——

Senator WARNER. One of the reasons why we need to make sure sequestration——

Mr. BRENNAN. That's absolutely right, because it's going to have a devastating impact on the national security of this country.

And so, I would want to make sure, even if it doesn't happen in a fiscally constrained environment, that I look at the programs and prioritize. And we really have to take a look at what are those programs that we really need to resource appropriately.

As we're going to have—and we've had—some benefits from pulling folks out of Iraq, and with the continued draw down of forces in Afghanistan, there's going to be some resource and assets that we're going to have to reallocate there. So I'll look carefully at that.

So what I want to do is to make sure that if I go to CIA, I have an understanding about exactly how these monies are being spent. Then, as you point out, there is quite a bit of intelligence capability within the Defense Department, and I know there's been recent press reports about the Clandestine HUMINT Service—Defense Clandestine Service—and its work with, in fact, CIA.

I want to make sure these efforts are not redundant whatsoever. And I've had these conversations with Mike Morell, as well as with General Flynn over at DIA, to make sure that these efforts are going to truly be integrated and complementary, because we cannot have unnecessarily redundant capabilities in this government, par-

ticularly in an environment that we have right now on the fiscal front.

Senator WARNER. I think this is an area that's going to need a lot of attention and a lot of oversight. I get concerned at times that the IC, on one hand, and the DoD on the other hand, think they're coming from separate originators of funding, and ultimately, they still have to be within the greater budget constraints.

Let me—I know my time is running down. Your background, and most of your expertise, has been on the CT side. Clearly, the challenge we've got is we see emerging threats in parts of the world that we're not on the front line, as we see disruptions particularly through the Middle East, where, perhaps in retrospect, we didn't have the right kind of coverage on social media and on to the streets.

How do we make sure we're going to get within the kind of fiscal constraints, that we don't go complete CT; that we make sure we've got the coverage we need, the capabilities we need, and the worldwide coverage we need, with your approach, particularly with your background; if you could address that.

Mr. BRENNAN. Well, clearly, counterterrorism is going to be a priority area for the Intelligence Community and for CIA for many years to come. Just like weapons proliferation is, as well. Those are enduring challenges. And since 9/11, the CIA has dedicated a lot of effort, and very successfully; they've done a tremendous job to mitigate that terrorist threat.

At the same time, though, they do have this responsibility on global coverage. And so, what I need to take a look at is whether or not there has been too much of an emphasis of the CT front. As good as it is, we have to make sure we're not going to be surprised on the strategic front and some of these other areas; to make sure we're dedicating the collection capabilities, the operations officers, the all-source analysts, social media, as you said, the so-called "Arab Spring" that swept through the Middle East. It didn't lend itself to traditional types of intelligence collection.

There were things that were happening in a populist way, that, you know, having somebody, you know, well positioned somewhere, who can provide us information, is not going to give us that insight, social media, other types of things.

So I want to see if we can expand beyond the soda straw collection capabilities, which have served us very well, and see what else we need to do in order to take into account the changing nature of the global environment right now, the changing nature of the communication systems that exist worldwide.

Senator WARNER. Thank you for that. I just would, again—back to my first point, and my time's about out—I think, should you be confirmed, that trying to make sure you've got that objective oversight, the ability to make sure that you have the best knowledge and best metrics possible so that when future challenges arise, you can come to this Committee and others and make sure that the President and this Committee is informed with the best information possible.

Thank you, Madam Chair.

Chairman FEINSTEIN. Thank you very much, Senator.

Mr. Brennan, so you can be advised, we are not going to do the classified hearing following this. We will do it Tuesday at 2:30. We will, however, do another round just with five minutes per senator, so people can wrap up whatever it is they want to ask. I hope that is okay with you.

Mr. BRENNAN. Absolutely.

Chairman FEINSTEIN. Thank you. Thank you.

Senator Collins.

Senator COLLINS. Thank you.

Mr. Brennan, I want to follow up on an issue that several of my colleagues have raised on the issue of capturing a terrorist versus targeted killing of a terrorist.

In a recent speech that you gave at the Wilson Center, you said: "Our unqualified preference is to only undertake lethal force when we believe that capturing the individual is not feasible."

Yet, a study by The New American Foundation, as well as numerous press reports, indicates that in the first two years of President Obama's administration, there were four times the number of targeted killings, than in eight years of President Bush's administration. Is your testimony today that the huge increase in number of lethal strikes has no connection to the change in the Obama administration's detention policy?

Because obviously, if we're capturing a terrorist, we have the opportunity to interrogate that individual and perhaps learn about ongoing plots; but if the strike is done, that opportunity is lost. Are you saying today that it is totally unconnected to the Obama administration's shift in its detainee policy?

Mr. BRENNAN. I can say unequivocally, Senator, that there's never been occasion, that I'm aware of, where we had the opportunity to capture a terrorist and we didn't, and we decided to take a lethal strike. So, certainly, there is no correlation there as far as any type of termination of the CIA's detention and interrogation program and that increase in strikes.

Now, I will say that if you look out over the last four years, what happened in a number of places, such as Yemen, and other areas, was that there was, in fact, a growth of al-Qa'ida, quite unfortunately.

And so, what we were trying to do, in this administration, is to take every measure possible to protect the lives of American citizens, whether it be abroad or in the United States, as well as a maturation of capabilities and insight into those intelligence plots as a result of the investment that was made in the previous administration that allowed us, in this administration, to take appropriate actions.

Senator COLLINS. Well, let's talk further about the targeted killings. When the targeted killings began several years ago, the first-order effect of these operations was the elimination of the senior operational leadership of al-Qa'ida, many of the core leaders. Obviously, that is a critical priority.

We have heard both former CIA Director Michael Hayden, in an interview on CNN, and General McChrystal say that it is now changed, and that the impact of those strikes is creating a backlash.

For example, General McChrystal said, "The resentment created by American use of unmanned strikes is much greater than the average American appreciates. They are hated on a visceral level, even by people who have never seen one or seen the effects of one."

He added that the targeted killings by remotely piloted aircraft add to the perception of American arrogance that says, "Well, we can fly where we want; we can shoot where we want, because we can."

And General Hayden has also expressed concerns, that now that the strikes are being used at the lower levels, arguably, that they are creating a backlash that is undermining the credibility of governments and creating new terrorists when a neighbor or family member is killed in the course of the operations.

Do you agree with General McChrystal and Director Hayden about the potential backlash from the strikes, from the targeted killings, at this point? I'm not talking about the initial strikes.

Mr. BRENNAN. I think that is something that we have to be very mindful of, in terms of what the reaction is to any type of U.S. counterterrorism activities that involve the dropping of ordnance anywhere in the world; absolutely. Whether it's a remotely piloted aircraft or whether it's a manned aircraft, I think we have to take that into account.

But I would not agree with some of the statements that you had quoted there, because what we, in fact, have found in many areas is that the people are being held hostage to al-Qa'ida in these areas and have welcomed the work that the U.S. Government has done with their governments to rid them of the al-Qa'ida cancer that exists.

Senator COLLINS. Finally, today, this Committee received the OLC memos describing the legal justifications that many of us, particularly those who have been on the Committee far longer than I, have been seeking for some time. And I, too, spent a large part of this morning reading them.

Yet the Obama administration within months of taking office released several OLC memos describing the legal justification for the treatment of terrorist detainees that were held in U.S. custody.

Do you think it was appropriate that a different standard was applied to the release of the memos from the Bush administration than those produced by the Obama administration?

Mr. BRENNAN. Well, respectfully, Senator, I don't think it was a different standard. Not being a——

Senator COLLINS. Well——

Mr. BRENNAN [continuing]. A lawyer——

Senator COLLINS. Well, one was released within four months——

Mr. BRENNAN. Right.

Senator COLLINS [continuing]. Of the Obama administration taking office.

Mr. BRENNAN. Right.

Senator COLLINS. The other had been requested for a very long—much longer time.

Mr. BRENNAN. Right.

Senator COLLINS. And released only today.

Mr. BRENNAN. I'm not a lawyer. I've come to learn the term sui generis, which means that, you know, it has obviously unique circumstances surrounding it.

The OLC memos that were released shortly after the President came into office—they were released because the program was terminated. It was no longer in existence. OLC—Office of Legal Counsel—opinions that deal with ongoing activities, ongoing programs—it's a different animal.

And, therefore, I think those decisions were looked at in a much, sort of, different way because of those sui generis circumstances.

Senator COLLINS. Well, I would say to you that both are absolutely essential to the ability of Congress to carry out its oversight responsibilities.

Finally, the Intelligence Reform Act and Terrorism Prevention Act of 2004, with which you're very familiar, and of which I was a co-author, requires the Director of National Intelligence to recommend who the CIA director should be to the President of the United States.

I'm aware of General Clapper—the DNI's letter endorsing your nomination, but that's different from his actually recommending to the President that you be chosen. To your knowledge, did General Clapper recommend to the President that you be nominated for this position?

Mr. BRENNAN. I know for certain that he made a recommendation to the President, but I would defer to General Clapper to tell you what that recommendation is.

Senator COLLINS. Thank you.

Chairman FEINSTEIN. Senator Heinrich.

Senator HEINRICH. Thank you, Madam Chair.

Mr. Brennan, let me join my colleagues in thanking you for your service to your country and welcoming you to the Committee. And should you be confirmed, I'd like to start by just inviting you to visit New Mexico at some point, and in particular, Sandia and Los Alamos National Labs. Because, while you often don't hear about the contributions that they make to our Intelligence Community, I can assure you that that support is vital to keeping our nation safe.

I've got a few questions, and please forgive me if some of these return to some of the things you've heard from other senators. I want to start with your November 2007 interview with CBS News, where you said: "There has been a lot of information that has come out of these interrogation procedures that the Agency has, in fact, used, against the real hard-core terrorists. It has saved lives."

Other intelligence officials went a lot further than that in defending the use of so-called "enhanced interrogation techniques" at the time, and some still do.

If your review of the Committee study convinces you that these techniques did not, in fact, save lives, I'd like to ask—will you be as public in condemning the program as you were in its defense; in other words, will you set the record straight?

Mr. BRENNAN. I will do whatever possible to make sure that the record is straight and that I speak fully and honestly on it.

Senator HEINRICH. I want to return to a question that Mr. Udall asked you. Would you object—and if so, why—to a public release of a truly declassified version of the Committee's report?

Mr. BRENNAN. Senator, I would give such a request for declassification every due consideration. There is a lot of information and material in those volumes with a lot of potential consequences, as far as its public release. And at the same time that we have a commitment to transparency, we also, though, have a tremendous commitment to making sure that we keep this country safe by protecting its secrets.

There are a lot of equities as far as liaison partners, other types of things, operational activities, maybe source and method, so it has to be looked at very, very carefully.

Senator HEINRICH. Well, I would just say I agree with you that sources and methods, and many of the operational details, absolutely should never be declassified, but there's some basic principles, I think, in that report that I think it's going to be very important for history to be able to judge. And I would urge you to look closely at that.

Senator Levin asked about waterboarding. Let me follow up a little bit. In November 2007 interview with CBS News, you were asked if waterboarding was torture, and you said, "I think it is certainly subjecting an individual to severe pain and suffering, which is the classic definition of torture. And I believe, quite frankly, it's inconsistent with American values and it's something that should be prohibited." Is that still your view?

Mr. BRENNAN. Yes, Senator, it is.

Senator HEINRICH. Thank you. Do you believe that all agencies of the United States Government should be held to the interrogation standards that are laid out in the Army Field Manual, as currently required by Executive Order 13491? And do you support efforts to codify those requirements into law?

Mr. BRENNAN. The Army Field Manual certainly should govern the U.S. military's detention and interrogation of individuals.

The FBI has its own processes and procedures and laws that govern its activities. So, what I wanted to do is to make sure that, you know, appropriate sort of attention is paid to FBI as opposed to the military.

Senator HEINRICH. I understand. Back in 2006, you were part of an online discussion with The Washington Post, and you suggested at that time that the director of the CIA should have a set five-year term, like the FBI director, to guarantee "the absolute need for independence, integrity, and objectivity in the senior ranks of our Intelligence Community."

Given that you will instead serve at the pleasure of the President, how do you maintain your independence?

Mr. BRENNAN. Having grown up in the intelligence business for 25 years, I truly understand the importance and value of maintaining independence, subjectivity, and integrity of the intelligence process.

I know when I've sat in the White House Situation Room and when I've looked to the intelligence briefer, that if they were to advocate in any way a policy preference, it really calls into question the independence, subjectivity, and basis of that intelligence. I want them to give me the facts as it is, irrespective of what their policy leanings or preferences might be, because policymakers need to do that.

So, in order for me to maintain my integrity as an intelligence professional, as I would go to the President or the Secretaries of State or Defense, or into the National Security Council meetings, I would need to make sure I can say it straight, give it straight, and let the policymakers determine exactly the best course of action.

Senator HEINRICH. Thank you.

One last question: I believe it was during that same online discussion with Washington Post, you said, quote, "I think that there is an effort underway to get the CIA to adapt to the new realities of the Intelligence Community. The CIA has resisted many of these changes, which has been a problem. It's time to move forward."

What exactly did you mean, and has the CIA made progress in that direction?

Mr. BRENNAN. Well, Senator, a credit to you and your staff for pulling up that Washington Post online interview because I had not, you know, read that or thought about that in a while. And I must say that having grown up in the Agency for 25 years, as I said in my testimony, I have tremendous respect for that organization. It is exceptionally capable; competent.

But almost by dint of the nature of its work, it also at times is insular. And it has not interacted and interoperated the way it needs to with the rest of the Intelligence Community, the rest of the U.S. Government. At times, that is to protect source and methods and to protect the secrets that it has.

But given the changes in the environment, given the changes in the nature of our government, the CIA needs to play a part in this larger role. And so, now, the head of the CIA does not sit on top of the Intelligence Community; it is part of a larger Intelligence Community that is led by the Director of National Intelligence.

So, my objective would be to make sure CIA's capabilities are truly going to be leveraged and empower the—the responsibilities, the missions of the rest of the government. The Department of Homeland Security is a new creation. They need intelligence just like others do as well.

So, what I think I was conveying there is that, you know there was resistance at the time of the IRTPA, as we well know, that they didn't want to sort of break some of the past practices. Well, I think a lot of that resistance is overcome and now I think CIA sees the benefits of having somebody that can sit on top of the Community, and not have to sit on top of the Agency, as well.

Senator HEINRICH. That's very helpful. Thank you very much.

I yield back, Madam Chair.

Chairman FEINSTEIN. Thank you very much, Senator.

Senator King.

Senator KING. Thank you for your testimony and your stamina today.

First, I should tell you that in an earlier hearing today, Secretary Panetta was testifying before the Armed Services Committee. And, in answer to a question, he strongly endorsed your nomination. And I think the record should show that—that Secretary Panetta was very complimentary of your capabilities and experience.

Secondly—and this isn't really a question—it's incredibly important for the CIA to be totally open with this Committee. The reason

is that there's no one else watching. Typically in our country, the public is involved. The press is involved. There are a lot of people that have access to information of what the Department of Commerce is doing, or the Department of State.

This is a unique situation, where this Committee and a comparable committee in the House are the only places that are really paying attention, in terms of our separation of powers. So it's not just nice to have that kind of openness; I think it's critically important. And I hope you subscribe to that view.

Mr. BRENNAN. Absolutely; I do, Senator.

Senator KING. Just briefly, and I think Senator Warner touched on this—going forward, there needs to be some serious discussion with the Department of Defense about where the CIA ends and the Department of Defense starts, in terms of counterterrorism activities and operations.

And I don't need to pursue that, but I think Senator Warner raised an important point, because in this day and age, we just can't be duplicating a whole set of capabilities and priorities and officers and procedures and everything else.

I take it you subscribe to that?

Mr. BRENNAN. I do agree, Senator, and I look forward, in a closed session, to talking to you about some specific areas where I really do believe that Defense-CIA relationship and integration of effort is critically important to the safety and security of this nation.

So again, redundant—mindful of not having any type of redundant capabilities or waste resources, we need to make sure that we can leverage the capabilities that exist in both organizations for the good of this country.

Senator KING. And the area I want to spend a little bit of time on is the drone policy, and particularly as it relates to American citizens. There's a lot of law and history involved in our system of checks and balances. James Madison famously, in the 51st Federalist, said: "If people were angels, we wouldn't need a government, and if the government was run by angels, we wouldn't need checks and balances."

He concluded that angels were in as short supply then as they are today. And therefore, we need these kinds of checks and balances.

The Fifth Amendment is pretty clear: no deprivation of life, liberty or property without due process of law. And we're depriving American citizens of their life when we target them with a drone attack. Now, I understand that it's under military circumstances; these are enemy combatants and all of those kinds of things. But I would like to suggest to you that you consider—and Madam Chairman, I'd like to suggest to the Committee that we consider—a FISA court-type process where an American citizen is going to be targeted for a lethal strike.

And I understand you can't have co-commanders in chief, but having the Executive being the prosecutor, the judge, the jury, and the executioner, all in one, is very contrary to the traditions and the laws of this country, and particularly in a situation where there's time. If—a soldier on a battlefield doesn't have time to go to court, but if you're planning a strike over a matter of days, weeks or months, there is an opportunity to at least go to some-

thing outside of the Executive Branch body, like the FISA court, in a confidential and top-secret way, make the case that this American citizen is an enemy combatant, and at least that would be—that would be some check on the activities of the Executive.

I have great confidence in you. I have great confidence in President Obama. But all the lessons of history is it shouldn't matter who's in charge, because we should have procedures and processes in place that will protect us no matter who the people are that are in the particular positions.

How do you react to this suggestion?

Mr. BRENNAN. Senator, I think it's certainly worthy of discussion. Our tradition—our judicial tradition is that a court of law is used to determine one's guilt or innocence for past actions, which is very different from the decisions that are made on the battlefield, as well as actions that are taken against terrorists, because none of those actions are to determine past guilt for those actions that they took.

The decisions that are made are to take action so that we prevent a future action, so we protect American lives. That is an inherently Executive Branch function to determine, and the Commander-in-Chief and the Chief Executive has the responsibility to protect the welfare, well-being of American citizens.

So the concept I understand and we have wrestled with this in terms of whether there can be a FISA-like court, whatever—a FISA-like court is to determine exactly whether or not there should be a warrant for, you know, certain types of activities. You know——

Senator KING. It's analogous to going to a court for a warrant—probable cause——

Mr. BRENNAN. Right, exactly. But the actions that we take on the counterterrorism front, again, are to take actions against individuals where we believe that the intelligence base is so strong and the nature of the threat is so grave and serious, as well as imminent, that we have no recourse except to take this action that may involve a lethal strike.

Senator KING. I completely agree with you, and I understand the dilemma. And I'm not trying to suggest anything that would limit our ability to take action on behalf of American citizens. I would just feel more comfortable if somebody other than a Member of the Executive said, "Yes, we agree that the evidence is so strong," et cetera, as you stated it.

In the Hamdi decision, Sandra Day O'Connor had a wonderful statement: "A state of war is not a blank check for the President when it comes to the rights of the nation's citizens."

Mr. BRENNAN. Right. And that's why I do think it's worthy of discussion. And the point particularly about due process really needs to be taken into account because there's not a different standard as far as if a U.S. citizen joins al-Qa'ida, you know, in terms of the intelligence base or whatever. But American citizens by definition are due much greater due process than anybody else by dint of their citizenship.

So I think this is a very worthwhile discussion. I look forward to talking to the Committee and others about it. What's that appro-

priate balance between Executive, Legislative, and Judicial Branch responsibilities in this area?

Senator KING. I appreciate your consideration and, again, appreciate your testimony today. And thank you for your service to the country.

Madam Chairman, I yield back my time.

Chairman FEINSTEIN. Thank you very much, Senator.

We'll do another quick round. I think one of the problems is now that the drone program is so public, and one American citizen is killed, people don't know much about this one American citizen—so-called. They don't know what he's been doing. They don't know what he's connected to. They don't know the incitement that he has stirred up.

And I wonder if you could tell us a little bit about Mr. al-Awlaki and what he had been doing?

Mr. BRENNAN. Well, Senator, I'm not going to talk about any particular operation or responsibility on the part of the U.S. Government for anything——

Chairman FEINSTEIN. See, that's the problem. That's the problem. I think when people hear "American citizen," they think somebody who's upstanding; this man was not upstanding, by a long shot. And now, maybe you cannot discuss it here, but I've read enough to know that he was a real problem.

Mr. BRENNAN. Well, I can talk about Mr. al-Awlaki.

Chairman FEINSTEIN. And if you were in jeopardy; that's right.

Mr. BRENNAN. Yes, and before he died he was intimately involved in activities that were designed to kill innocent men, women, and children, and mostly Americans. He was determined to do that. He was not just a propagandist. He was, in fact, part of the operational effort that is known as al-Qa'ida in the Arabian Peninsula and had key responsibilities in that regard.

Chairman FEINSTEIN. Can I ask you some questions about him?

Mr. BRENNAN. You're the Chairman.

Chairman FEINSTEIN. You don't have to answer. Did he have a connection to Umar Farouk Abdulmutallab, who attempted to explode a device on one of our planes over Detroit?

Mr. BRENNAN. Yes, he did.

Chairman FEINSTEIN. Could you tell us what condition it was?

Mr. BRENNAN. I would prefer not to at this time, Senator. I'm not prepared to.

Chairman FEINSTEIN. Okay. Did he have a connection to the Fort Hood attack?

Mr. BRENNAN. That is al-Qa'ida in the Arabian Peninsula has—a variety of means of communicating and inciting individuals, whether that be websites, or e-mails, or other types of things. And so there are a number of occasions where individuals, including Mr. al-Awlaki, have been in touch with individuals. And so, Senator, again, I'm not prepared to address the specifics of these, but suffice it to say——

Chairman FEINSTEIN. I'll just ask you a couple questions. Did Faisal Shahzad, who pled guilty to the 2010 Times Square car bombing attempt, tell interrogators in 2010 that he was inspired by al-Awlaki?

Mr. BRENNAN. I believe that's correct, yes.

Chairman FEINSTEIN. Last October, al-Awlaki—did he have a direct role in supervising and directing AQAP's failed attempt, well, to bring down two United States cargo aircraft by detonating explosives concealed inside two packages, as a matter of fact, inside a computer printer cartridge?

Mr. BRENNAN. Mr. al-Awlaki was involved in overseeing a number of these activities. Yes, there was a relationship there.

Chairman FEINSTEIN. And was it true that they were so concealed that the first attempt to find and did not reveal them? It took an asset coming back with—to say, "Go again, look at this," to find it?

Mr. BRENNAN. Yes the concealment method that was used in that was one of the best we had ever encountered.

Chairman FEINSTEIN. So, Mr. al-Awlaki is not, by far, an American citizen of whom anyone in America would be proud?

Mr. BRENNAN. Mr. al-Awlaki was part of al-Qa'ida, and we're at war with al-Qa'ida, and it was his strong determination to kill Americans on behalf of al-Qa'ida.

Chairman FEINSTEIN. Thank you.

Is it true that in the last four years, the FBI has arrested 100 people, either planning, conspiring, or trying to commit a terrorist attack on this nation?

Mr. BRENNAN. I don't know the exact number, Chairman, but yes—they have arrested a lot of people.

Chairman FEINSTEIN. It's over 100, but they have arrested a lot of people, and that's because of good, sound intelligence.

I think—and this is just me—what people forget is that they will kill us if they can, and it's extraordinarily difficult if you can't get in to where they were hiding. Would it have been possible to have arrested Mr. al-Awlaki where he was, in Yemen?

Mr. BRENNAN. It is—there are parts of Yemen that are ungoverned and beyond the reach of the Yemeni government security and intelligence services. And we work very closely with the Yemenis to see if we can arrest, detain, individuals. Whenever we can, we want to do that, because it's very valuable for us.

Any actions that are taken in concert with the Yemeni government are done—in terms of any type of strikes that we might engage there with them—are done only because we do not have the ability to bring those individuals into custody.

Chairman FEINSTEIN. Thank you. My time is up.

Senator Chambliss.

Vice Chairman CHAMBLISS. Thanks, Madam Chair.

In 2002, what was your knowledge of interrogation videotapes about Abu Zubaydah, and did you seek any information about an Office of General Counsel review of them in 2002?

Mr. BRENNAN. I don't have a recollection of that, Senator.

Vice Chairman CHAMBLISS. Of the tapes, or that request?

Mr. BRENNAN. At the time, in 2002, I do not know what my involvement or knowledge was at the time of the tapes. I believe that they—I was aware of the Abu Zubaydah debriefings and interrogation sessions being taped.

Vice Chairman CHAMBLISS. Okay, it should be no surprise that many Members have been dissatisfied with the administration's cooperation on the Benghazi inquiries.

For example, Senator Graham asked Director Clapper, in a hearing, if he was aware of the series of attacks in Benghazi, in the summer of 2012, and asked if he had informed the President about those attacks. Now, that seemed like a perfectly reasonable question, and the DNI said he would get us an answer.

When we got answers back from the DNI's office, there was a notation next to this particular question that Senator Graham asked, and here's what it said, and I quote, "Per NSS"—that's the National Security Staff—"No response required."

Mr. Brennan, that's your shop; do you have any knowledge about why Senator Graham's question was not to be answered?

Mr. BRENNAN. Senator, I think there's a longstanding tradition, understanding, of respecting the executive privilege that exists in the Office of the Presidency, and in terms of what information is provided to the President, or advice, counsel, to him.

So it's—I would suspect, then, that that question gets into this issue of the executive privilege, which I think, again, has been a longstanding tradition.

Vice Chairman CHAMBLISS. Now, are you sure that's the answer, or you think that's probably what it was?

Mr. BRENNAN. I don't know, firsthand, because that would not been a request coming to me.

Vice Chairman CHAMBLISS. And I understand that, so my direction to you—what I'll ask of you—is that you go back and review that; we'll get you notation if necessary, and if you could just give us a written response to that, if possible.

Mr. BRENNAN. You deserve a response, certainly.

Vice Chairman CHAMBLISS. This weekend, Secretary Panetta confirmed that information that led to bin Laden came from detainees and the CIA's EIT program. His account comports with information we were provided immediately after the raid, and in months to follow, from the CIA analyst who actually tracked down bin Laden. These analysts told us it was detainee information that was key to them finding the courier and, ultimately, bin Laden.

Now, were you briefed by any of the analysts who tracked down bin Laden?

Mr. BRENNAN. Before the operation?

Vice Chairman CHAMBLISS. Yes.

Mr. BRENNAN. Oh, absolutely; I was engaged with them.

Vice Chairman CHAMBLISS. Okay. And is that the information that was given to you—that it came from interrogation of detainees on whom EITs had been used?

Mr. BRENNAN. I don't recall if I was given that information specifically. They talked about the chain of, sort of, collection that took place that was related to some of the information coming from the detainees. Yes, so, there was some there.

Vice Chairman CHAMBLISS. Do you agree with Secretary Panetta's comments?

Mr. BRENNAN. That there was some information that came out from there?

Vice Chairman CHAMBLISS. Yes, that led to the courier.

Mr. BRENNAN. Senator, I now, again, looking at this document from SSCI, this report, I don't know what the facts are, or the truth is. So I really need to look at that carefully and see what

CIA's response is because the SSCI report calls into question whether or not any of the information was unique and led to it.

Vice Chairman CHAMBLISS. Fair enough. Suffice it to say, Secretary Panetta's comments are in direct conflict with the report that came out of this Committee recently. And you know I have serious concerns about that interrogation study that was voted out by Committee.

Now, you told me a couple of days ago when we met that the study "was not objective," and it was "a prosecutor's brief, written with an eye toward finding problems." And you went on to say that you're withholding judgment on the merits and action until you read the response.

And it's my understanding, from what you've said, that that's what you're going to do. Suppose the CIA takes the position that the study's findings and conclusions are wrong? I think I know John Brennan well enough to know that you're going to stand up and say whatever's on your mind, and whatever you conclude. And I'm not going to ask you for a response to that, but I know you'll review it with an open mind and give us your thoughts and your opinions about the CIA's response to it and how we move forward with this.

Mr. BRENNAN. I assure you, Senator, I will do that.

Vice Chairman CHAMBLISS. Thank you very much.

Chairman FEINSTEIN. Thank you very much, Senator.

Senator Wyden.

Senator WYDEN. Thank you.

Chairman FEINSTEIN. Oh, excuse me—Senator Rockefeller.

Senator ROCKEFELLER. Thank you, Madam Chair.

I was just making a comment to the Chair, Mr. Brennan, that I've been through a whole lot of confirmation hearings in 28 years here—and including quite a few CIA directors—and I quite honestly do not recall anybody who was more forthright, more direct, more accommodating, without violating who you are, more open to the possibility of working with this Committee in a way that will do two things: one, that will give the folks at CIA, who probably constantly worry about what is the next awful thing that we're going to say about them—but that's not our intention, because we're into the business of problem-solving, and if we have to write a 6,000-page thing, it isn't fun for us; we're trying to solve a problem.

I have a feeling you understand that. I have a feeling that you feel that the CIA, if they felt that they were working in—you know, with some contention with the oversight committee in the Senate, but, nevertheless, that the Senate was involved, was informed, was interested; that this would be something that they would welcome; that there are a lot of people who've been at the CIA for quite a while who may be sort of stuck in that mid-rank crisis, et cetera, who are looking for an open, fresh, strong leader.

I happen to think you are that leader. I've felt that since our conversation. I felt that from before our conversation. And we haven't had our secret meeting yet, so I always—but I'm not going to—I'm sure I'm not going to change my mind.

I just think you've done an extraordinary job of patience, of courtesy, of wisdom, of being able to—the only question that you

couldn't answer that I'm aware of was who was it that took notes at some meeting that you had, teleconference that you had 20 years ago. But I find it in my heart to forgive you for that.

So, to me, I think you're a terrific leader, and I'll look forward to Tuesday. But I think you're the guy for the job—and the only guy for the job.

Mr. BRENNAN. Thank you, Senator, for those very kind words. And I haven't lived up to them yet. And if I were to go to CIA, as I think some people have said—some Senators have said, you want to hear not just words, but you want to actually see the actions.

It's a daunting task to go over to CIA. I want every Member of this Committee to be an ardent advocate, proponent, and defender of the men and women of the Central Intelligence Agency. And I see it as my obligation to represent them to you on their behalf, so that when times get tough, and when people are going to be criticizing and complaining about the CIA, I have all of you to say you knew about what the CIA was doing, you supported it, and you will defend it.

Chairman FEINSTEIN. Senator Burr.

Senator BURR. Thank you, Chairman.

I'm going to try to be brief because I've noticed you're on your fourth glass of water, and I don't want to be accused of waterboarding you.

[Laughter]

Senator BURR. Mr. Brennan, with the exception of our request for the Presidential Daily Briefs around the time of Benghazi, for which there was executive privilege claimed, do you know of any other claim of executive privilege on any of the documents that this Committee's waiting on right now?

Mr. BRENNAN. Senator, I know that there are requests for some e-mails that might have taken place between the Intelligence Community and the White House, whatever, and so there are a number of, sort of, elements that I think people are looking at. So——

Senator BURR. But none that executive privilege have been claimed on. Correct?

Mr. BRENNAN. Well, I am not in a position to say that, Senator, and I would defer to those individuals—the White House counsel and others—to make those determinations about what they want to——

Senator BURR. Well, let me say it from this end. They have not justified not producing those documents based upon executive privilege. So I assume if they're going to claim it, then they need to claim it quick.

On January 13th of this year, the President signed into law the 2013 Intelligence Authorization Act, which requires congressional notification of any authorized disclosure of national intelligence.

Now, we've not received any notifications of authorized disclosures. Have there been any authorized disclosures, to your knowledge?

Mr. BRENNAN. I would like to say that since you haven't received any notifications, there haven't been.

Senator BURR. Would you consider the information reported in the press about the counterterrorism playbook an authorized disclosure?

Mr. BRENNAN. I don't know which piece you're talking about. There's been a lot of discussion out there in the media and in the newspapers about this.

And so I don't know specifically about any classified information. The fact that the administration may be going through a process to try to institutionalize, codify, make as rigorous as possible our processes and procedures in and of itself is not a classified issue.

So those details that are classified, I don't know of any that came out in some of those reports.

Senator BURR. Well, if there is classified information that's out there, and it was not authorized, was there a crime report filed relative to the playbook?

Mr. BRENNAN. Presumably there was, Senator. Those decisions, as far as initiating criminal investigations, are done by those departments and agencies that have stewardship of that classified information and in discussions with the Department of Justice to make a determination whether or not in light of the fact that maybe so many people have access to it, how they can proceed with some type of criminal investigations.

Senator BURR. As we prepare for the closed hearing on Tuesday—this is not a question—I'll ask you today that you be prepared to provide for the Committee any specific discussions that you had where you were authorized to reveal classified information or to talk about information on covert action.

Again, not something I'd like to do today. The answer may be zero. If there are things, Tuesday would be an opportunity for you to provide. That was a pre-hearing question from the Committee that was unanswered.

My last question is this: I'm still not clear on whether you think the information from CIA interrogations saved lives. Have you ever made a representation to a court, including the FISA court, about the type and importance of information learned from detainees, including detainees in the CIA detention and interrogation program?

Mr. BRENNAN. First of all, on the first part of your question, that you're not sure whether or not I believe that there has been misinformation, I don't know——

Senator BURR. I said I wasn't clear whether I understood, whether I was clear.

Mr. BRENNAN. And I'm not clear at this time, either, because I've read a report that calls into question a lot of the information that I was provided earlier on my impressions.

When I was in the government as the head of National Counterterrorism Center, I know that I had signed out a number of affirmations related to the continuation of certain programs based on the analysis and intelligence that was available to analysts. And I don't know exactly what it was at the time, but we can look at that.

Senator BURR. But the Committee can assume that you had faith—if you make that claim to a court, including the FISA court—you had faith in the documents and in the information that was supplied you to make that declaration?

Mr. BRENNAN. Absolutely. At the time when, if I made any such affirmation, I would have had faith that the information I was provided was an accurate representation.

Senator BURR. Thank you very much, Madam Chairman.

Chairman FEINSTEIN. Senator Wyden.

Senator WYDEN. Thank you, Madam Chair.

We have talked for several hours now about the question of targeted killings of Americans, and you've heard it from a number of Senators. And I'd like to get your reaction on one point in particular. And that is this question, particularly in the context that you've given, that you've tried to focus in areas where the evidence is substantial, the threat is imminent, where there is a particularly persuasive case that the targeted killing of an American is warranted.

In that kind of case, do you believe that the President should provide an individual American with the opportunity to surrender before killing them?

Mr. BRENNAN. Senator, I haven't spoken about any specific operations——

Senator WYDEN. I'm talking about the concept——

Mr. BRENNAN. Right.

Senator WYDEN [continuing]. Because you talk about the concept.

Mr. BRENNAN. Right. Absolutely.

Senator WYDEN. You said imminent threats, serious evidence, grave concern; certainly words that strike a chord with me. And that's why I'd be interested in your thoughts on whether, in those kind of instances, the President ought to give—should give—an individual American the opportunity to surrender.

Mr. BRENNAN. Right. I think in those instances, and right now, let's use the example of al-Qa'ida, because if an American were to join al-Qa'ida, we have routinely said—openly, publicly, and repeatedly—that we're at war with al-Qa'ida. We have repeatedly said that al-Qa'ida is in fact trying to kill Americans, and that we are going to do everything possible to protect the lives of American citizens from these murderous attacks from al-Qa'ida.

We have signaled this worldwide. We have repeatedly said it openly and publicly. Any American who joins al-Qa'ida will know full well that they have joined an organization that is at war with the United States and that has killed thousands upon thousands of individuals, many, many of them who are Americans.

So I think any American who did that should know well that they, in fact, are part of an enemy against us, and that the United States will do everything possible to destroy that enemy to save American lives.

Senator WYDEN. And I certainly—and I said this at the very beginning—I certainly want to be part of that effort to fight al-Qa'ida on all of these key fronts. I just want to have some answers—and I'll give you another chance—whether you think the President should give an individual American the opportunity to surrender.

I think that Senator King, for example, talked about the idea of a new court, and there are going to be colleagues that are going to talk about a whole host of ideas. And I commend you for saying that you're open to hearing about that.

This is something that can be set in motion, I think, in a straightforward way, as a general principle. We're not talking about any one individual. And I think you've answered the ques-

tion, and I won't go any further, unless you want to add anything to it.

The only other point I'd say is we've covered a lot of ground today. And as far as I'm concerned, we've got a lot of ground still to cover. I've made it clear that we've got to see any and all of those legal opinions, the ones that the bipartisan group of senators asked for, before the vote. And to your credit, you said you'd take the message back to the White House.

Because what it really goes to, Mr. Brennan, is this question of checks and balances—and we probably didn't use that word enough this afternoon—because I think that's really what this is all about. Our Constitution fortunately gives the President significant power to protect our country in dangerous times.

But it is not unfettered power; it's power that is balanced through this special system that ensures congressional oversight and public oversight. And so that's why these questions that I and others have been trying to get at, in terms of congressional oversight, being able to get all of the opinions that are relevant to the legal analysis for targeting Americans, and then to learn more about how you're going to bring the public into the discussion.

And certainly you've been patient this afternoon, and I want you to know I think we've covered a lot of ground, but I think we've got a lot to go. And I'd be happy to give you the last word. I've got a little more time if you want it.

Mr. BRENNAN. Thank you, Senator. First of all, any member of al-Qa'ida, whether a U.S. citizen or non-U.S. citizen, needs to know that they have the ability to surrender, the right to surrender, anytime, anywhere throughout the world. And they can do so before the organization is destroyed. We will destroy that organization. And again, out there in al-Qa'ida, U.S. citizens and others, they can surrender anytime, turn themselves in.

Senator WYDEN. Just on that point, I don't take a backseat to anybody, in terms of fighting al-Qa'ida. That was why I came out with it right at the outset. But I asked you a different question, and on the question of what kind of evidence ought to be applied, whether there ought to be geographic limits, the question of whether an individual should be allowed to surrender. For—for example, there is I think also a question whether the obligation changes if, you know, a valid target has not been publicly reported.

So there are issues, you know, here. And I think we're going to have to continue those—those discussions.

And Madam Chair, I thank you for this extra round.

Chairman FEINSTEIN. Thank you.

Senator Coats.

Senator COATS. Thank you, Madam Chairman.

John, I want to just say, and I'm not going to go into it here—I think it may be better held for further discussion next week in a classified room—but this whole idea of leaks—nothing upsets me more on this Committee, and we've had a raft of these in the last couple of years, than to see something that was discussed in classified area written up the next day in the newspapers or on the part of the media. It drives some of us crazy. It does me, anyway.

And so, maybe I'm a little paranoid about all this, and so forth. I just can't totally get my hands around this AQAP situation that

we discussed earlier. But I'm going to defer that until Tuesday so we can discuss it in more detail.

Let me just ask you one question here. You said—I don't have the date—"The al-Qa'ida core has been decimated in the FATA." And we're aware of the significant efforts we've made and the progress we've made in that regard. But we see this thing metastasizing now across northern Africa and other parts.

What's your, you know, latest assessment of al-Qa'ida, in terms of its control and operation of these smaller efforts that are popping up like a whack-a-mole machine in different parts of the Middle East and North Africa?

Mr. BRENNAN. Well, Senator, you used the exact right term when you said al-Qa'ida has been metastasizing in different parts of the world. We have the al-Qa'ida core that, in the past, I think exerted quite a bit of orchestration or order over a number of these franchises that have developed.

Now, as a result of the decimation of the core, and our ability to interrupt a lot of the interaction and communication between them, a lot of these different elements, like al-Qa'ida in the Arabian Peninsula, al-Qa'ida in the Islamic Maghreb, and other elements, have grown up and developed as a result of the domestic and local sort of environment.

And so they're all sort of, you know, unique unto themselves. They have different features and characteristics. We need to make sure that we're able to work with the governments and the intelligence and security services in the area so that we can put as much pressure on them as possible.

A number of them have, you know, local agendas. Some of them have local agendas as well as international agendas. Al-Qa'ida in the Arabian Peninsula in Yemen has a very determined insurgency effort underway in side of Yemen to try to, you know, bring that government down. And the government has done a great job, you know, fighting back.

There are other elements—al-Qa'ida in Islamic Maghreb. You know, they're counter-narcotics—they're narcotics smugglers. They're human traffickers. They involve quite a bit in kidnapping and ransoms, and also involve in tourist attacks.

So, what we need to do is to take into account what the environment is, who we can work with, and how we're going to put pressure on them. But any element that is associated with al-Qa'ida has, as part of its agenda, death, and destruction. And so, I fully agree what we need to do is be mindful of the metastasization of the al-Qa'ida cancer.

Senator COATS. But in relationship to some kind of centralized control over all these things, having said that, the core is decimated.

Mr. BRENNAN. It really varies, you know. We do see al-Qa'ida core trying to exert some control over some of these elements. There's a lot of independence of effort, you know, autonomous efforts that are underway. And I'd be happy to be able to talk in, you know, closed session about the particular relationships that exist between al-Qa'ida and some of these other elements.

Senator COATS. Very good. Thank you.

Thank you, Madam Chairman.

Chairman FEINSTEIN. Thank you very much, Senator.

Senator Collins. Last, but far from least.

Senator COLLINS. Thank you. Thank you, Madam Chairman.

Mr. Brennan, I want to follow up on the point that Senator Coats just raised with you, because if you looked at a map back in 2001, you would see that al-Qa'ida was mainly in Afghanistan and Pakistan. And if you look at a map today, you would see al-Qa'ida in all sorts of countries.

That's not to say that there weren't cells in other countries back in 2001, but it raises the question in my mind of whether, even though we've been successful in taking out some of the core of al-Qa'ida and some high-level leaders, whether our strategy is working. If the cancer of al-Qa'ida is metastasizing, do we need a new treatment?

Mr. BRENNAN. What we've tried to do, Senator, over the past decade and longer, is to be able to treat this real cancer in a number of ways: sometimes it takes lethal force, sometimes it takes military might, sometimes it takes working with our partners in a variety of ways, sometimes it takes addressing some of the infrastructural, institutional, and other deficiencies that exist in these countries that al-Qa'ida takes advantage of.

If you look at the geographic map, you know, in the area from South Asia over to the Middle East and North Africa, there has been tremendous political turbulence in that area over the past decade, and particularly in the last couple years. There are a lot of spaces—ungoverned spaces—that al-Qa'ida has taken advantage of. We've been able to make some significant progress in certain areas.

Somalia is, in fact, a good example of a place where we have worked with neighboring countries, we've worked with the local government, and we've worked with AMISOM, a multilateral element within Africa, to try to suppress the efforts of Al Shabaab and al-Qa'ida in East Africa; good progress we made there. Because it has to be comprehensive; it's not just a kinetic solution to this by any means.

Now, as we look at the Sahel, and the area in Mali, and other areas, these are tremendous expanses of territory where al-Qa'ida can put down roots beyond the reach of local governments. And so they've been able to put down roots, and they've been—it's been unattended because of the difficulties that these countries have even feeding their people, much less putting in place a system of laws and the intelligence and security capability.

So, is it a different strategy; it has to be a comprehensive one. But al-Qa'ida and this—you know, the forces of Islamic extremists, that have really corrupted and perverted Islam, are making some progress in areas that give me real concern. That's why I look at a place like Syria right now, and what is going on in that country; we cannot allow vast areas to be exploited by al-Qa'ida and these extremist forces, because it will be to our peril.

Senator COLLINS. I certainly agree with you on that, and in our classified or closed hearing next week I'm going to be asking you about Syria, and also the Iranian threat. But I don't think those are appropriate in open session.

Just two final questions: one has to do with priorities that you would set as director if you are confirmed. In recent years, paramilitary operations obviously had consumed a lot of resources, expertise, time, energy, and effort at the CIA; do you believe this has been at the expense of traditional CIA responsibilities—collection, analysis, all source?

Mr. BRENNAN. Well, certainly, there have been opportunity costs because of the dedication of those resources. What I would need to do, if I were to go to CIA, is to inventory exactly how our resources are being dedicated against the wide variety of strategic priorities to protect our country.

In terms of operational collection activities worldwide, in terms of the all source analysis being done, what are we doing in these other areas? Cyber, you know, weapons proliferation, political turbulence—there are so many different areas. Counterterrorism is an important one. There is also an intersection between counterterrorism and a lot of these other areas, counter-proliferation, international organized crime, other things.

So we really want to optimize those resources so that we can, in fact, leverage the capabilities we have, in order to deal with these very challenging issues across a very large globe.

Senator COLLINS. Mr. Brennan, you have devoted a great deal of your life to public service, for which I thank you. And you obviously understand the world of intelligence in a way that few people do. You've been an intelligence professional for much of your professional life.

In the last four years, you have held a political position at the White House. And I have been talking to people at the CIA, whom I respect, and one intelligence official told me that a key question for the men and women of the CIA is which John Brennan are they going to get? Are they going to get John Brennan who's been the right-hand advisor of President Obama in a political White House—and by the nature of the position—I don't say that critically; that's the position—or are they going to get John Brennan who was a career CIA officer, who worked his way up in the ranks?

And the concern is that they want to hear that you are going to be the CIA's representative to the White House, not the White House's representative to the CIA. And I just want to give you the opportunity today to respond to that concern.

I would note that I also heard very good comments from people with whom I talked, but I think it's important, when someone's coming from a political role, to make clear that you're going to be the leader of the Agency and not the White House's agent within the Agency.

Mr. BRENNAN. Thank you, Senator. I think if I were to be fortunate, privileged, and honored to go out to CIA, the CIA would get the John Brennan who is neither a Democrat nor Republican, nor has ever been; a John Brennan who has a deep appreciation and respect for the intelligence profession, one who has been fortunate to have lived it for 25 years; a John Brennan who has had the great fortune to be in the White House the past four years, watching and understanding how intelligence is used in support of our national security. CIA would get a John Brennan who has been working national security issues for my life.

They would get a John Brennan who really understands that the value of intelligence, the importance of intelligence, is not to tell the President what he wants to hear, not to tell this Committee what it wants to hear, but to tell the policymakers, the Congressional overseers, what they need to hear—what the Intelligence Community, with all its great capability and expertise, has been able to uncover and understand about world events that fundamentally affect the lives of not just this generation of Americans, but of future generations of Americans.

And so, if I had the great privilege to lead the men and women of the CIA, it would be the biggest honor of my life, and I would understand just how important and weighty that would be. And if I ever dishonored that responsibility, I couldn't look myself in the mirror. I couldn't look my parents, my family in the mirror. I couldn't look you in the face, and that is something that is very important to me.

So, I guess the proof will be in the pudding, the tasting of the pudding, and if I do have that opportunity, it would be my intention to make sure I did everything possible to live up to the trust and confidence that this Congress, this Senate, and this President might place in me.

Senator COLLINS. Thank you very much.

Thank you, Madam Chairman.

Chairman FEINSTEIN. Thank you very much.

If there are no further questions, John, I would like to associate myself with what Senator Rockefeller said. I've sat through a number of these hearings; I don't think I've ever heard anyone more forthright or more honest or more direct. You really didn't hedge. You said what you thought. And I want you to know that that's very much appreciated.

And I actually think you are going to be a fine and strong leader for the CIA, and, you know, I can't help but say I am really fully supportive of this and will do everything I possibly can to see that our Committee works with you closely and honestly.

We will have a classified hearing. I am specifically going to just warn you that I would like to have you respond in detail to what I perceive as a difficult, evolving situation in North Africa now, with Tunisia, with Libya, with all these countries, and certainly with Mali, and how you plan to direct the Agency to deal with this evolving momentum that's taking place in Northern Africa.

So that will be for Tuesday. And at the request of Senator Levin, I ask unanimous consent to enter into the record a Joint Statement that he and I made on April 27, 2012.

[The Joint Statement of Senators Feinstein and Levin, dated April 27, 2012, follows:]

JOINT STATEMENT FROM SENATOR DIANNE FEINSTEIN (D-CALIF.), CHAIRMAN, SENATE INTELLIGENCE COMMITTEE, AND SENATOR CARL LEVIN (D-MICH.), CHAIRMAN, SENATE ARMED SERVICES COMMITTEE

We are deeply troubled by the claims of the CIA's former Deputy Director of Operations Jose Rodriguez regarding the effectiveness of the CIA's coercive interrogation techniques.

The Senate Select Committee on Intelligence will soon complete a comprehensive review of the CIA's former Detention and Interrogation Program. Committee staff has reviewed more than 6 million pages of records and the Committee's final report, which we expect to exceed 5000 pages, will provide a detailed, factual description

of how interrogation techniques were used, the conditions under which detainees were held, and the intelligence that was—or wasn't—gained from the program.

Statements made by Mr. Rodriguez and other former senior government officials about the role of the CIA interrogation program in locating Usama bin Laden (UBL) are inconsistent with CIA records. We are disappointed that Mr. Rodriguez and others, who left government positions prior to the UBL operation and are not privy to all of the intelligence that led to the raid, continue to insist that the CIA's so-called "enhanced interrogation techniques" used many years ago were a central component of our success. This view is misguided and misinformed.

The roots of the UBL operation stretch back nearly a decade and involve hundreds, perhaps thousands, of intelligence professionals who worked non-stop to connect and analyze many fragments of information, eventually leading the United States to Usama bin Laden's location in Abbottabad, Pakistan. The suggestion that the operation was carried out based on information gained through the harsh treatment of CIA detainees is not only inaccurate, it trivializes the work of individuals across multiple U.S. agencies that led to UBL and the eventual operation.

We are also troubled by Mr. Rodriguez's statements justifying the destruction of video tapes documenting the use of coercive interrogation techniques as "just getting rid of some ugly visuals." His decision to order the destruction of the tapes was in violation of instructions from CIA and White House lawyers, illustrates a blatant disregard for the law, and unnecessarily caused damage to the CIA's reputation.

Further, it's worth repeating, as discussed in the Senate Armed Services Committee's 2008 report, the SERE techniques used in the CIA's interrogation program were never intended to be used by U.S. interrogators. Rather, the techniques—which are based on Communist Chinese interrogation techniques used during the Korean War to elicit false confessions—were developed to expose U.S. soldiers to the abusive treatment they might be subjected to if captured by our enemies. An overwhelming number of experts agree, the SERE techniques are not an effective means to illicit accurate information.

Misinformation Relating to the UBL Operation

Statement of Jose Rodriguez, former CIA Deputy Director for Operations, Time Magazine, May 4, 2011:

> "Information provided by [CIA detainees] KSM and Abu Faraj al-Libbi about bin Laden's courier was the lead information that eventually led to the location of [bin Laden's] compound and the operation that led to his death."

This statement is wrong. The original lead information had no connection to CIA detainees. The CIA had significant intelligence on the courier that was collected from a variety of classified sources. While the CIA's enhanced interrogation techniques were used against KSM and al-Libbi, the pair provided false and misleading information during their time in CIA custody. This information will be detailed in the Intelligence Committee's report.

Statement of Michael Hayden, former CIA Director, Scott Hennen Show, May 3, 2011:

> "[W]hat we got, the original lead information—and frankly it was incomplete identity information on the couriers—began with information from CIA detainees at the black sites."

This statement is wrong. The original information had no connection to CIA detainees. The CIA had significant intelligence on the courier that was collected from a variety of classified sources. This information will be detailed in the Intelligence Committee's report.

Statement of Michael Mukasey, former Attorney General, Wall Street Journal, May 6, 2011:

> "Consider how the intelligence that led to bin Laden came to hand. It began with a disclosure from Khalid Shiekh Mohammed (KSM) who broke like a dam under the pressure of harsh interrogation techniques—that included waterboarding. He loosed a torrent of information—including eventually the name of a trusted courier of bin Laden Another of those gathered up later in this harvest, Abu Faraj al-Libi, also was subjected to certain of these harsh techniques and disclosed further details about bin Laden's couriers that helped last weekend's achievement."

This statement is wrong. There is nothing in CIA intelligence records to corroborate this statement.

Other press reports have suggested that a third CIA detainee subjected to the CIA's enhanced interrogation techniques provided significant information on the courier and his relationship with al-Qa'ida. While this third detainee did provide relevant information, he did so the day before he was interrogated by the CIA using their coercive interrogation techniques. This information will be detailed in the Intelligence Committee's report.

The Facts:

- CIA did not first learn about the existence of the UBL courier from detainees subjected to coercive interrogation techniques. Nor did the agency discover the courier's identity from detainees subjected to coercive techniques. No detainee reported on the courier's full name or specific whereabouts, and no detainee identified the compound in which UBL was hidden. Instead, the CIA learned of the existence of the courier, his true name and location through means unrelated to the CIA detention and interrogation program.
- Information to support this operation was obtained from a wide variety of intelligence sources and methods. CIA officers and their colleagues throughout the Intelligence Community sifted through massive amounts of information, identified possible leads, tracked them down, and made considered judgments based on all of the available intelligence.
- The CIA detainee who provided the most significant information about the courier provided the information prior to being subjected to coercive interrogation techniques.
- The three detainees subjected to waterboarding provided no new information about the courier. In fact, the CIA detainees who were subjected to coercive techniques downplayed the courier's significance, with some of those detainees denying they knew him at all, in the face of significant evidence to the contrary.
- Detainees whom the CIA believed to have information on UBL's location provided no locational information, even after significant use of the CIA's coercive interrogation techniques.

Chairman FEINSTEIN. And secondly, in order to have Mr. Brennan's answers to questions for the record by the time he returns before us in closed session, I ask Members to the right questions for the record by 5 o'clock p.m. tomorrow—that's Friday, February the 8th—so we have them for you as soon as possible so that you can respond to them Tuesday.

I want to thank you and your family for being here, and I wish you well.

Thank you, and the hearing is adjourned.

Mr. BRENNAN. Thank you, Chairman.

[Whereupon, at 6:00 p.m., the Committee adjourned.]

COMMITTEE BUSINESS MEETING TO VOTE ON THE NOMINATION OF JOHN O. BRENNAN TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

TUESDAY, MARCH 5, 2013

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Committee met, pursuant to notice, at 2:40 p.m., in Room SH–219, Hart Senate Office Building, the Honorable Dianne Feinstein (Chairman of the Committee) presiding.

Committee Members Present: Senators Feinstein, Chambliss, Rockefeller, Burr, Wyden, Mikulski, Coats, Rubio, Heinrich, Collins, King, and Coburn.

Committee Staff Members Present: David Grannis, Staff Director; Martha Scott Poindexter, Minority Staff Director; Kathleen McGhee, Chief Clerk; Jennifer Barrett, Randy Bookout, Michael Buchwald, James Catella, Christian Cook, John Dickas, Richard Girven, Lorenzo Goco, Tressa Guenov, Tom Hawkins (Minority Ldr's Office), Neal Higgins, Clete Johnson, Ryan Kaldahl, Andrew Kerr, Jack Livingston, Eric Losick, Paul Matulic, Hayden Milberg, Brian Miller, Michael Pevzner, Tommy Ross (Majority Ldr's Office), Jacqueline Russell, Kelly Shaw, Tyler Stephens, Chad Tanner, Ryan Tully, Brian Walsh, and James Wolfe.

Chairman FEINSTEIN. Will the Clerk please call the roll?

Mrs. MCGHEE. Mr. Rockefeller.

Senator ROCKEFELLER. Aye.

Mrs. MCGHEE. Mr. Wyden.

Senator WYDEN. Aye.

Mrs. MCGHEE. Ms. Mikulski.

Senator MIKULSKI. Aye.

Mrs. MCGHEE. Mr. Udall.

Chairman FEINSTEIN. Aye by proxy.

Mrs. MCGHEE. Mr. Warner.

Chairman FEINSTEIN. Aye by proxy.

Mrs. MCGHEE. Mr. Heinrich.

Senator HEINRICH. Aye.

Mrs. MCGHEE. Mr. King.

Senator KING. Aye.

Mrs. MCGHEE. Mr. Burr.

Senator *Burr*. Aye.

Mrs. MCGHEE. Mr. Risch.

Vice Chairman CHAMBLISS. No by proxy.

Mrs. MCGHEE. Mr. Coats.

Senator COATS. Aye.

Mrs. MCGHEE. Mr. Rubio.

Senator RUBIO. Aye.

Mrs. MCGHEE. Ms. Collins.

Senator COLLINS. Aye.

Mrs. MCGHEE. Mr. Coburn.
Senator COBURN. No.
Mrs. MCGHEE. Mr. Chambliss.
Vice Chairman CHAMBLISS. No.
Mrs. MCGHEE. Mrs. Feinstein.
Chairman FEINSTEIN. Aye.
Mrs. MCGHEE. Twelve ayes, three nays.
[Whereupon, at 3:15 p.m., the Committee adjourned.]

Supplemental Material

SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE

QUESTIONNAIRE FOR COMPLETION BY PRESIDENTIAL NOMINEES

SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE

QUESTIONNAIRE FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART A - BIOGRAPHICAL INFORMATION

1. NAME: John Owen Brennan
2. DATE AND PLACE OF BIRTH: 9/22/1955 (Jersey City, New Jersey)
3. MARITAL STATUS: Married
4. SPOUSE'S NAME: Katherine Brennan (No middle name)
5. SPOUSE'S MAIDEN NAME IF APPLICABLE: Katherine Pokluda (No middle name)
6. NAMES AND AGES OF CHILDREN:

NAME	AGE
[INFORMATION REDACTED]	

7. EDUCATION SINCE HIGH SCHOOL:

INSTITUTION	DATES ATTENDED	DEGREE RECEIVED	DATE OF DEGREE
American University in Cairo	9/75-1/76	No degree	n/a
Fordham University	9/73-5/77	BA	May 1977
University of Texas at Austin	8/77-5/80	MA	May 1980

8. EMPLOYMENT RECORD (LIST ALL POSITIONS HELD SINCE COLLEGE, INCLUDING MILITARY SERVICE. INDICATE NAME OF EMPLOYER, POSITION, TITLE OR DESCRIPTION, LOCATION, AND DATES OF EMPLOYMENT.)

EMPLOYER	POSITION/TITLE	LOCATION	DATES
Central Intelligence Agency	**Various**	**Washington D.C.**	**8/80-11-05**
The Analysis Corporation	**President and CEO**	**McLean VA**	**11/05-1/09**
Assistant to the President for Homeland Security and Counterterrorism		**Washington D.C.**	**1/09-Present**

9. GOVERNMENT EXPERIENCE (INDICATE EXPERIENCE IN OR ASSOCIATION WITH FEDERAL, STATE, OR LOCAL GOVERNMENTS, INCLUDING ADVISORY, CONSULTATIVE, HONORARY, OR OTHER PART-TIME SERVICE OR POSITION. DO NOT REPEAT INFORMATION ALREADY PROVIDED IN QUESTION 8):

See response to question number 8.

10. INDICATE ANY SPECIALIZED INTELLIGENCE OR NATIONAL SECURITY EXPERTISE YOU HAVE ACQUIRED HAVING SERVED IN THE POSITIONS DESCRIBED IN QUESTIONS 8 AND/OR 9.

I have intimate familiarity with HUMINT, SIGINT, and GEOINT systems and capabilities; CIA operational, analytic, and covert action responsibilities and programs; Intelligence Community leadership and functions; foreign liaison relationships; counterintelligence activities; intelligence-law enforcement interaction; and interagency national security policymaking processes.

11. HONORS AND AWARDS (PROVIDE INFORMATION ON SCHOLARSHIPS, FELLOWSHIPS, HONORARY DEGREES, MILITARY DECORATIONS, CIVILIAN SERVICE CITATIONS, OR ANY OTHER SPECIAL RECOGNITION FOR OUTSTANDING PERFORMANCE OR ACHIEVEMENT):

Honorary Doctorate of Letters, Fordham University
National Security Medal
Distinguished Career Intelligence Medal
CIA Director's Award (2)
DIA Director's Award

12. ORGANIZATIONAL AFFILIATIONS (LIST MEMBERSHIPS IN AND OFFICES HELD WITHIN THE LAST TEN YEARS IN ANY PROFESSIONAL, CIVIC, FRATERNAL, BUSINESS, SCHOLARLY, CULTURAL, CHARITABLE, OR OTHER SIMILAR ORGANIZATIONS):

ORGANIZATION	OFFICE HELD	DATES
Intelligence and National Security Alliance (INSA);	**Chairman of the Board of Directors;**	**04/2007 – 11/2008**
Global Strategies Group INC (NA);	**Board of Directors**	**02/2007 – 01/2009**

13. PUBLISHED WRITINGS AND SPEECHES (LIST THE TITLES, PUBLISHERS, BLOGS AND PUBLICATION DATES OF ANY BOOKS, ARTICLES, REPORTS, OR OTHER PUBLISHED MATERIALS YOU HAVE AUTHORED. ALSO LIST ANY PUBLIC SPEECHES OR REMARKS YOU HAVE MADE WITHIN THE LAST TEN YEARS FOR WHICH THERE IS A TEXT, TRANSCRIPT, OR VIDEO.) IF ASKED, WILL YOU PROVIDE A COPY OF EACH REQUESTED PUBLICATION, TEXT, TRANSCRIPT, OR VIDEO?

***Is This Intelligence?*; Washington Post, November 20, 2005**

***We've Lost Sight of His Vision*; Washington Post, February 26, 2006**

***The Conundrum of Iran: Strengthening Moderates without Acquiescing to Belligerence;* The Annals of the American Academy of Political and Social Science, July 2008**

***A New Approach for Safeguarding Americans*; CSIS, August 6, 2009**

PAN AM Flight 103 Memorial Service; Arlington National Cemetery, December 21, 2009

***We Need No Lectures*; USA Today, February 9, 2010**

***A Dialogue on our Nation's Security*; Islamic Center of New York University, February 13, 2010**

***Securing the Homeland by Renewing America's Strengths, Resilience and Values*; CSIS, May 26, 2010**

***U.S. Policy Toward Yemen;* Carnegie Endowment, December 17, 2010**

Legal framework; Brennan Center, NYU Law School, March 18, 2011

***U.S. Counterterrorism Strategy: Ensuring Al-Qaida's Demise*; SAIS Johns Hopkins, June 29, 2011**

***Ten Years Later: Progress and Challenges in Combating Terrorist Financing Since 9/11;* Department of Treasury, September 8, 2011**

***Strengthening our Security by Adhering to our Values and Laws*; Harvard Law School, September 16, 2011**

PAN AM Flight 103 Memorial Service; Arlington National Cemetery, December 21, 2011

***Kidnapping For Ransom*; NCTC, March 14, 2012**

***Time To Protect Against Dangers of Cyberattack*; Washington Post, April 16, 2012**

***The Ethics and Efficacy of the President's Counterterrorism Strategy;* Woodrow Wilson Center, April 30, 2012**

Fordham Graduation Commencement; Fordham University, May 19, 2012

***A Comprehensive U.S. Approach to Yemen;* Council on Foreign Relations, August 8, 2012**

Remarks at UK Organized Crime and Terror Conference; London, England, October 22, 2012

***U.S and Europe: Security Cooperation and Shared Challenges;* Institute of International and European Affairs, Dublin, Ireland, October 26, 2012**

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE IN THE POSITION FOR WHICH YOU HAVE BEEN NOMINATED):

I served as a CIA officer in a variety of analytic, operational, and management positions for 25 years and as Assistant to the President for Homeland Security and Counterterrorism for four years. As a result of those experiences, I believe I have a strong understanding of the CIA's mission, workforce, and capabilities, the role of the Intelligence Community, the interaction between the intelligence and policymaking communities, and the obligations of the CIA vis-à-vis Congress and CIA's oversight committees. I also served overseas for five years in Saudi Arabia (1982-84 and 1996-99), which provided first-hand insight into our national security interests abroad and the importance of teamwork among U.S. country teams.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

15. POLITICAL ACTIVITIES (LIST ANY MEMBERSHIPS OR OFFICES HELD IN OR FINANCIAL CONTRIBUTIONS OR SERVICES RENDERED TO, ANY POLITICAL PARTY, ELECTION COMMITTEE, POLITICAL ACTION COMMITTEE, OR INDIVIDUAL CANDIDATE DURING THE LAST TEN YEARS):

2008 Obama Campaign Advisor

2008 Obama Transition Team

1/28/2008 $2,300 contribution to Obama for America

9/27/2008 $500 contribution to Obama for America

16. CANDIDACY FOR PUBLIC OFFICE (FURNISH DETAILS OF ANY CANDIDACY FOR ELECTIVE PUBLIC OFFICE):

None.

17. FOREIGN AFFILIATIONS

(NOTE: QUESTIONS 17A AND B ARE NOT LIMITED TO RELATIONSHIPS REQUIRING REGISTRATION UNDER THE FOREIGN AGENTS REGISTRATION ACT. QUESTIONS 17A, B, AND C DO NOT CALL FOR A POSITIVE RESPONSE IF THE REPRESENTATION OR TRANSACTION WAS AUTHORIZED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH YOUR OR YOUR SPOUSE'S EMPLOYMENT IN GOVERNMENT SERVICE.)

A. HAVE YOU OR YOUR SPOUSE EVER REPRESENTED IN ANY CAPACITY (E.G. EMPLOYEE, ATTORNEY, OR POLITICAL/BUSINESS CONSULTANT), WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

None.

B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

C. DURING THE PAST TEN YEARS, HAVE YOU OR YOUR SPOUSE RECEIVED ANY COMPENSATION FROM, OR BEEN INVOLVED IN ANY FINANCIAL OR BUSINESS TRANSACTIONS WITH, A FOREIGN GOVERNMENT OR ANY ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

D. HAVE YOU OR YOUR SPOUSE EVER REGISTERED UNDER THE FOREIGN AGENTS REGISTRATION ACT? IF SO, PLEASE PROVIDE DETAILS.

No.

18. DESCRIBE ANY LOBBYING ACTIVITY DURING THE PAST TEN YEARS, OTHER THAN IN AN OFFICIAL U.S. GOVERNMENT CAPACITY, IN WHICH YOU OR YOUR SPOUSE HAVE ENGAGED FOR THE PURPOSE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PASSAGE, DEFEAT, OR MODIFICATION OF FEDERAL LEGISLATION, OR FOR THE PURPOSE OF AFFECTING THE ADMINISTRATION AND EXECUTION OF FEDERAL LAW OR PUBLIC POLICY.

None.

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

19. DESCRIBE ANY EMPLOYMENT, BUSINESS RELATIONSHIP, FINANCIAL TRANSACTION, INVESTMENT, ASSOCIATION, OR ACTIVITY (INCLUDING, BUT NOT LIMITED TO, DEALINGS WITH THE FEDERAL GOVERNMENT ON YOUR OWN BEHALF OR ON BEHALF OF A CLIENT), WHICH COULD CREATE, OR APPEAR TO CREATE, A CONFLICT OF INTEREST IN THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Office of Central Intelligence Agency's (CIA's) Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the CIA's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

20. DO YOU INTEND TO SEVER ALL BUSINESS CONNECTIONS WITH YOUR PRESENT EMPLOYERS, FIRMS, BUSINESS ASSOCIATES AND/OR PARTNERSHIPS, OR OTHER ORGANIZATIONS IN THE EVENT THAT YOU ARE CONFIRMED BY THE SENATE? IF NOT, PLEASE EXPLAIN.

N/A

21. DESCRIBE THE FINANCIAL ARRANGEMENTS YOU HAVE MADE OR PLAN TO MAKE, IF YOU ARE CONFIRMED, IN CONNECTION WITH SEVERANCE FROM YOUR CURRENT POSITION. PLEASE INCLUDE SEVERANCE PAY, PENSION RIGHTS, STOCK OPTIONS, DEFERRED INCOME ARRANGEMENTS, AND ANY AND ALL COMPENSATION THAT WILL OR MIGHT BE RECEIVED IN THE FUTURE AS A RESULT OF YOUR CURRENT BUSINESS OR PROFESSIONAL RELATIONSHIPS.

N/A

22. DO YOU HAVE ANY PLANS, COMMITMENTS, OR AGREEMENTS TO PURSUE OUTSIDE EMPLOYMENT, WITH OR WITHOUT COMPENSATION, DURING YOUR SERVICE WITH THE GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

23. AS FAR AS CAN BE FORESEEN, STATE YOUR PLANS AFTER COMPLETING GOVERNMENT SERVICE. PLEASE SPECIFICALLY DESCRIBE ANY AGREEMENTS OR UNDERSTANDINGS, WRITTEN OR UNWRITTEN, CONCERNING EMPLOYMENT AFTER LEAVING GOVERNMENT SERVICE. IN PARTICULAR, DESCRIBE ANY AGREEMENTS, UNDERSTANDINGS, OR OPTIONS TO RETURN TO YOUR CURRENT POSITION.

None.

24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.

No.

25. IS YOUR SPOUSE EMPLOYED? IF YES AND THE NATURE OF THIS EMPLOYMENT IS RELATED IN ANY WAY TO THE POSITION FOR WHICH YOU ARE SEEKING CONFIRMATION, PLEASE INDICATE YOUR SPOUSE'S EMPLOYER, THE POSITION, AND THE LENGTH OF TIME THE POSITION HAS BEEN HELD. IF YOUR SPOUSE'S EMPLOYMENT IS NOT RELATED TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED, PLEASE SO STATE.

Yes. She is a contract employee of Fairfax county public schools. Her work has never been related to the nature of this employment.

26. LIST BELOW ALL CORPORATIONS, PARTNERSHIPS, FOUNDATIONS, TRUSTS, OR OTHER ENTITIES TOWARD WHICH YOU OR YOUR SPOUSE HAVE FIDUCIARY OBLIGATIONS OR IN WHICH YOU OR YOUR SPOUSE HAVE HELD DIRECTORSHIPS OR OTHER POSITIONS OF TRUST DURING THE PAST FIVE YEARS.

Wee Play LLC	**Owner**	**2003-August 2012**	**Wife**

27. **LIST ALL GIFTS EXCEEDING $100 IN VALUE RECEIVED DURING THE PAST FIVE YEARS BY YOU, YOUR SPOUSE, OR YOUR DEPENDENTS. (NOTE: GIFTS RECEIVED FROM RELATIVES AND GIFTS GIVEN TO YOUR SPOUSE OR DEPENDENT NEED NOT BE INCLUDED UNLESS THE GIFT WAS GIVEN WITH YOUR KNOWLEDGE AND ACQUIESCENCE AND YOU HAD REASON TO BELIEVE THE GIFT WAS GIVEN BECAUSE OF YOUR OFFICIAL POSITION.)**

Donor Name	Donor Title & Country	Date Given	Description	Gift Appraisal
Elias Murr	Foreign Official	4/7/2009	Crystal clock in the shape of a horse jumping over an obstacle	COLUMN DATA REDACTED
Brigadier General Nitzan Nuriel	Director of Counterterrorism Bureau - Israel	8/6/2009	Silver and gold standing plaque.	
Emilio Gonzalez Marquez	Governor of Jalisco - Mexico	8/9/2009	Bottle of "Jose Cuervo Platino"; IAD	
His Excellency Emilio Gonzalez Marquez	Governor of Jalisco - Mexico	8/9/2009	Green lacquered wood plate	
Ashraf Rifi	General Director, Internal Security Forces - Lebanon	5/12/2010	8-piece serving bar utensil set	
Markus Seiler	Intelligence Chief - Switzerland	5/17/2010	Swiss Bell with leather strap	
Hakan Fidan	Foreign Official	9/23/2010	Green glass and hold plate	
Alok Prasad	Deputy National Security Advisor - India	10/14/2010	White marble bowl	
The Honorable Alok Prasad	Ambassador - India	10/14/2010	Paper Mache container with gold color inlay, and floral design on lid	
Angelino Alfano	Minister of Justice - India	4/4/2011	Navy blue tie	
Hakan Fidan	Foreign Official	12/13/2011	A circular decorative metal dish	

General Ahmed Al-Ashwal	Military General - Yemen	3/19/2012	Jewelry set of necklace, bracelet, earrings, and a ring	

28. LIST ALL SECURITIES, REAL PROPERTY, PARTNERSHIP INTERESTS, OR OTHER INVESTMENTS OR RECEIVABLES WITH A CURRENT MARKET VALUE (OR, IF MARKET VALUE IS NOT ASCERTAINABLE, ESTIMATED CURRENT FAIR VALUE) IN EXCESS OF $1,000. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE A OF THE DISCLOSURE FORMS OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CURRENT VALUATIONS ARE USED.)

DESCRIPTION OF PROPERTY VALUE METHOD OF VALUATION

(See attached financial disclosure forms)

29. LIST ALL LOANS OR OTHER INDEBTEDNESS (INCLUDING ANY CONTINGENT LIABILITIES) IN EXCESS OF $10,000. EXCLUDE A MORTGAGE ON YOUR PERSONAL RESIDENCE UNLESS IT IS RENTED OUT, AND LOANS SECURED BY AUTOMOBILES, HOUSEHOLD FURNITURE, OR APPLIANCES. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE C OF THE DISCLOSURE FORM OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CONTINGENT LIABILITIES ARE ALSO INCLUDED.)

NATURE OF OBLIGATION NAME OF OBLIGEE AMOUNT

None.

30. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

No.

31. **LIST THE SPECIFIC SOURCES AND AMOUNTS OF ALL INCOME RECEIVED DURING THE LAST FIVE YEARS, INCLUDING ALL SALARIES, FEES, DIVIDENDS, INTEREST, GIFTS, RENTS, ROYALTIES, PATENTS, HONORARIA, AND OTHER ITEMS EXCEEDING $200. (COPIES OF U.S. INCOME TAX RETURNS FOR THESE YEARS MAY BE SUBSTITUTED HERE, BUT THEIR SUBMISSION IS NOT REQUIRED.)**

[INFORMATION REDACTED]

32. **IF ASKED, WILL YOU PROVIDE THE COMMITTEE WITH COPIES OF YOUR AND YOUR SPOUSE'S FEDERAL INCOME TAX RETURNS FOR THE PAST THREE YEARS?**

Yes.

33. **LIST ALL JURISDICTIONS IN WHICH YOU AND YOUR SPOUSE FILE ANNUAL INCOME TAX RETURNS.**

Virginia.

34. **HAVE YOUR FEDERAL OR STATE TAX RETURNS BEEN THE SUBJECT OF AN AUDIT, INVESTIGATION, OR INQUIRY AT ANY TIME? IF SO, PLEASE PROVIDE DETAILS, INCLUDING THE RESULT OF ANY SUCH PROCEEDING.**

No.

35. **IF YOU ARE AN ATTORNEY, ACCOUNTANT, OR OTHER PROFESSIONAL, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN $200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.**

N/A

36. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

No. See ethics agreement.

36. IF APPLICABLE, LIST THE LAST THREE YEARS OF ANNUAL FINANCIAL DISCLOSURE REPORTS YOU HAVE BEEN REQUIRED TO FILE WITH YOUR AGENCY, DEPARTMENT, OR BRANCH OF GOVERNMENT. IF ASKED, WILL YOU PROVIDE A COPY OF THESE REPORTS?

SF-278s for 2011, 2010, 2009.
Yes.

PART E - ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PROVIDE DETAILS.

No.

39. HAVE YOU EVER BEEN INVESTIGATED, HELD, ARRESTED, OR CHARGED BY ANY FEDERAL, STATE, OR OTHER LAW ENFORCEMENT AUTHORITY FOR VIOLATION OF ANY FEDERAL STATE, COUNTY, OR MUNICIPAL LAW, REGULATION, OR ORDINANCE, OTHER THAN A MINOR TRAFFIC OFFENSE, OR NAMED AS A DEFENDANT OR OTHERWISE IN ANY INDICTMENT OR INFORMATION RELATING TO SUCH VIOLATION? IF SO, PROVIDE DETAILS.

No.

40. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PROVIDE DETAILS.

No.

41. ARE YOU PRESENTLY OR HAVE YOU EVER BEEN A PARTY IN INTEREST IN ANY ADMINISTRATIVE AGENCY PROCEEDING OR CIVIL LITIGATION? IF SO, PLEASE PROVIDE DETAILS.

No.

42. HAVE YOU BEEN INTERVIEWED OR ASKED TO SUPPLY ANY INFORMATION AS A WITNESS OR OTHERWISE IN CONNECTION WITH ANY CONGRESSIONAL INVESTIGATION, FEDERAL, OR STATE AGENCY PROCEEDING, GRAND JURY INVESTIGATION, OR CRIMINAL OR CIVIL LITIGATION IN THE PAST TEN YEARS? IF SO, PROVIDE DETAILS.

Yes. I have been interviewed in connection with an investigation being conducted by the United States Attorney's Office for the District of Maryland into possible unauthorized disclosures of information to reporters about cyber-attacks against Iran. I have also been asked to provide information in connection with an investigation being conducted by the United States Attorney's Office for the District of Columbia into possible unauthorized disclosures of information to reporters about a foiled bomb plot tied to Al Qaeda in the Arabian Peninsula. My interview in that matter is scheduled for February 1, 2013. My counsel has been advised by representatives of the United States Attorney's offices that I am a witness in both investigations.

43. HAS ANY BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, DIRECTOR, OR PARTNER BEEN A PARTY TO ANY ADMINISTRATIVE AGENCY PROCEEDING OR CRIMINAL OR CIVIL LITIGATION RELEVANT TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED? IF SO, PROVIDE DETAILS. (WITH RESPECT TO A BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, YOU NEED ONLY CONSIDER PROCEEDINGS AND LITIGATION THAT OCCURRED WHILE YOU WERE AN OFFICER OF THAT BUSINESS.)

No.

44. HAVE YOU EVER BEEN THE SUBJECT OF ANY INSPECTOR GENERAL INVESTIGATION? IF SO, PROVIDE DETAILS.

No.

PART F - SECURITY INFORMATION

45. HAVE YOU EVER BEEN DENIED ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION FOR ANY REASON? IF YES, PLEASE EXPLAIN IN DETAIL.

No.

46. HAVE YOU BEEN REQUIRED TO TAKE A POLYGRAPH EXAMINATION FOR ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION? IF YES, PLEASE EXPLAIN.

Yes, for CIA employment.

47. HAVE YOU EVER REFUSED TO SUBMIT TO A POLYGRAPH EXAMINATION? IF YES, PLEASE EXPLAIN.

No.

PART G - ADDITIONAL INFORMATION

48. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE CENTRAL INTELLIGENCE AGENCY AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS RESPECTIVELY IN THE OVERSIGHT PROCESS.

As the elected representatives of the American people, members of Congress have the responsibility of ensuring that government operations, including intelligence, are conducted effectively, efficiently and in accordance with our laws and Constitution. The Director of CIA has a legal obligation to keep the appropriate members and committees of Congress fully and currently informed of the range of Agency activities, and, if confirmed, I will do so. History shows that a relationship of candor and trust between the congressional intelligence committees and the CIA strengthens our national security. If confirmed, I look forward to sustaining this close and cooperative relationship.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

The Director of the CIA is responsible for the global operations, personnel and budget of the CIA. The Director leads the CIA in its mission of providing the most timely, objective and accurate intelligence possible to the President, policymakers, and our diplomats and military. As such, the Director must demonstrate the independence, integrity, forthrightness and nonpartisan approach that our nation expects of all CIA personnel. The CIA Director reports to the Director of National Intelligence and, in his role at the National Human Source Intelligence Manager, is responsible for leading national human intelligence efforts across the Community.

AFFIRMATION

I, John O. Brennan, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

February 1, 2013 [SIGNATURE]
(Date) (Name)

[SIGNATURE]
(Notary)

LORRAINE D. HUNT
Notary Public of District of Columbia
My Commission Expires March 14, 2016

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be the Director of the Central Intelligence Agency, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

[SIGNATURE]

Signature

Date: February 1, 2013

SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE

Additional Prehearing Questions
for
Mr. John O. Brennan
upon his nomination to be
the Director of the
Central Intelligence Agency

Functions of the Central Intelligence Agency

QUESTION 1: What do you consider to be the most important missions of the CIA (e.g., collection of foreign intelligence information, all-source analysis, counterterrorism, counterintelligence, covert action, etc.)?

The areas listed capture CIA missions quite well, although I would add others, such as counterproliferation and open source exploitation, and view all of CIA's mission areas as inter-related and mutually supportive.

- How well do you think the CIA has performed recently in each of these missions?

I think the CIA has performed admirably in helping to protect the United States from threats, such as regional instability, terrorism, weapons of mass destruction, and counterintelligence, especially in the increasingly dynamic and complex world we face. I believe the CIA will need to constantly examine and refine its methods, approaches, and structures given these complexities, and we may not in the future see "solution sets" to protect the national security interests of the United States that fall neatly into single mission areas.

- If confirmed, do you expect to direct the CIA to focus more on any of these missions over others?

I would note that collection and all-source analysis are the underpinning for nearly everything the CIA does, and so I would focus heavily from the start on these areas if I were to be confirmed. I would also note that the CIA will face trade-offs as budgets tighten or decline, and so I would seek to ensure CIA is investing most effectively and efficiently in innovative and powerful techniques to collect, analyze, correlate, and disseminate the massive amounts of information available worldwide.

- Do you believe the CIA places enough emphasis on counterintelligence in light of the Khowst suicide bombing incident and other CIA counterintelligence failures of the past?

Khowst was a tragic incident that resulted in death and injury to brave men and women of the CIA who took on the risks of operating in a complex and

dangerous environment. The CIA cannot and will not shy away from such risks, but it must be able to identify the nature and scope of such risks and be alert for changes that alter the level of risk. I am a regular recipient of CIA counterintelligence briefings, and I have been impressed with the quality of the work underway. Nevertheless, if confirmed as Director, I will take a close look at CIA's CI effort, to include the personnel, resources, technology, and priority given to it.

QUESTION 2: What do you consider to be the appropriate role for the CIA in the collection of human intelligence, given that human intelligence also is collected by the Department of Defense and other parts of the Intelligence Community?

The CIA has two principal roles in HUMINT collection: First, to clandestinely collect intelligence in response to DNI determined national requirements – such as threats to the United States, the development and proliferation of weapons of mass destruction, and other matters of national security – and second, to manage and coordinate HUMINT collection throughout the IC.

U.S. Government HUMINT efforts encompass the activities of multiple departments and agencies and include the most sensitive clandestine operations. No one agency or department is positioned to respond to all the intelligence requirements facing the U.S. Government nor does any have the resources or expertise to do so. In many instances, a department's or agency's HUMINT collection is especially well suited to help fill that department's or agency's specific requirements and may also be able to respond to the requirements of others. For example, DIA and each of the Services have specialized intelligence elements that are responsible for collecting against Defense and military requirements.

QUESTION 3: What do you consider to be the appropriate role for the CIA in all-source analysis of foreign intelligence information, given that all-source analysis also is conducted by the Department of Defense and other parts of the Intelligence Community?

The CIA's analytic mission is to provide objective, all-source analysis to those who make and execute policy, including the President and his national security team. The Directorate of Intelligence (DI) also provides all-source analysis that informs and helps drive CIA operations. DI analysts serve in all of CIA's

Centers, including the Counterproliferation Center, the Counterterrorism Center, and the Information Operations Center. The DI is the U.S. Government's only all-source analytic unit that does not reside in a policy department, and it is one of only a handful of analytic units that are all-source (many others focus on a single discipline of intelligence.) This unique role is vital to U.S. national security.

QUESTION 4: How do you view the responsibilities of the CIA to collect and analyze both tactical intelligence to support military operations in theaters of war and strategic intelligence for policy makers?

I see these two efforts – support to policymakers and support to the warfighters – as complementary rather than contradictory. While the CIA's charter assigns the Agency primary responsibility for providing strategic intelligence for the President and senior policymakers, CIA has for decades increasingly supported military operations in theaters of war. I believe CIA's primary mission and resources should be dedicated to the organization's core responsibility to provide the best possible strategic intelligence to the nation's most senior policymakers, but I also value the Agency's commitment and capability to apply these same resources to supporting our warfighters in harm's way. Moreover, the best strategic assessments often come from a thorough tactical knowledge of the situation.

- How are these two efforts currently prioritized and resourced?

I do not have good insight into how those efforts are currently prioritized and resourced within the Agency but will look closely at this issue if confirmed.

- Do you believe this current prioritization and resource allocation to be appropriate?

I would be happy to provide the Committee my views if confirmed as Director and after I conduct a review of the two efforts.

QUESTION 5: Under what circumstances is it appropriate for the CIA to serve as the "Executive Agent" for an intelligence function across the Intelligence Community?

There are a variety of circumstances in which it may be appropriate for CIA to serve in this capacity. E.O. 12333 designates various IC element heads to serve as "Functional Managers" for the DNI to advise on resource management, collection capabilities gaps, technical architectures, and other issues and activities the DNI determines. The Director of CIA is one such designee as the Functional Manager for Human Intelligence. In addition, the Director has been designated as the Functional Manager for Open Source Intelligence by the DNI.

- **Should the CIA serve this role for any new functions or cease serving this role for existing functions?**

I have not been briefed on all of CIA's activities in this regard. That said, I am satisfied with the CIA's role as Functional Manager to the DNI for the two very important intelligence functions of Human Intelligence and Open Source Intelligence. I am open to further review and discussion, but I have no reason at this time to question the Executive Agent functions the CIA has.

QUESTION 6: What principles should govern the division of responsibilities between the CIA in the conduct of covert action under Title 50 and the Department of Defense in the conduct of any similar or related activities under Title 10?

I think several of the key principles that should govern the division of responsibilities between the CIA and DOD relative to each agency's specific authorities are as follows: (1) Ensuring the successful accomplishment of U.S. national security objectives as ordered by the President; (2) Ensuring that activities between CIA and DOD are conducted in a well coordinated and efficient manner to advance both the intelligence and military missions; (3) Ensuring full compliance with all applicable statutes relative to authorities and prohibitions; and (4) Keeping Congress fully and currently informed of these activities.

- **What specific criteria are considered when deciding whether to allocate responsibilities to the CIA or the Department of Defense in these areas?**

The CIA and DOD must be ready to carry out a mission at the direction of the President. The President must have the ability to select which element is best suited for the particular mission. Factors to be considered in the selection of the

personnel and authorities include the capabilities needed, the material required, and whether the activity must be conducted covertly.

- How often should those divisions of responsibility be re-evaluated?

I think the divisions of responsibility are considered continuously based on the mission and operation at hand, and should be formally re-evaluated as often as the President determines necessary.

QUESTION 7: What role do you see for the CIA in paramilitary-style intelligence activities or covert action?

The CIA, a successor to the Office of Strategic Services, has a long history of carrying out paramilitary-style intelligence activities and must continue to be able to provide the President with this option should he want to employ it to accomplish critical national security objectives.

- How do you distinguish between the appropriate roles of the CIA and elements of the Department of Defense in paramilitary-style covert action?

As stated in my response to Question 6 above, the CIA and DOD must be ready to carry out missions at the direction of the President. The President must be able to select which element is best suited. Factors that should be considered include the capabilities sought, the experience and skills needed, the material required, and whether the activity must be conducted covertly.

QUESTION 8: What are your views on what some have described as the increased "militarization" of the CIA mission following the September 11, 2001, attacks?

In my view, the CIA is the Nation's premier "intelligence" agency, and needs to remain so. While CIA needs to maintain a paramilitary capability to be able to carry out covert action as directed by the President, the CIA should not be used, in my view, to carry out traditional military activities.

- Do you think this is a fair assessment of how the CIA mission has evolved?

The CIA's mission has not changed; the Agency continues to collect foreign intelligence, provide all-source analysis, and, as it has since it was created out of the Office of Strategic Services, conduct covert action as directed by the President and notified to and funded by Congress. As foreign threats to the United States and its interests evolve over time, CIA's intelligence activities adjust accordingly. I believe the Agency's intelligence activities and capabilities in 2013 are appropriate given the current state of foreign threats to the United States.

- Do you envision the CIA becoming more or less "militarized" in its mission, should you be confirmed?

The evolution of foreign threats will determine how the CIA adjusts its intelligence activities in the future. If I were to become the Director, I would plan to carry out CIA's crucial missions, including collecting foreign intelligence, providing all-source analysis, conducting robust counterintelligence, and carrying out covert actions as directed by the President. If confirmed, I would not be the Director of a CIA that carries out missions that should be carried out by the U.S. military.

QUESTION 9: The Arab Spring reinforced the need for timely intelligence on countries of interest to the United States that may not be at the top of the National Intelligence priorities. Do you agree that the CIA needs to maintain global coverage? What do you believe is reasonable for policymakers to expect the CIA, and other intelligence agencies, to be able to anticipate in terms of major geopolitical events?

U.S. national security depends on a global CIA presence. The Agency's unique collection capabilities and responsibilities as well as its extensive and deep rooted liaison relationships with intelligence and security agencies worldwide provide an advance warning system that can identify and highlight developments that have a direct bearing on the political, economic, and geostrategic interests of the United States. With billions of dollars invested in CIA over the past decade, policymaker expectations of CIA's ability to anticipate major geopolitical events should be high. Recent events in the Arab World, however, indicate that CIA needs to improve its capabilities and its performance still further.

QUESTION 10: Several articles by the Associated Press in 2011 described a personnel arrangement between the CIA and the New York Police Department. Were you aware of the arrangement at the time? What is the appropriate role for the CIA to support state and local organizations?

Yes. I was aware of the arrangement at the time.

The CIA plays a critically important role supporting state and local law enforcement, first responder, and homeland security entities by providing, along with other federal departments and agencies, intelligence, all source analysis, and expertise that enhances the safety and security of the homeland. The majority of support relates to counterterrorism and other threats to the homeland, and takes place at the Joint Terrorism Task Forces, where relevant foreign intelligence is shared and coordinated. All such interactions and exchanges are done in conformity with applicable U.S. law, and pursuant to Agency regulations and in coordination with FBI. I believe that the current process permits us to effectively and efficiently provide key support to the appropriate state and local entities. However, if confirmed, I will work with the DNI to determine if problems exist and work with my counterparts at the FBI and elsewhere to resolve them expeditiously.

QUESTION 11: What role, if any, should the CIA play in the development of national cyber policies?

The Executive and Legislative Branches are in the process of developing laws and policies needed to deal with the rapidly evolving cyber threat facing our Nation. In order to do so effectively, CIA's clandestine collection capabilities, technical and scientific expertise, and analytic excellence need to be fully leveraged to provide policymakers and legislators full insight into the scope and nature of the cyber challenge we confront today as well as in the future.

Management of the Central Intelligence Agency

QUESTION 12: Based on your experience as a CIA officer and in the White House, how would you manage and lead the CIA workforce if confirmed?

I have been very fortunate to have held senior leadership positions at CIA, the National Counterterrorism Center, the private sector, and the White House. Those experiences taught me the dual responsibility of leading people and managing resources. To lead a workforce effectively, one needs to show a keen understanding of the organization's mission and priorities; interact extensively and regularly with all strata of the workforce; set an example of integrity, hard work, and dedication to mission; and, articulate a vision for the organization's future as well as for opportunities for professional development of the entire workforce. At the same time, if confirmed as Director, I would take a hard and early look at the Agency's resource base to ensure there is a clear path forward for the Agency to fulfill its vital intelligence functions at a time of budgetary constraints. For the Director of CIA, leading people and managing resources both require the full attention and support of the Agency's leadership team to be effective.

QUESTION 13: In what ways can the Director achieve sufficient independence from political considerations to serve the nation with objective and dispassionate intelligence collection and analysis? Given your current role as a senior advisor to the President, how will you ensure independence from the White House?

Throughout my 25-year CIA career and four years as Assistant to the President, I have been an ardent advocate of a strong, independent, and apolitical DCIA who should not adopt policy positions on national security matters. Maintaining that policy neutrality, in my view, is essential in order for CIA intelligence and analysis to be – and to be viewed as – objective and unbiased. As someone who has had the great fortune to work on both sides of the intelligence-policy divide, I feel strongly that the role and function of intelligence must be independent of any political influence, including from the White House. When President Obama told me that he wanted to nominate me to be Director of CIA, I told him that I would do my best to lead an exceptional organization and that, at CIA, I would always provide him with the most objective intelligence possible and do what I thought was best for the Nation. He said he would expect nothing less.

QUESTION 14: What do you understand to be the responsibilities of the Director of the CIA as National HUMINT Manager? If confirmed, how do you intend to exercise those responsibilities?

My understanding fits exactly with the responsibilities as laid out in Executive Order 12333 and a Director of National Intelligence-issued Intelligence Community Directive that designates the Director of the CIA as the Functional Manager for Human Intelligence and as the National HUMINT Manager (NHM) respectively.

E.O. 12333 states that Functional Managers:

> ...shall report to the Director (of National Intelligence) concerning the execution of their duties as Functional Managers, and may be charged with developing and implementing strategic guidance, policies, and procedures for activities related to a specific intelligence discipline or set of intelligence activities; set training and tradecraft standards; and ensure coordination across intelligence disciplines and Intelligence Community elements and with related non-intelligence activities.

E.O. 12333 further states that the Director of the Central Intelligence Agency:

> ...shall coordinate the clandestine collection of foreign intelligence collected through human sources or through human-enabled means and counterintelligence activities outside the United States...
>
> Under the direction and guidance of the Director (of National Intelligence)...coordinate the implementation of intelligence and counterintelligence relationships between elements of the Intelligence Community and the intelligence or security services of foreign governments or international organizations.

These Executive branch authorities faithfully implement Section 104(d)(3) of the National Security Act, which states the Director of the CIA shall--

> provide overall direction for and coordination of the collection of national intelligence outside the United States through human sources by elements of the intelligence community authorized to undertake such collection and, in coordination with other departments, agencies, or elements of the United States Government which are authorized to undertake such collection, ensure that the most effective use is made of resources and that appropriate

account is taken of the risks to the United States and those involved in such collection.

If confirmed as Director, I would exercise these responsibilities to the best of my ability and in a manner that best protects and enhances the national security interests of the United States.

QUESTION 15: What do you understand to be the responsibilities of the Director of the CIA in relationships with foreign governments and liaison services? If confirmed, how do you intend to exercise those responsibilities?

- What is your understanding of the role of U.S. chiefs of mission in the coordination and approval of intelligence activities?

The coordination of the Intelligence Community's relationships with foreign intelligence and security services is a core statutory responsibility for the CIA. The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Director of CIA to coordinate these important intelligence relationships between IC elements and the intelligence and security services of other countries. The statute further states the Director will do so in a manner consistent with 22 USC 3927.

As the President's representatives, and consistent with the provisions of 22 USC 3927, Chiefs of Mission (COMs) are to be kept fully and currently informed of the activities of other U.S. Government entities, including intelligence organizations, in the COM's country or area of responsibility. The State Department and CIA are longstanding good partners and have an arrangement in place to implement their respective responsibilities.

QUESTION 16: Please describe how you intend to fill key positions in the Office of the Director, and elsewhere within CIA, if confirmed, in order to ensure that those individuals who are part of your management team have significant and appropriate intelligence experience.

Strong leadership is a prerequisite for any effective and successful organization. The CIA needs strong leaders who understand the Agency's history, culture, and mission. It needs leaders who uphold its core values with integrity and by

example and who have the foresight and ingenuity to help the Agency adapt to meet new challenges and emerging threats.

The Agency's current management team is led by a consummate intelligence professional, Michael Morell, who epitomizes the type of leader I want throughout the Agency. Any individuals from outside the CIA who would join my team would need to understand the Intelligence Community, be dedicated to the Agency's mission, and uphold the Agency's high standards and values.

QUESTION 17: What is your assessment of the strengths and weaknesses of the accountability system that has been in place at the CIA and what actions, if any, should be taken to both strengthen accountability and ensure fair process at the CIA?

I am not familiar enough with CIA's accountability system—having been away from CIA for 10 years now—to assess its strengths and weaknesses. Notwithstanding that, I am familiar with some of the mechanisms that CIA has regarding accountability—which is not simply a matter of imposing disciplinary action on individuals, but also involves broader assessments of Agency programs and determination of lessons learned to improve and inform CIA activities, training, decision-making, and operations. For example, allegations of criminal wrongdoing are, of course, referred to the Department of Justice. Agency internal regulations are clear that all managers are expected to fully exercise management responsibility in monitoring and evaluating employee behavior, providing counseling or referrals as needed, and otherwise ensuring U.S. law and Agency regulations for standards of conduct and access to classified materials are met. Further, I would consider it a priority to ensure, if I were to become the Director, that we look for opportunities to strengthen accountability wherever appropriate.

QUESTION 18: Foreign language proficiency often is a crucial enabler of the CIA's intelligence activities. In your opinion, has the CIA been successful in developing the foreign language capabilities of its workforce? If confirmed, what steps will you take to improve the foreign language capabilities of the CIA workforce?

Yes, I believe the CIA has been successful in this area. The Agency appears to have made robust progress growing its language capable workforce, particularly

since the inception of the Congressionally-funded CIA 2015 Language Initiative in May 2009. Bolstering foreign language capability through hiring and developing foreign language skills, including in mission-critical languages, remains a programmatic imperative for the CIA. I understand that in FY 2012, CIA continued to improve language capability across its workforce and, specifically, in key occupations targeted by the Language initiative.

If confirmed, I will continue to support the Agency's effort in advancing foreign language capabilities and be a strong advocate for the criticality of foreign language skills in accomplishing CIA's intelligence mission.

QUESTION 19: The Committee believes it is vital for the CIA to examine critically its failures and successes to develop "lessons learned" to ensure mistakes are not repeated and best practices are propagated institutionally. This is especially important since over half of CIA officers have ten or fewer years of service. Do you believe the CIA's current "lessons learned program" is sufficiently capturing and passing on the lessons needed for the current and future officers of the CIA?

This is an important issue for the CIA. I think it is fair to say that, in the past, the Agency tended to rely more on individual know-how than on systematically passing along institutional knowledge. I think that culture is changing, however, and I believe there is now more interest than ever in learning lessons and sharing best practices—in all Agency components.

I have been informed by Agency officers that much of the change is due to the work done by the Center for the Study of Intelligence (CSI), which created the Agency's first formal lessons learned program. The CIA's Lessons Learned Program has steadily expanded its efforts to capture and share important knowledge about Agency programs and activities. It is my understanding that this committee has always supported CSI's work, especially its lessons learned program, and that support appears to be paying dividends.

Relationship with the Director of National Intelligence

QUESTION 20: What do you understand to be the proper relationship between the Director of the CIA and the Director of National Intelligence (DNI)?

Director Clapper and I have a longstanding friendship and relationship that goes back many years. We both agree that the DNI and CIA—as is the case with all of the U.S. Intelligence Community elements—need to work together as a team to ensure that U.S. intelligence capabilities are effectively applied to national security priorities. Director Clapper and I are in agreement concerning our relative missions.

QUESTION 21: Have you discussed with DNI Clapper your nomination to be the Director of the CIA? Do you have a shared understanding of what your relationship would be, if you are confirmed? What is that understanding?

Yes. Director Clapper and I have discussed my nomination on several occasions. I have known Director Clapper for many years and have been fortunate to have developed an even closer relationship with him while I have been at the White House. We both believe strongly that the Intelligence Community is most effective in serving policymakers when its agencies work together as a team. In the coming years, I believe that leveraging interagency capabilities and resources will be even more important given the Nation's fiscal realities and the anticipated decline in IC budgets. In turn, it will be even more important for the DNI's and CIA's priorities to be synchronized to advance broader U.S. foreign policy objectives.

I intend to have full transparency and openness with the DNI, and to require that my management team takes the same approach. Furthermore, if confirmed, I anticipate maintaining frequent communication with Director Clapper, as well as with the heads of other IC agencies.

Information Sharing

QUESTION 22: The sharing of intelligence information has been a topic of considerable concern for many years. What is your general assessment as to how well the Intelligence Community is sharing information?

Over the past four years, I have seen, and been the beneficiary of, the tremendous strides the Intelligence Community has made—and continues to make—on information sharing. These accomplishments are not only confined to internal IC information sharing. From my perspective, IC collaboration with

the Department of Defense, with DHS and its state, local, tribal, and private sector partners, and with other departments and agencies is at an all time high and being carried out responsibly. Further, I have been equally impressed with the IC's emphasis on sharing capabilities within the U.S. Government as well as with state, local, and international partners to search and analyze information.

- **Is the Intelligence Community striking the right balance between "need to know" and "need to share"?**

I believe so, yes. There will always be a tension between these two principles, but over the past several years the IC has developed a sophisticated framework by which to sort through these issues. This framework, together with improvements in technical safeguards, permits sharing of information that would have been unthinkable just a few short years ago. Many of these ideas and principles served to inform the development of the *National Strategy for Information Sharing and Safeguarding* the President signed last year.

- **If confirmed, how will you achieve and maintain the right balance between "need to know" and "need to share" for CIA data?**

In fact, the CIA is a key contributor to the DNI's—and the President's—information sharing and safeguarding initiatives. The CIA is one of several IC elements developing and deploying information technology environments that promote collaborative analysis across the community. The Agency is recognized as a leader in the development of tools, technologies, and practices that serve to strike the right balance between sharing and safeguarding. The balance between protection of sources and methods and sharing is continuously evolving, and if confirmed as Director, I would be committed to ensuring that the appropriate balance is achieved and sustained.

- **What is the appropriate relationship between the CIA and the Congress in sharing information? What, if any, information collected or analyzed by the CIA, or about the CIA, do you believe should *not* be shared with the congressional oversight committees?**

The National Security Act provides the following language: as the "head of an ...agency... of the United States Government involved in intelligence activities," the DCIA, pursuant to Section 502, is responsible for keeping the

two intelligence committees "fully and currently" informed of the Agency's intelligence activities, including any "significant anticipated intelligence activity" and any "significant intelligence failure." If confirmed, then, it is my intent – as well as an obligation by law – to inform the committees if CIA undertakes significant activities and to report significant developments.

Relationship with Congress

QUESTION 23: Please describe any involvement you have had in the Administration's responses to the Committee's requests for the strategies produced by the Directorate of Strategic Operational Planning, including whether you personally made any decision or recommendation regarding the Committee's access to such strategies and, if so, providing the specific legal basis for your decision or recommendation.

In my capacity as Assistant to the President for Homeland Security and Counterterrorism, I have conferred with NCTC Director Matt Olsen on how to determine what elements of those NSS-led counterterrorism implementation plans that NCTC's Directorate of Strategic Operational Planning (DSOP) has contributed to should be shared with the Committee. DSOP supports the NSS in helping to draft and coordinate some—not all—CT implementation plans and to compile related department and agency activities. These documents often contain policy-focused information from the NSS that is deliberative in nature; include information on non-intelligence-related activities that departments and agencies may be pursuing; and, in some cases, access to the documents is limited by the NSS due to security sensitivities around the CT planning/implementation effort. I have worked with Director Olsen to share with the SSCI those plans or parts of plans that are not deliberative in nature and that involve intelligence activities. I have supported NCTC's decision to respond to SSCI requests for briefings/information on the non-deliberative, intelligence-related aspects of particular plans and would support SSCI requests for briefings/information from other parts of the intelligence community, including CIA, as it relates to particular plans.

QUESTION 24: Please describe any involvement you have had in the Administration's responses to the Committee's requests for the emails relating to the development of the unclassified talking points prepared subsequent to the

attacks on our facilities in Benghazi on September 11, 2012, including whether you personally made any decision or recommendation regarding the Committee's access to such emails and, if so, providing the specific legal basis for your decision or recommendation.

I have not been involved in decisions taken in response to the Committee's requests for emails relating to the development of the talking points, but I am aware of the ongoing discussions. I understand that the DNI has provided a briefing for this Committee on the development of the talking points. I also understand that the interagency team involved is working to accommodate your requests, while preserving the Executive Branch's important, longstanding, institutional interests.

QUESTION 25: What is your view of the Intelligence Community's, including the CIA's, obligation to respond to requests for information from Members of Congress? In your opinion, should the White House have any role in determining whether, or to what extent, the Intelligence Community responds to Members of Congress? If so, please describe what you believe that role should be. If confirmed as the Director of the CIA, will you respond fully to requests for information from Members of Congress?

In my view, and as noted in my response to Question 22, the Intelligence Community and the CIA are obliged to respond to requests for information from Members of Congress as fully as possible, but to no extent less than required by Title V of the National Security Act of 1947, as amended. However, the law recognizes the President may, under specific circumstances, limit access to a covert action finding to select Members of Congress if he determines that "extraordinary circumstances affecting vital interests of the United States" require limited dissemination. This does not provide blanket authority for CIA to withhold notice from the committees. Rather, I understand that it affords the President flexibility, regarding the timing and manner in which CIA provides notice, in order to protect especially sensitive intelligence sources and methods.

In terms of a White House role, under the Act, the President shall ensure that initial notice of a covert action program (by means of a Finding), and subsequent notice of a significant change or a significant undertaking (by means of a Memorandum of Notification), are reported to the intelligence committees.

In addition, the White House ensures that the intelligence committees are provided the information necessary for oversight while preserving Executive Branch institutional interests. More generally, the President, as the head of the Executive Branch, has the ultimate authority over the disclosures of Executive Branch information, both to ensure disclosures are made when the law requires, and to take such measures as he deems necessary to protect the national security and preserve the privileges and confidences necessary to faithfully execute the responsibilities of his Office.

If confirmed, I will work with the intelligence committees to respond fully to requests for information.

QUESTION 26: In many instances, legal opinions issued by the Department of Justice's Office of Legal Counsel (OLC) provide the best and most detailed discussion of the law governing intelligence activities of the CIA. These opinions can be invaluable for the congressional intelligence committees that are responsible for conducting oversight of CIA activities, including the legality of such activities. This is especially true when the congressional intelligence committees conduct oversight of covert actions for which judicial review is generally unavailable. Upon request, would you provide the congressional intelligence committees with OLC opinions provided to the CIA that analyze the legality of CIA activities?

If confirmed, I commit to you that I would provide the Committee with the information it needs concerning covert action, as required under Section 503 of the National Security Act of 1947, including information on the legal basis upon which a covert action is being conducted. We will and should provide you with an explanation of why certain conduct was or is consistent with applicable law. I cannot commit, however, to the disclosure of legal opinions drafted by the Department of Justice's Office of Legal Counsel, as any decision to disclose such opinions to the congressional intelligence committees would require interagency consultation and would not be my decision.

QUESTION 27: What is the responsibility of the CIA to correct the record if it identifies occasions when inaccurate information is provided to the congressional intelligence committees?

CIA in all instances should convey accurate information to Congress. When an inaccurate statement is made and the CIA is aware of the inaccuracy, it must immediately correct the record, and certainly would do so if I were the Director.

Disclosures of Classified Information

QUESTION 28: The unauthorized disclosure of classified information, particularly "leaks" to the media, is a perennial problem. As the Director of the CIA what steps would you take to prevent, deter, investigate, and punish unauthorized disclosure of classified information?

Safeguarding classified information at CIA, across the Intelligence Community, and throughout the U.S. Government, is of paramount importance to U.S. national security and it remains the responsibility of all those who are granted access. In January 2012, the CIA Office of Inspector General conducted an audit of "CIA's Process for Investigating Leaks of Classified Information" for the stated purpose of "determining whether the CIA's process for identifying, investigating and reporting leaks of classified information is effective." That report included several significant recommendations. If confirmed as Director, I would look forward to reviewing the Inspector General's report and its recommendations, and I would consider all options to build upon focused efforts currently underway at CIA to address unauthorized disclosures of classified information.

QUESTION 29: Do you believe there are circumstances in which it is lawful and appropriate for cleared government personnel, including cleared contractors, to disclose national intelligence or intelligence related to national security to persons affiliated with the media and entertainment industries? If so, please describe those circumstances.

- Are there circumstances where it is lawful and appropriate for such disclosures to include classified information?

Generally speaking, classified national intelligence or intelligence related to national security may only be disclosed to authorized recipients and not persons affiliated with the media and entertainment industries.

In exceptional circumstances, however, it may be necessary to acknowledge

classified information to a member of the media or to declassify information for the very purpose of limiting damage to national security by protecting sources and methods or stemming the flow of additional classified information. Such conversations would involve only the most senior Agency officials or their designees and must be handled according to any applicable regulations.

QUESTION 30: The Public Interest Declassification Board (PIDB) recently issued a report that described the classification and declassification system as "outdated," adding that the "[t]he classification system must be modernized as a dynamic, easily understood and mission-enabling system and one that deters over-classification and encourages accountability." Do you agree with the PIDB's conclusions?

I would say that the classification system is perhaps outdated in some respects and the recommendations from the PIDB report warrant further consideration. If confirmed as Director, I would review the PIDB's conclusions and would be glad to get back to the Committee with my views.

- As the Director of the CIA, what steps would you take to modernize the classification and declassification system at the CIA?

If I were to become the Director, I would work with the PIDB and the White House to implement changes resulting from the President's decisions.

QUESTION 31: Is the CIA appropriately transparent about its operations, given the nature of its classified work?

Staying true to our Nation's values requires that we uphold the transparency upon which our democracy depends. At the same time, it is critically important to strike the appropriate balance between security and transparency, as the Agency must be able to protect its sensitive sources and methods to retain the capability to do its job. The Agency supports the President's Open Government Initiative. That said, sensitive intelligence sources and methods should not be sacrificed in an effort to increase transparency.

QUESTION 32: Please detail your interactions with reporters and media consultants, since January 2009, relating to classified intelligence matters.

- Please describe any specific instance in which you were authorized to disclose classified information to a reporter or media consultant, including the identity of the individual authorizing such disclosure and the reason for such disclosure.

- Were any communications between you and any reporter or media consultant recorded in any format? If so, please provide official transcripts of any oral recordings and any official written records.

In my role as Assistant to the President for Homeland Security and Counterterrorism, I am often called upon to interact with the media regarding matters of national security, whether to explain our strategy for combating terrorist organizations around the globe or to describe what we are doing to protect the American people against threats to the homeland. Throughout those interactions, I remain vigilant about not disclosing classified intelligence matters with unauthorized persons, including reporters or media consultants.

Detention, Interrogation, and Rendition Issues

QUESTION 33: As a senior CIA official during the beginning of the CIA's detention and interrogation program, you were aware of the program and had access to communications and information about it. What was your involvement in the detention and interrogation program at the time?

Yes. I was aware of the program but did not play a role in its creation, execution, or oversight. As the Deputy Executive Director, I was primarily responsible for helping manage the day-to-day running of the Agency, to include support, logistics, IT, budget, personnel resources, facilities, IG recommendations, and the like.

QUESTION 34: In a letter to President Obama dated November 25, 2008, you wrote that you were "a strong opponent of many of the policies of the Bush Administration such as … coercive interrogation tactics, to include waterboarding." Please describe when, how, and to whom you expressed your opposition to these policies.

I had significant concerns and personal objections to many elements of the EIT program while it was underway. I voiced those objections privately with

colleagues at the Agency. When I left the Agency, I spoke publicly about those concerns. When I was named the President's CT advisor, I was put in a position to influence decisions related to EITs, such as how we handle interrogations, and I strongly support the President's ban on such techniques.

- In your opinion, what role, if any, should the CIA play in the detention, interrogation, and rendition of international terrorists?

The CIA is out of the detention business and it should stay that way. I believe CIA's subject matter expertise should be leveraged for the effective interrogation of individuals who are lawfully held in U.S. custody or in the lawful custody of a foreign government. I believe that CIA's role in the rendition of an international terrorist should be primarily limited to providing intelligence to assist U.S. or foreign government departments or agencies in transporting these terrorists to a location where they will stand trial for their terrorist crimes.

- In a 2007 CBS interview about the so-called "enhanced interrogation techniques," you said, "There have been a lot of information that has come out from these interrogation procedures that the agency has in fact used against the real hard-core terrorists. It has saved lives. And let's not forget, these are hardened terrorists who have been responsible for 9/11, who have shown no remorse at all for the deaths of 3,000 innocents." In your opinion, were the so-called "enhanced interrogation techniques" previously used by the CIA during interrogations of certain terrorist detainees effective in producing reliable intelligence that saved lives?

I think a lot of information, both accurate and inaccurate, came out of interrogation sessions conducted by CIA, including those where EITs were employed. My belief is that these techniques, even though the Department of Justice indicated at the time that EITs did not violate the law, are counterproductive to our overall efforts against AQ and other terrorists. These techniques would not be used again by the CIA if I were the Director.

QUESTION 35: On December 13, 2012, the Committee approved its report on CIA's detention and interrogation program and subsequently provided a copy to the President. Have you reviewed the Committee's report? What comments do

you have on the report? How would your review of the report influence your management of the CIA, if you are confirmed?

I will review the Report's conclusions before my hearing. If confirmed as Director, I would make it a matter of highest priority to closely review the report as well as the Executive Branch's comments. It would then be incumbent on me to come back to this Committee with my views and to take follow-up actions I deem appropriate.

QUESTION 36: In a September 16, 2011, speech at Harvard Law School, you stated that "whenever it is possible to capture a suspected terrorist, it is the unqualified preference of the Administration to take custody of that individual so that we can obtain information that is vital to the safety and security of the American people." In that same speech, you confirmed that no more individuals would be sent to the detention facility at Guantanamo Bay, Cuba. Where do you believe that individuals detained by the United States should be held? If criminal charges cannot be brought against an individual, but intelligence information shows the individual to be a threat, where should the individual be detained?

Let me begin my response by confirming that since the President issued Executive Order 13491 on January 22, 2009, the CIA has been out of the detention business, and I do not foresee that changing if I am confirmed as Director. Further, the Director of the CIA has no policymaking role. Thus, while the Agency will continue to provide intelligence to senior decision-makers relevant to detention policy, if confirmed, I will not have a policy-making role with reference to detainee issues.

I can confirm, however, that my views are fully aligned with the President's policy and his pragmatic approach to such issues. Although this Administration has not encountered a scenario in which extended law of war detention for an individual captured outside of Iraq or Afghanistan has been necessary, if such a circumstance arose and the individual could not be prosecuted in our federal courts, I am certain the national security team would examine the specific facts and circumstances of the case and make a disposition decision consistent with the law and our national security interests. The Administration has been clear that all legally available tools in our arsenal should be used to protect our national security.

Targeted Killing/Use of Force

QUESTION 37: In a September 16, 2011, speech you gave at Harvard Law School, you stated that "[t]he United States does not view our authority to use military force against al-Qa'ida as being restricted solely to 'hot' battlefields like Afghanistan. Because we are engaged in an armed conflict with al-Qa'ida, the United States takes the legal position that – in accordance with international law – we have the authority to take action against al-Qa'ida and its associated forces without doing a separate self-defense analysis each time." You stated that the question of when and where the United States may use military force turns principally on the question of whether the threat posed to the United States is "imminent."

- How does the United States Government establish when individuals and entities are "associated" with al-Qa'ida and when the threat posed by such individuals and entities is sufficiently "imminent" to justify the use of military force? What role do intelligence agencies play in determining which individuals and entities are "associated" with al-Qa'ida and which threats are "imminent"?

Determinations about whether individuals or entities are "associated" with al-Qa'ida and whether a threat is "imminent" are made on a case-by-case basis through a coordinated interagency process that involves intelligence, military, diplomatic, homeland security, and law enforcement professionals, as well as lawyers from appropriate departments and agencies.

The concept of an "associated force" has been upheld by the courts in the detention context and is based on the well-established concept of co-belligerency in the law of war. See, e.g., Hamlily v. Obama, 616 F.Supp. 2d 63, 74-75 (D.D.C. 2009). An "associated force," as we have interpreted the phrase, has two characteristics to it: (1) an organized, armed group that entered the fight alongside al Qa'ida, and (2) a co-belligerent with al Qa'ida in hostilities against the United States or its coalition partners.

"Imminence" is also a highly fact-specific determination. As the Attorney General has stated: "[t]he evaluation of whether an individual presents an 'imminent threat' incorporates considerations of the relevant window of

opportunity to act, the possible harm that missing the window would cause to civilians, and the likelihood of heading off future disastrous attacks against the United States."

The Intelligence Community participates in the interagency review process to provide intelligence information, analysis, and assessments to assist policymakers in making the determination whether individuals or entities are "associated" with al-Qa'ida and whether a threat is "imminent."

- Do you foresee the United States engaging in future armed conflicts with terrorist organizations other than al-Qa'ida and associated forces?

I hope not. However, we live in a dangerous world, and I cannot say we will never face another armed conflict with a terrorist organization.

- Would you describe the United States as being presently engaged in an armed conflict with terrorist organizations other than al-Qa'ida and associated forces? If so, which terrorist organizations?

No, but we face threats from terrorist organizations other than al-Qa'ida and its associated forces, and we confront those threats using a variety of diplomatic, economic, homeland security, law enforcement, intelligence, and military authorities and tools.

QUESTION 38: In an April 30, 2012, speech you gave at the Woodrow Wilson Center in Washington, D.C., you defended the "legality," "ethics," and "wisdom" of conducting "targeted strikes against specific al-Qaida terrorists, sometimes using remotely piloted aircraft." In that speech you stated that "[g]oing forward, we'll continue to strengthen and refine the[] standards and processes [for conducting targeted strikes]" and "look to institutionalize our approach more formally so that the high standards we set for ourselves endure over time, including as an example for other nations that pursue these capabilities." What steps do you envision to institutionalize standards for the conduct of targeted strikes? What use of targeted strikes do you envision in the future?

- Would you support legislation to authorize the use of force outside of "hot" battlefields and codify the standards for the conduct of targeted strikes, including through the use of remotely piloted aircraft? Why or why not?

As you know, the United States has publicly acknowledged that it sometimes uses remotely piloted aircraft to conduct targeted strikes against specific al-Qa'ida terrorists in order to prevent terrorist attacks on the United States and to save American lives. These strikes are conducted in full compliance with the law. In fact, extraordinary care is taken to ensure that they conform to the law of war principles of (1) necessity – the requirement that the target have definite military value; (2) distinction – the idea that only military objectives may be intentionally targeted and that civilians are protected from being intentionally targeted; (3) proportionality – the notion that the anticipated collateral damage of an action cannot be excessive in relation to the anticipated concrete and direct military advantage; and (4) humanity – a principle that requires us to use weapons that will not inflict unnecessary suffering.

As I have noted publicly, using remotely piloted aircraft for targeted strikes can be a calibrated choice because of their ability to fly hundreds of miles over the most treacherous terrain, strike their targets with astonishing precision, and then return to base. Moreover, they dramatically reduce the danger to U.S. personnel and to innocent civilians, especially considered against massive ordnance that can cause injury and death far beyond the intended target.

We must, however, use these technologies carefully and responsibly. The President has, in fact, demanded that we hold ourselves to the highest possible standards and that, at every step, we be as thorough and deliberate as possible. Consequently we apply rigorous standards and a rigorous process of review, which I provided a general sense of in the April 2012 speech cited in your question. As I noted there, we are working to refine, clarify, and strengthen this process and our standards.

Finally, on your question about whether I would support legislation to authorize the use of force outside of "hot" battlefields, I believe we currently have the authority to take action in such circumstances against al-Qa'ida and associated forces. As Jeh Johnson, the former General Counsel of the Department of Defense, indicated in a lecture at Yale Law School in February of last year, the 2001 Authorization for the Use of Military Force does not contain a geographical limitation. Consequently I do not believe additional legislation along these lines is necessary.

QUESTION 39: A *New York Times* article in November 2012 stated that, "the administration is still pushing to make the rules formal and resolve internal uncertainty and disagreement about exactly when lethal action is justified." The article went on to say there is a "draft rule book for drone strikes that has been passed among agencies." Was the *New York Times* article correct that there is a draft rule book and, if so, has it been finalized?

There are, as I have previously indicated publicly, rigorous standards and a rigorous process for the review of targeted strikes, aspects of which are reflected in various documents throughout the government, which continue to be refined and improved over time.

QUESTION 40: In a statement provided to the *New York Times* in August 2011, you said, "Fortunately, for more than a year, due to our discretion and precision, the U.S. government has not found credible evidence of collateral deaths resulting from U.S. counterterrorism operations outside of Afghanistan or Iraq, and we will continue to do our best to keep it that way." Have any follow-up assessments been made since August 2011 that would amend this statement for the time period of August 2010 to August 2011?

- Have there been any indications of collateral deaths during that time period? If so, what are they? What do you consider "credible evidence"?
- Have all intelligence agencies concurred with these statements about collateral deaths?
- Have any assessments been made concerning the period from August 2011 to the present? If so, what findings were made?

Collateral casualties of any kind, especially deaths of innocent civilians, are something that the U.S. Government seeks to avoid if at all possible. We do everything in our power to avoid civilian casualties. Indeed, as I noted in my Wilson Center speech on April 30, 2012, there have been times when a strike was not conducted in order to avoid the death or injury of innocent civilians, and the standard that we hold ourselves to when conducting these kinds of operations is higher than that required by international law on a battlefield.

In the wake of every one of these operations, we harness our relevant intelligence capabilities to assess whether, despite our best efforts, any

collateral casualties occurred. This includes analysis from any relevant military or IC component, media reports, and a myriad of other sources of information. As has been acknowledged by the President and myself, there have been instances when, regrettably and despite our best efforts, civilians have been killed. It is exceedingly rare, and much, much rarer than many allege. When it does happen, however, we not only take account of the human tragedy, but we also go back and review our actions and examine and modify our practices where appropriate, so that we are doing everything possible to prevent the loss of innocent life in the future.

Finally, the Executive Branch stays in close touch with Members of the Congress specifically charged with oversight on these issues, and one of the issues of most importance to those involved from the Executive Branch and the Congress is possible civilian casualties, of course. I strongly support this ongoing dialogue and if confirmed, you have my commitment to continue it.

QUESTIONS FOR THE RECORD
MR. JOHN BRENNAN

QUESTIONS FROM THE CHAIRMAN

Interagency Review of Drone Strikes

With regard to targeted strikes, you stated during an April 30, 2012, speech at the Woodrow Wilson Center that: "[w]e listen to departments and agencies across our national security team. We don't just hear out differing views, we ask for them and encourage them. We discuss. We debate. We disagree. We consider the advantages and disadvantages of taking action. We also carefully consider the costs of inaction and whether a decision not to carry out a strike could allow a terrorist attack to proceed and potentially kill scores of innocents."

- ***To what extent should there be a formal inter-agency review process prior to each strike? Which government entities should participate?***

There should be an interagency review process when making policy decisions associated with such strikes, including the criteria that governs the circumstances under which a targeted strike can be carried out. Such a process should include analysts, operators, and policymakers with roles and responsibilities bearing on intelligence, military, diplomatic, law enforcement, and homeland security, as well as lawyers from appropriate departments and agencies.

As I stated in my speech at the Wilson Center, the individuals who participate in this process consider, in a deliberate and responsible manner, the information available, including the most up-to-date intelligence. These reviews oftentimes generate requests to clarify existing information or spur requests for new information to provide the best available intelligence and analysis to inform their decision. I believe this process should continue, and should be refined and strengthened over time, while maintaining the President's ability to direct action as necessary to defend the Nation against attack.

Following Up on Reports of Civilian Casualties

In your responses to Committee pre-hearing questions, you wrote that, "In the wake of every one of these [lethal] operations, we harness our relevant intelligence capabilities to assess whether, despite our best efforts, any collateral casualties

occurred. This includes analysis from any relevant military or IC component, media reports, and a myriad of other sources of information." During your confirmation hearing, you stated that, when civilian deaths occur, "We need to acknowledge it publicly."

- ***How should the U.S. government investigate allegations of collateral deaths with regard to strikes outside of declared war zones?***

The United States Government takes seriously all credible reports of civilian deaths. When civilian deaths are alleged, analysts draw on a large body of information – human intelligence, signals intelligence, media reports, and surveillance footage – to help us make an informed determination about whether civilians were in fact killed or injured. In those rare instances in which civilians have been killed, after-action reviews have been conducted to identify corrective actions and to minimize the risk of innocents being killed or injured in the future. Where possible, we also work with local governments to gather facts and, if appropriate, provide condolence payments to families of those killed.

- ***Should the U.S. government make details, to include the overall numbers, of collateral deaths public?***

In public speeches in September 2011 at Harvard Law School and in April 2012 at the Woodrow Wilson International Center for Scholars, I emphasized that this Administration has attempted to share as much information as possible with the American people, and that this degree of openness was an important step in establishing the credibility of our counterterrorism efforts. Consistent with these views, I believe that, to the extent that U.S. national security interests can be protected, the U.S. Government should make public the overall numbers of civilian deaths resulting from U.S. strikes targeting al-Qa'ida.

Targeted Killing of Individuals Who Pose "Imminent Threats"

In the recently released, unclassified white paper, DOJ writes that "the condition that an operational leader presents an 'imminent' threat of violent attack against the United States does not require the United States to have clear evidence that a specific attack on U.S. persons and interests will take place in the immediate future." The unclassified white paper also mentions a "limited window of opportunity" to take a strike.

- **The Committee has previously discussed the "imminence" standard with the Executive Branch. As it has come under significant public question, can you elaborate on what "imminent" means in this case?**

- **Can you provide, for the public's benefit, a general description of why, in the Executive Branch's opinion, you cannot wait for a terrorist to be actually attempting to carry out an attack before exercising lethal force to eliminate that threat?**

The white paper discusses at some length the meaning of "imminence" in the context of the subject matter of the paper, as did the Attorney General in his March 5, 2012 speech at Northwestern Law School. In addition, in May 2011, the Committee was given access to the classified Office of Legal Counsel advice related to the subject of the white paper. I would defer to these works prepared by the Department of Justice for any further elaboration of the meaning of "imminence" in the context of these legal analyses.

With respect to the broader question of when the Executive Branch must take action to eliminate terrorist threats, as I described in a September 16, 2011 speech at Harvard Law School, terrorists, such as al-Qa'ida, do not wear uniforms or carry arms openly or signal that they are about to strike by, for example, massing at the border of the nation they plan to attack. Rather, they take extraordinary measures to hide their plans to strike and cause significant casualties with little warning.

In light of this, and given the Government's responsibility to protect the nation and its citizens from attack, direct action must be taken when it is necessary to do so to protect against actual ongoing threats – to stop plots, prevent future attacks, and save American lives. Determinations about when targeted strikes are necessary and appropriate are made on a case-by-case basis, drawing upon intelligence, military, diplomatic, homeland security, and law enforcement professionals, as necessary, as well as input from lawyers from appropriate departments and agencies.

Limitations on Drone Strikes

In the recently released, unclassified white paper, DOJ writes that "the United States retains its authority to use force against al-Qa'ida and associated forces outside of the area of active hostilities when it targets a senior operational leader of the enemy forces who is activity engaged in planning operations to kill Americans."

- **Could the Administration carry out drone strikes inside the United States?**

This Administration has not carried out drone strikes inside the United States and has no intention of doing so.

- **Could you describe the geographical limits on the Administration's conduct drone strikes?**

As I noted in my speech at Harvard Law School in September 2011, and as the Attorney General stated publicly in March, we do not view our authority to use military force against al-Qa'ida and associated forces as being limited to "hot" battlefields like Afghanistan. Al-Qa'ida and its associates have in the recent past directed several attacks against us from countries other than Afghanistan. The Government has a responsibility to protect its citizens from these attacks, and, thus, as the Attorney General has noted, "neither Congress nor our federal courts has limited the geographic scope of our ability to use force to the current conflict in Afghanistan."

This does not mean, however, that we use military force whenever or wherever we want. International legal principles, such as respect for another nation's sovereignty, constrain our ability to act unilaterally. Using force in another country is consistent with these international legal principles if conducted, for example, with the consent of the relevant nation – or if or when other governments are unwilling or unable to deal effectively with a threat to the United States.

- **How do we ensure that our country's use of drone strikes to target al-Qa'ida is not used as justification for other countries to assassinate political opponents by labeling them leaders of "terrorist" organizations?**

Numerous senior U.S. officials – including myself, Attorney General Eric Holder, former State Department Legal Adviser Harold Hongju Koh, and former Department of Defense General Counsel Jeh Johnson – have spoken openly and repeatedly about the legal and policy foundations of our counterterrorism actions, including the use of remotely piloted aircraft. We have made clear the commitment of the United States to conduct these actions in accordance with all applicable law, including the laws of war, and not one of our public statements has even remotely suggested that it would be acceptable to use drone strikes as a

means of targeting political opponents. In the future, the Administration will continue to be as open and transparent as possible about its use of targeted strikes necessary to prevent terrorist attacks against U.S. persons, and it will make clear that it takes such actions in a lawful, judicious, proportional, just, and ethical manner.

Who Makes Targeted Killing Decisions?

In the recently released, unclassified white paper, DOJ says that drone strikes must be approved by an "informed, high-level official of the U.S. government;" however, the paper says little else about the process the Administration uses to review and approve such strikes.

- **Who within the Administration makes the ultimate determination of whether an American is a "senior operational leader of al Qa'ida" who poses an "imminent threat of violent attack"?**

An operation using lethal force in a foreign country outside an area of active hostilities, targeted against a U.S. citizen who is a senior operational leader of al-Qa'ida or associated forces, and who is actively engaged in planning to kill Americans, would be lawful, as the Attorney General indicated in his speech in March of last year, at least in the following circumstances: First, after the U.S. Government has determined, after a thorough and careful review, that the individual poses an imminent threat of violent attack against U.S. persons; second, capture is not feasible; and third, the operation is conducted in a manner consistent with applicable law of war principles.

Given the stakes involved and the consequence of the decision to conduct a strike, the evaluation of whether an individual presents an "imminent threat" would be made after considering the information available, carefully and responsibly – drawing on the most up-to-date intelligence and the full range of our intelligence capabilities. The process of deciding to take such an extraordinary action would involve legal review by the Department of Justice, as well as a discussion among the departments and agencies across our national security team, including the relevant National Security Council Principals and the President.

Reducing Contractors at the CIA

This Committee has long been very concerned about the IC's heavy dependence on contractors. Past DNIs and agency heads have generally agreed that there is an

over-reliance on contractors in the IC that risks putting inherently governmental work in the hands of the private sector and increasing costs.

- ***What is your view of the proper role for contractors in the CIA?***

Contractors play a vital role in supporting the CIA's mission. Contractors provide the Agency with flexibility and unique expertise to respond to fast-breaking and dynamic intelligence missions. The significant growth in the contractor workforce came from the CIA's greatly expanded operational tempo after 9/11. For the past several years, the agency has reduced its reliance on contractors. If confirmed, I will carefully monitor the size of the contractor workforce and make adjustments accordingly. I also will ensure that all contractors work under the authority of a U.S. Government employee who oversees and manages the contractors.

- ***How will you ensure that CIA contractors are not in a position to manage government workers, set policy, or otherwise make inherently governmental decisions?***

CIA policies and regulations prohibit contracting for services that are inherently governmental and putting contractors in position to set policy or allowing contractors to manage government employees. All Agency contracts are reviewed to ensure that those policies and regulations are adhered to, and I am committed to aggressively ensuring that they are followed, utilizing the capabilities of the Inspector General as appropriate.

- Contractors tend to be more expensive on an annual basis than government workers. ***How do you plan to manage the cost of contractors versus government employees at the CIA?***

I understand that the Agency has taken concrete steps, especially over the past year or so, to ensure that it is receiving the best value for its contracting dollars through contract consolidation, aggressive contract negotiations, and the implementation of standardized contracting pricing policies. I will assertively continue those efforts.

Keeping Chiefs of Mission Informed of All Intelligence Activities

In your responses to the Committee's pre-hearing questions, you wrote that Chiefs of Mission must be kept fully and currently informed of the activities of U.S. government agencies in their countries, consistent with the provisions of 22 USC 3927. That statute also requires that U.S. Ambassadors "shall have full

responsibility for the direction, coordination, and supervision of all United States Government officers and employees in that country," and that "any department or agency having officers or employees in a country shall… comply fully with all applicable directives of the Ambassador."

- ***Is it your understanding that intelligence activities are subject to the approval of the Chief of Mission?***

Yes. Pursuant to the President's instruction, codified in a 1977 agreement between the Department of State and the CIA, the Chief of Mission has a responsibility to express a judgment on all CIA activities in his or her country of accreditation in light of U.S. objectives in the host country and in the surrounding areas and to provide assessments on those activities to Washington. Further, if the Chief of Mission believes a CIA activity might impair U.S. relations with the host country, the Chief of Mission may suspend a CIA or other intelligence activity. If disputes arise between the Chief of Mission and the Chief of Station that cannot be resolved locally, they are referred to Washington for adjudication by Principals. In order to enable the Chief of Mission to meet these responsibilities, the Chief of Station must keep the Chief of Mission fully and currently informed of CIA activities in the host country (unless the President or Secretary of State has directed otherwise.)

QUESTIONS FROM THE VICE CHAIRMAN

Interrogation Study

- **If a vote on your nomination does not occur before Friday, February 15, 2013, when the CIA's response on the Interrogation Study is due to the Committee, will you in any way seek to review or change the CIA's response?**

If I am not confirmed as the Director of the Central Intelligence Agency by the time CIA's response on the Interrogation Study is ready to be sent to the Committee, I will not seek to review or change the CIA's response in any way.

Graham's Benghazi Questions

During yesterday's hearing, you said that you thought Senator Graham's questions on Benghazi were not answered because the responses were "privileged." But Senator Graham's first question was whether Director Clapper was aware of the series of attacks in Benghazi in the summer of 2012. Clearly there is no issue of Presidential privilege in asking what Director Clapper knew.

- **Why did the National Security Staff (NSS) tell the ODNI not to respond to Senator Graham's questions?**

- **Did you play any role in the direction not to answer Senator Graham's questions?**

I am not aware of and played no role in any alleged attempt to direct Director Clapper not to answer Senator Graham's questions.

Zero Dark Thirty

There has been a lot of controversy about the Administration's cooperation with the movie *Zero Dark Thirty*.

- **Did you meet with the writer or director or have any discussions with them?**

- **Did you have any role in the Administration's cooperation with the movie? If so, what was it?**

I, along with several other White House officials, engaged in a one hour, unclassified discussion with Mark Boal on June 30, 2011 on how White House officials viewed the opportunities and risks associated with a film about the raid that killed Bin Laden.

Bogus Intelligence

Media reports indicate that when you led the Terrorist Threat Integration Center (TTIC), you championed a program involving IT contractors in Nevada who claimed to intercept al-Qaida targeting information encrypted in the broadcasts of TV news network Al Jazeera. The media says, and documents we have reviewed show, that CIA officials derided the contractor's information, but nonetheless, you passed it the White House and alert levels ended up being raised unnecessarily.

- **Did you have confidence in the information you provided? If not, why did you provide it?**

I never "championed" such a program. The Terrorism Threat Integration Center (TTIC) was the recipient of such information and data provided by the CIA and included it in analytic products as appropriate.

- **Why did you keep the program alive?**

I did not keep the program alive. I would refer you to the CIA, as it collected the data from the contractors and passed it along to TTIC, for the answer to your question.

- **What was the eventual outcome of the program?**

I do not know the outcome of the program, other than it was determined not to be a source of accurate information.

DSOP

I read your responses to the prehearing questions and with regard to NCTC's Directorate of Strategic Operational Planning, you stated that NCTC "supports the NSS in helping to draft and coordinate some—not all" of the strategies. But the

National Security Act, as modified by IRTPA, requires NCTC to "provide strategic operational plans for counterterrorism operations conducted by the United States Government." In other words, the law requires that NCTC prepare the plans, but you are saying in practice the White House prepares the plans.

- **Why isn't the Administration complying with the National Security Act?**

- **If NCTC is only helping the White House with the plans and not writing them as the law requires, why should Congress fund NCTC for this purpose?**

The National Security Staff (NSS), on behalf of the President, leads the interagency policy processes to develop and oversee implementation of key CT policies, strategies, and plans. Consistent with the IRTPA, DSOP plays an important role in the NSS-led process for CT issues, the bounds of which the NSS determines depending on the specific policy, strategy, or plan. It is important to keep in mind, for instance, that all CT efforts are inherently integrated into broader national security and foreign policy strategies and plans, which stretch beyond NCTC's CT mandate, requiring the NSS to play an important directive and integrative function from a more comprehensive perspective. Departments and agencies report to the President in executing their roles in these plans, and DSOP's role is to support the NSS by ensuring that departments and agencies are coordinating the effective execution of those plans. NSS provides the strategic oversight and interagency integration on behalf of the President. However, not all CT-related activities in the USG include the NSS or occur at its explicit direction. For example, DSOP runs CT exercises that test USG capabilities to prevent or mitigate a terrorism threat to law enforcement and state and local governments. For that reason, DSOP support to the NSS-led process does not represent the entirety of its production function outlined in the IRPTA, and therefore I encourage you to engage DSOP directly on those efforts it undertakes that are not NSS-led.

High Value Targets

In Thursday's hearing you stated that you would be glad to get the information about those high-value targets that had been captured with US intelligence support. But that was not my question.

- **Again, my question is: How many high-value targets have been arrested, detained, and interrogated by the United States government (not with US intelligence support) during your four years with the Administration?**

Over the last four years, the American criminal justice system has been used to arrest, detain, interrogate, and prosecute numerous suspected terrorists. Since January 2009, dozens of individuals have been arrested, detained, interrogated, and convicted of terrorism-related offenses in federal court. Individuals arrested here in the United States include David Headley, Mansoor Arbabsiar, Najibullah Zazi, Faisal Shahzad, and Umar Farouk Abdulmutallab. Individuals initially taken into U.S. custody overseas include Ahmed Ghailani, Jesse Curtis Morton, Mohamed Ibrahim Ahmed, and Betim Kaziu, and subsequently brought to the United States for interrogation and prosecution.

Please see the classified section for additional information from the Department of Defense.

QUESTIONS FROM SENATOR BURR

1. Describe each specific instance in which you were authorized to disclose classified information to a reporter or media consultant, including the identity of the individual authorizing each disclosure and the reason for each such disclosure.

In exceptional circumstances, when classified information appears to have already been leaked to the media, it may be necessary to acknowledge classified information to a member of the media or to declassify information for the very purpose of limiting damage to national security by protecting sources and methods or stemming the flow of additional classified information. Such conversations involve only the most senior Agency officials or their designees and must be handled according to any applicable regulations. I have on occasion spoken to members of the media who appeared to already have classified information, in an effort to limit damage to national security; however, even in those circumstances I did not disclose classified information.

2. If any communications with reporters or media consultants were recorded, provide the transcripts of any recordings and any official written records.

During my hearing, I answered questions about a conference call on May 7, 2012 with former national security officials who were likely to comment on an Associated Press story that had run earlier in the day regarding a foiled bomb plot. In advance of my voluntary interview with the Department of Justice, my counsel received a transcript of this conference call from DOJ. Enclosed is a copy of what my counsel was provided.

3. Identify those specific individuals to whom you expressed concerns (regardless of medium – email, text, conversations, phone calls) about the effectiveness, or legality of the CIA's Enhanced Interrogation Techniques (EITs) program.

I had significant concerns and personal objections to many elements of the EIT program while it was underway. I voiced those objections privately with colleagues at the Agency. I expressed my personal objections to it, but I did not try to stop it because it was something being done in a different part of the Agency under the authority of others. When I left the Agency, I spoke publicly about those concerns. When I was named the President's CT advisor, I was put in a position to influence decisions related to EITs, such as how we handle interrogations, and I strongly support the President's ban on such techniques.

4. Have there been any authorized disclosures of national intelligence since January 13, 2013 (the date the FY13 Intelligence Authorization Act was signed into law)?

No, not to my knowledge, but I do not have visibility into the entire Executive Branch to which Section 504 of the Intelligence Authorization Act for Fiscal Year 2013 would apply. So, as it relates to my current office, I am not aware of any authorized disclosures of national intelligence since January 13, 2013, that would trigger the notification requirements of Section 504.

5. Have there been any crimes reports filed with DOJ for unauthorized disclosures of national intelligence (or are there any reports in process) since January 13, 2013 (the date the FY13 Intelligence Authorization Act was signed into law)?

I must defer to the Department of Justice on this question, as my answer could have implications for open or pending law enforcement investigations about which I would not necessarily have knowledge.

6. As the Director of the CIA, you will be responsible for ensuring the successful collection and analysis of national intelligence, including intelligence about the Global Jihadist Network. One of the best sources of such intelligence comes from the interrogation of captured terrorists. But the Administration's past policies have undercut the gathering of this intelligence by either killing jihadists overseas or mirandizing them when they attack here at home, such as underwear bomber Umar Farouk Abdulmatallab. Both tactics undercut the gathering of intelligence, which will be your job as CIA director. How will you fix this problem?

The United States has acknowledged that it uses lethal force, when appropriate and consistent with applicable law, to prevent terrorist attacks on the United States and to save American lives, but I reject any suggestion that the Administration somehow prefers killing terrorists to capturing them. As I and other senior officials have stated on numerous occasions, our unqualified preference is to capture an individual rather than use lethal force, in part because we recognize that one of the best sources of intelligence comes from the interrogation of captured terrorists. We only undertake lethal force when we determine that capture is not feasible.

Moreover, I also reject the suggestion that Miranda warnings undermine intelligence collection. As an initial matter, our overriding responsibility is to protect the nation and the American people against terrorist attacks, and Miranda

does not restrict our ability to ask an arrestee any and all questions that are prompted by an immediate concern for the public safety without administering Miranda warnings. Beyond this, while some terrorism suspects have refused to provide information in the criminal justice system, so have many held in military custody. What is undeniable is that many individuals in the criminal justice system have provided a great deal of information and intelligence even after receiving Miranda warnings. Indeed, as I have stated publicly in the past, in some circumstances Miranda warnings have been essential to our ability to keep terrorists off the streets, as post-Miranda admissions have led to successful prosecutions and long-term prison sentences.

7. In 2008 you wrote, "A critical step toward improved U.S.-Iranian relations would be for U.S. officials to cease public Iran-bashing, a tactic that may have served short-term domestic political interests but that has heretofore been wholly counterproductive to U.S. strategic interests." Please identify the U.S. officials who engaged such "Iran-bashing" and explain how their comments were counterproductive. How is criticism of Iran, whose policy is the destruction of Israel and the United States, "wholly counterproductive" to U.S. strategic interests? Can you define that level of criticism of Iran you would permit U.S. officials in interagency meetings, internal CIA analysis, or the conduct of this body?

In this 2008 article, I discouraged the use of terms such as "axis of evil," which emboldened and energized Iranian radicals and were counterproductive to past efforts to achieve a diplomatic resolution to our concerns about Iran's nuclear program. I also acknowledged the importance of not implying tolerance for Iran's egregious policies and actions, about which this Administration has consistently expressed its deep concern – specifically Iran's continuing failure to comply with its international nuclear obligations, its support for terrorism and other destabilizing activities throughout the region, and its persistent abuse of the rights of its people. It is important to recognize both the opportunities and risks in engaging with this regime. If confirmed, I will do everything I can to provide thorough, timely, unbiased, and accurate intelligence and analysis to support policy-makers as they deal with this national security priority.

8. In 2008 you wrote: "Not coincidentally, the evolution of Hezbollah into a fully vested player in the Lebanese political system has been accompanied by a marked reduction in terrorist attacks carried out by the organization. The best hope for maintaining this trend and for reducing the influence of violent extremists within the organization--as well as the influence of extremist Iranian officials who view Hezbollah primarily as a pawn of Tehran--is to increase Hezbollah's stake in

Lebanon's struggling democratic processes." What did you mean by "increase Hezbollah's stake in Lebanon" – more Hezbollah representatives and fewer non-Hezbollah representatives? An alternate assessment was provided in 2009 by Hizballah chief Hasan Nasrallah's deputy, Naim Qassem, told the Los Angeles Times in 2009 that the organization's political arm and terrorist arm were led by the same people: "The same leadership that directs the parliamentary and government work also leads jihad actions." When terrorists are put in charge of governing a state, will this risk creating a terrorist state?

While in 2008 I expressed the hope that involvement in Lebanese politics would constrain Hizballah's use of violence and terrorism, it is clear that the group remains committed to destabilizing pursuits, both in the region and internationally. Bulgaria's recent investigation exposes Hizballah for what it is – a terrorist group that is willing to recklessly attack innocent men, women, and children, and that poses a real and growing threat not only to Europe, but to the rest of the world. Hizballah's dangerous and destabilizing activities – from attacking tourists in foreign countries to leader Hassan Nasrallah's active support of Bashar al-Asad's violent campaign against the Syrian people – threaten the safety and security of nations and citizens around the world and stand as further proof that this organization has no intention of evolving beyond its militant and terrorism roots. During my time as the Assistant to the President for Homeland Security and Counterterrorism, this Administration has been focused on actively countering Hizballah terrorism.

9. Do you believe that more Taliban in the government of Afghanistan will improve the democratic process? Do you believe that more Hamas in the government of the Palestinians will improve the democratic process? Can you cite an Islamic country where this approach of empowering a terrorist organization by giving them governing powers has accomplished anything other than the creation of a terrorist state?

The Taliban is unlikely to participate in the current government because it does not accept the legitimacy of the Karzai regime. We have few indicators to date that the Taliban are sincere about reconciliation. One of the key outcomes for reconciliation would entail credible Taliban commitments to abide by the Afghan constitution, including its protections for the rights of all Afghan men, women, and children.

Although HAMAS's victory in Palestinian Legislative Council elections in 2006 demonstrated the group was capable of participating in elections, its takeover of

the Gaza Strip in 2007 showed it prioritizes its own interests over democratic principles. The United States has been clear about the principles that must guide a Palestinian government in order for it to play a constructive role in achieving peace and building an independent, democratic state. Any Palestinian government must unambiguously and explicitly commit to nonviolence, recognition of the State of Israel, and acceptance of previous agreements and obligations between the parties, including the Roadmap.

Prior to its decision to renounce violence and recognize Israel in 1988, the PLO was an organization whose members in the 1960s, 1970s, and 1980s carried out terrorist attacks. The PLO's renunciation of violence and recognition of Israel in 1988 opened the door for the Oslo Accords in 1993 and the establishment of the Palestinian Authority in 1994. Many senior PLO members subsequently took leadership positions in the newly-created Palestinian Authority, which so far continues to be committed to a peaceful solution to the Israeli-Palestinian dispute.

10. When the President said, "The future must not belong to those who slander the Prophet of Islam" at the United Nations on September 25, 2012, after the attack on the U.S. facility in Libya, what were the meaning of those words? As his Chief Counterterrorism Adviser, you must have recommended or assented to the use of this phrase. What did you mean for US citizens to understand regarding any criticism of Islam?

It is important to remember that in addition to the attacks on the U.S. facility in Benghazi, there were widespread protests taking place at U.S. diplomatic facilities around the world in the lead-up to the President's speech. These protests were rooted in a variety of factors, including the film, "The Innocence of Muslims." I did not draft any portion of the President's speech, though I strongly support the central ideas in his speech: that the United States stands for freedom of speech, that no speech justifies the use of violence, that violent extremists have sought to fan the flames of hatred to advance their cause, and that speech slandering Islam – or any religion – does not represent the spirit of tolerance and respect for religious freedom that is at the heart of the American story. My belief is that Americans should be proud of both their commitment to freedom of speech, and their remarkable achievement of building a nation in which people of all faiths are welcome.

I would point you to several passages in the President's speech that make these points: "Americans have fought and died around the globe to protect the right of all people to express their views, even views that we profoundly disagree with. We

do not do so because we support hateful speech, but because our founders understood that without such protections, the capacity of each individual to express their own views and practice their own faith may be threatened. We do so because in a diverse society, efforts to restrict speech can quickly become a tool to silence critics and oppress minorities. We do so because given the power of faith in our lives, and the passion that religious differences can inflame, the strongest weapon against hateful speech is not repression; it is more speech – the voices of tolerance that rally against bigotry and blasphemy, and lift up the values of understanding and mutual respect....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. There's no slander that provides an excuse for people to burn a restaurant in Lebanon, or destroy a school in Tunis, or cause death and destruction in Pakistan....It is time to marginalize those who – even when not directly resorting to violence – use hatred of America, or the West, or Israel, as the central organizing principle of politics. For that only gives cover, and sometimes makes an excuse, for those who do resort to violence. That brand of politics – one that pits East against West, and South against North, Muslims against Christians and Hindu and Jews – can't deliver on the promise of freedom. To the youth, it offers only false hope. Burning an American flag does nothing to provide a child an education. Smashing apart a restaurant does not fill an empty stomach. Attacking an embassy won't create a single job. That brand of politics only makes it harder to achieve what we must do together: educating our children, and creating the opportunities that they deserve; protecting human rights, and extending democracy's promise."

QUESTIONS FROM SENATOR RISCH

1. Could you please provide a list of all individuals present on the May 7, 2012, conference call we discussed at your hearing and described in the Reuters article entitled "Did White House 'spin' tip a covert op?"

The May 7, 2012 conference call included the following participants in addition to myself:

Nick Rasmussen
Caitlin Hayden
Erin Pelton
Nick Shapiro
Roger Cressey
Juan Zarate
Fran Townsend
Richard Clarke

2. During your confirmation hearing you mentioned that there were notes and a transcript of the May 7, 2012, conference call. Could you please provide all notes and transcripts of this call to the Committee.

During my hearing, I answered questions about a conference call on May 7, 2012 with former national security officials who were likely to comment on an Associated Press story that had run earlier in the day regarding a foiled bomb plot. In advance of my voluntary interview with the Department of Justice, my counsel received a transcript of this conference call from DOJ. Enclosed is a copy of what my counsel was provided. I am not aware of any notes of the conference call.

3. On the night of May 7, 2012 Richard Clarke made the following statement on ABC's Nightline, "The U.S. government is saying it never came close because they had insider information, insider control, which implies that they had somebody on the inside who wasn't going to let it happen." I have not been able to find any stories indicating "inside control" or "inside information" before your interview on May 7, 2012. Additionally, there are no articles mentioning double agents, undercover operatives, or spies before that interview. How do you account for this?

The irresponsible and damaging leak of classified information was made several days – and possibly even a week – earlier when someone informed the Associated Press that the U.S. Government had intercepted an IED that was supposed to be used in an attack and that the U.S. Government currently had that IED in its possession and was analyzing it. Various reporters were asking questions of our press people that raised alarm bells. In an effort to minimize the damage to national security from this unauthorized and dangerous disclosure of classified information, and to ensure that the American public appropriately understood the current threat environment, I briefed the national security professionals in the May 7 call, as they were preparing to comment publicly on the situation.

The U.S. Attorney's Office for the District of Columbia is conducting a criminal investigation of these leaks, and I participated in a voluntary interview with those conducting the investigation. My counsel has been advised by representatives of the United States Attorney's Office that I am only a witness in their investigation (that is I am not a subject or target) and that they do not have any plans to speak with me again at this time.

4. In retrospect, if you could go back and change what you said in that interview would you, and If so, how? Why was it insufficient to simply say that the U.S. government successfully interdicted or disrupted an al-Qaeda plot?

No. Once someone leaked information about interdiction of the IED and that the IED was actually in our possession, it was imperative to inform the American people consistent with Government policy that there was never any danger to the American people associated with this al-Qa'ida plot.

5. Who instructed you to conduct the call and how were the participants selected?

The White House press office asked me to conduct the call to ensure the American people appropriately understood the current threat environment. The White House press office selected the participants.

6. Why was it important that the participants on the call have a counterterrorism background?

The participants on the call were all former national security officials who were being interviewed by the press about the Associated Press story, and it was important to make sure they understood the current threat environment. I also believed that given their backgrounds they would have an appropriate

understanding about the operational sensitivities and thus avoid dangerous questions and speculation.

7. In your testimony, you described the teleconference as a "routine engagement with the press." How many times during your tenure as the President's deputy national security advisor did you conduct a teleconference with members of the TV media? And how many of your engagements followed a successful disruption of an al-Qaeda plot?

I have conducted teleconferences with members of the TV media numerous times at the request of the White House press office during my tenure as the President's counterterrorism advisor. And, I have spoken publicly on a number of occasions about the President's national security strategy and various terrorist threats, in speeches, television appearances, and press conferences as we have tried to be as transparent as possible about the U.S. Government's counterterrorism actions.

8. In your testimony, you said "we had said publicly there was no active plot at the time of the bin Laden anniversary." You also said the purpose of the call was to make sure "the American people were aware of the threat environment and what we're doing on the counterterrorism front." Did you conduct the teleconference to explain why the administration previously used the phrase "no active plot?"

No. Once someone leaked information about the IED it was imperative to ensure the American people appropriately understood the current threat environment.

9. Could you please describe the importance of ensuring the safe return of SGT Bowe Bergdahl?

I met SGT Bergdahl's parents in late May 2012, and as I told them then, the safe return of their son is of paramount importance. SGT Bergdahl's return is vital both from the perspective of our absolute commitment as a nation to return to safety any service member captured or otherwise isolated during operations overseas and based on our longstanding policy to work diligently to free U.S. citizens held hostage abroad, unharmed.

10. Could you please describe what steps the CIA is taking with its interagency partners such as the Departments of State, Defense and other IC components to bring SGT Bergdahl home to his family?

The CIA, along with the Departments of State and Defense, other IC components, and U.S. law enforcement are focused and collaborating on this case. Additionally, our allies and international partners are key contributors. For example, the CIA has embedded U.S. military personnel both at CIA headquarters and in the field to ensure we are collaboratively working all leads related to SGT Bergdahl.

11. Has Russia fully implemented all of its Presidential Nuclear Initiative (PNI) commitments?

I would refer you to the Department of State for this question.

12. One of the lessons from the Benghazi terrorist attacks of 9/11/12 is that the U.S. government should not over rely on local security forces and locally employed staff for security in high threat environments. Do you agree with this statement and do you agree that the same lessons should be applied to environments where there is a high CI threat?

The CIA relies on host governments around the world to support its security needs and to provide assistance and enhance its own response to any emergency situation. Local resources are a valuable part of the Agency's security posture. We have to strike the right balance between host nation support, which requires an appropriate investment in local security forces, locally employed staff, and U.S. resources. I know that the lessons from Benghazi are currently being applied to U.S. official presence abroad, especially in high-threat areas, and if confirmed, I would continue to make sure that process continues.

QUESTIONS FROM SENATOR COATS

1. As the President's deputy national security advisor for homeland security and counterterrorism, you were an advocate for the administration's cybersecurity legislation. In 2009, when you announced National Cybersecurity Awareness Month, you stated: "[C]yber security is a shared responsibility. This refers to the fact that government, industry, and the individual computer user must all play a role in securing our information networks and data." In April 2012, in a Washington Post op-ed, you wrote: "[B]efore the end of the next business day, companies in every sector of our economy will be subjected to another relentless barrage of cyber intrusion." In the same op-ed, you also wrote: "[T]here is no reason we cannot work together in the same way to protect the cyber systems of our critical infrastructure upon which so much of our economic well-being, our national security and our daily lives depend." And last August, when the U.S. Senate considered the Cybersecurity Act of 2012, you urged its passage because the "risks to our nation are real and immediate." I agree with your statements on the shared responsibility and urgency of improving cyber security. Do you still agree that cyber security is a shared responsibility that includes both the public and private sector? What is the role of the Information Technology (IT) sector in this shared responsibility and why did you support a carve out for the IT sector?

I continue to believe that cybersecurity is a shared responsibility that includes both the public and the private sectors. The private sector owns and operates the majority of the critical infrastructure upon which our nation depends, the communications backbones upon which cyberspace depends, and the businesses that are the target of economic espionage in cyberspace.

The government cannot defend the Nation against threats in cyberspace unless the private sector has the baseline cyber defenses to mitigate the most common threats and to make it difficult even for sophisticated actors to gain illegal access. We depend upon the private sector to secure their networks according to a framework of standards and best practices, share cybersecurity information with others in the private sector and with government, and develop innovative solutions to cyber risks.

However, the private sector alone cannot defend against all cyber threats. The government must incentivize critical infrastructure to secure their networks, ensure that privacy and civil liberties are protected, investigate and prosecute cyber crimes, work in international fora to protect the open and innovative nature of the Internet, share information – particularly information that originates from the

government's unique capabilities – and shape the behavior of nation states to deter them from malicious cyber activity.

Many of our efforts focus on the priority of protecting critical infrastructure, and IT products and consumer services do not currently fit the definition of critical infrastructure. On the other hand, our critical infrastructure and economy depend upon IT products and services. When those products and services are insecure, we all suffer. So while IT products and consumer services are not critical infrastructure, I believe the public and private sectors must find ways to work together to improve the security of those products and services. Furthermore, we must do so in a way that is consistent with our international trade obligations, that is technology neutral, that nurtures the innovation upon which our economy depends, and that helps ensure that firms can develop a single product or service and sell it internationally.

QUESTIONS FROM SENATOR UDALL

1. Mr. Brennan, during the hearing we talked about the importance of working with the Committee to correct the public and internal record regarding the detention-interrogation program within 90 days. I want to repeat that request and clarify it. Will you commit to working with the committee to correct the public and internal record regarding the detention-interrogation program within 90 days of the CIA's completion of its review of the report (or within 90 days of your confirmation, whichever is later) – especially given your comment to the Committee that you believe the CIA must "immediately" correct the record if it becomes aware of inaccurate statements?

As I have previously stated, if confirmed, I will make reviewing further details of the SSCI Report, as well as the CIA response, a priority, and I will work with the Committee to set the record straight if and as necessary and appropriate.

2. Mr. Brennan, will you commit to work with the SSCI to declassify the Executive Summary and to ONLY redact sources and methods--- NOT information that is merely embarrassing to the U.S. and the CIA?

If confirmed, I look forward to engaging in a constructive way forward with the Committee on the substance of both the SSCI Report and the CIA response. Our dialogue on this important and complex issue will include discussion relating to what information can or should potentially be released to the public.

3. Mr. Brennan, will you commit to working with me and this Committee to provide proposed reforms for the Agency within 90 days of the completion of the CIA's review of the Committee's report (or within 90 days of your confirmation, whichever is later) on detention and interrogation that ensure the mistakes documented in the Committee's report are not repeated?

I believe a dialogue with the Committee on the subject matter of the SSCI Report is vitally important. If confirmed, I will move swiftly to more closely examine the issues raised by the Report and the Agency's response. I look forward to working with you on this matter.

4. In 2008, you stated that it was important that there be a public airing, including public congressional hearings, related to the predicate for the surveillance of U.S. persons. Do you believe there is more on this topic that could be declassified?

I have spoken publicly on multiple occasions on the importance of transparency. Indeed, at a speech in November 2011, I stated that our "democratic values include – and our national security demands – open and transparent government." To that end, this Administration has attempted to share as much information as possible with the American people, including information related to the predicate for surveillance of U.S. persons. And while I am not aware of any particular information on this topic that could be declassified, I do believe any such information should be disclosed to the extent that such a disclosure could be done consistent with our national security.

5. In 2008, you stated, "I would argue the government needs to have access to only those nuggets of information that have some kind of predicate. That way the government can touch it and pull back only that which is related." You also stated that the issue needed to be discussed, "not to the point of revealing sources and methods and giving the potential terrorists out there insights into our capability – but to make sure there is a general understanding and consensus that these initiatives, collections, capabilities, and techniques comport with American values and are appropriately adjusted to deal with the threat we face." Do you believe the U.S. government currently has access to only nuggets of information that have some kind of predicate? Do you believe that the public has adequate information on this topic?

I believe your first question is referencing statements I made about the need to balance security, privacy, and civil liberty interests in connection with the then ongoing public debate over changes to the Foreign Intelligence Surveillance Act. With respect to FISA, this Administration has worked hard to ensure that any electronic surveillance that targets the American people is subject to judicial review through the Foreign Intelligence Surveillance Court to ensure, among other things, that such surveillance complies with the Constitution, and I strongly supported these efforts. I believe it is important that the Judicial Branch act as a check on the Executive Branch to ensure there is an adequate factual predicate to conduct lawful electronic surveillance that targets the American people. I have also supported – and will continue to support – the Administration's efforts to ensure that Congress is kept informed of our surveillance practices and processes.

Moreover, the Act provides the process and procedures the Government must follow to undertake surveillance, as well as the role the Judicial Branch and the Congress play in that process. As I have stated publicly, I support as much transparency as possible on our counterterrorism efforts, consistent with our obligation to protect sources and methods. Thus, to the extent we could discuss

with the public some of the factual predicates that have been deemed by courts as sufficient to justify surveillance, I would support doing so. Indeed I do believe, as I said in my September 2011 speech at Harvard Law School that an "open and transparent government" is one of the values our democratic society expects and demands.

QUESTIONS FROM SENATOR RUBIO

1. Regarding the capture of Ali Ani Harzi, a suspect in the September 11, 2012 attacks against the U.S. diplomatic and CIA facilities in Benghazi, did the U.S. Government ask the Government of Turkey for access to Harzi while he was in Turkish custody?

Yes. The United States made requests to the Government of Turkey (and later to the Government of Tunisia) that U.S. investigators be permitted to interview Harzi regarding his knowledge of the Benghazi attacks. Turkish authorities initially detained Harzi and, approximately one week later, deported him to Tunisia (his country of origin.)

2. Did the USG ask Turkey to turn Harzi over to U.S. custody?

Please see classified section.

3. Why was Harzi not taken into U.S. custody?

Please see classified section.

4. What intelligence did we have on Harzi at the time of his capture by the Turks, and what more did we know about him by the time of his release by the Tunisian Government?

Please see classified section.

5. Now that Harzi has been released, do we know where he is and are we monitoring his activities?

Please see classified section.

QUESTIONS FROM SENATOR KING

1. During the hearing, I asked how the Administration would react to the creation of an independent process – similar to the Foreign Intelligence Surveillance Court – to provide an appropriate check on the executive branch's procedure for determining whether using lethal force in a foreign country against a U.S. citizen would be lawful. You noted that the Administration has wrestled with the idea of a FISA-like court. Please describe the process you went through in deliberating this concept. Specifically, what options did you consider in terms of establishing a judicial review process for such decisions? What were the advantages and disadvantages of the options you considered?

The concept of a FISA-like court has been discussed by the interagency and while attractive in some respects, it would raise some novel, and potentially difficult, questions and furthermore would grant courts authority over decisions that have traditionally been exercised principally, if not exclusively, by the Executive Branch. Nevertheless, given the stakes involved and the consequence of such determinations, all options are worth considering and the details of any particular proposal will be especially important.

2. In an interview with PBS on March 8, 2006, you said "the Defense Department has tried to increase its role in the Intelligence Community and to chew away at CIA's traditional authorities and responsibilities." Please provide your views on how the DOD-CIA relationship should function when DOD is conducting irregular or unconventional warfare (for counterterrorism, counterproliferation, and other purposes). What steps will you take, not only to prevent unnecessary overlap in their respective missions, but to ensure thorough coordination by USSOCOM?

I have seen first-hand over the past several years how much coordination has improved. The key to close coordination between CIA and DOD is regular communications between the agencies, starting with the leadership and working through to all levels. The key principles, in my view, that should govern the allocation of responsibilities are: (1) optimizing the accomplishment of U.S. national security objectives through the most effective use of CIA and DOD capabilities; (2) ensuring related DOD and CIA activities are well coordinated and designed to advance both the military and intelligence missions; (3) ensuring compliance with applicable statutes with respect to authorities and prohibitions; and, (4) keeping Congress appropriately notified of these activities, whether undertaken by CIA under Title 50 or by DOD under Title 10. If confirmed, I

would work closely with DOD to ensure that there is no unnecessary redundancy in CIA and DOD capabilities and missions.

3. In 2011, the National Counterintelligence Executive released an unclassified report finding that the governments of China and Russia "remain aggressive and capable collectors of sensitive U.S. economic information and technologies, particularly in cyberspace." The Chinese government often requires foreign firms to transfer technology to their Chinese partners, and sometimes to set up research and development facilities in China, in exchange for access to China's markets. Are you concerned that such requirements put U.S. economic information at risk? What role, if any, should the Intelligence Community play in reviewing such technology transfers?

Yes, I am very concerned about this. This is why the U.S. Government has a strategy in place to meet the challenge of foreign governments' aggressive programs aimed at the collection of sensitive and emerging U.S. information and technologies. One element of that strategy is to build awareness and understanding of the threat these collection activities pose, both to the national security and economic interests of the United States. The Intelligence Community has a significant role to play in this and is an active partner with other U.S. Government organizations in existing formal processes. For example, concerning the national security review of technology transfers, the USG export control interagency relies heavily on the IC's analysis and assessments regarding advanced technologies, end-users, and countries of concern. Our ability to deny these technologies to bad actors and their sponsors is a testament to the partnership and cooperation within the USG. This also extends to the IC's ability to work in partnership with the private sector, which also strengthens the efforts of the U.S. Government to counter foreign intelligence and nontraditional collector threats.

4. The Committee on Foreign Investment in the United States (CFIUS) is empowered to investigate the effect of an investment transaction on national security. In your opinion, is the CFIUS process effective? Should the Intelligence Community play a larger role in informing CFIUS investigations?

I believe the CFIUS review process plays an important and effective role in mitigating risks to national security that could arise if a foreign person were to take control of a U.S. business. By statute, the Intelligence Community, through the Director of National Intelligence, participates in the CFIUS review process by providing its independent assessment of the national security threat posed by every transaction under CFIUS review. My understanding is that CFIUS decision-

makers carefully consider the Intelligence Community's assessments when deciding what, if any, actions should be taken with respect to a particular transaction. At this time, I do not have any reason to believe that the Intelligence Community should play a "larger" role in the CFIUS process. I would not want to take any action, however, that would compromise the Intelligence Community's ability to provide an objective, independent assessment of the national security threats posed by transactions under CFIUS review.

5. How much confidence do you have that the CIA is capable of achieving auditability by 2016? Will you set CIA auditability as one of your top priorities?

The CIA's unique mission sometimes requires equally unique business, financial, and property processes that don't always fit neatly into the auditability/accounting standards for other federal agencies. Nevertheless, my understanding is that CIA has made significant progress in recent years in trying to resolve challenging audit issues – and is, indeed, on track to achieving an unqualified audit opinion for its Fiscal Year 2016 financial statements. If confirmed, it will be one of my top priorities to see this effort through.

United States
Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917

FEB 4 - 2013

The Honorable Dianne Feinstein
Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

Dear Madam Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by John O. Brennan, who has been nominated by President Obama for the position of Director, Central Intelligence Agency.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

[SIGNATURE]

Walter M. Shaub, Jr.
Director

Enclosures

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Office of General Counsel

24 January 2013

The Honorable Walter M. Shaub
Director
Office of Government Ethics
1201 New York Avenue, NW
Suite 500
Washington, DC 20005-3919

Dear Director Shaub:

I have reviewed the enclosed Public Financial Disclosure Report ("OGE Form 278" or "report"), dated 23 January 2013, submitted by John O. Brennan in connection with President Obama's nomination of Mr. Brennan to serve as the Director of the Central Intelligence Agency (DCIA). As part of my review of Mr. Brennan's report, I have examined the duties and responsibilities of the DCIA as reflected in various statutes and executive orders.

Based on my review of Mr. Brennan's report and upon the commitments he has made in his 23 January 2013 letter to me, also enclosed, it is my opinion there are no unresolved conflicts of interest under the applicable laws and regulations and I have so certified. The specific commitments made by Mr. Brennan are discussed below.

Federal Government Position

Mr. Brennan currently holds the position of Assistant to the President for Homeland Security and Counterterrorism.

Non-Federal Government Positions:

Mr. Brennan holds no non-Federal Government positions.

The Honorable Walter M. Shaub

Please contact me on 703-482-1953 if you need additional information concerning the report or my opinion based on my review of the report.

Sincerely,

[SIGNATURE]

Stephen W. Preston
Designated Agency Ethics Official

Enclosures:
A. OGE 278
B. Letter from Mr. Brennan

OGE Form 278 (Rev. 12/2011)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

Form Approved:
OMB No. 3209 - 0001

Date of Appointment, Candidacy, Election, or Nomination *(Month, Day, Year)*	Reporting Status (Check Appropriate Boxes)	Incumbent ☐	Calendar Year Covered by Report	New Entrant, Nominee, or Candidate ☒	Termination Filer ☐ Termination Date *(If Applicable)(Month, Day, Year)*
Reporting Individual's Name	Last Name: Brennan			First Name and Middle Initial: John O.	
Position for Which Filing	Title of Position: Director			Department or Agency *(If Applicable)*: Central Intelligence Agency	
Location of Present Office (or forwarding address)	Address *(Number, Street, City, State, and ZIP Code)*: The White House			Telephone No. *(Include Area Code)*: 202-456-1414	
Position(s) Held with the Federal Government During the Preceding 12 Months *(If Not Same as Above)*	Title of Position(s) and Date(s) Held: Assistant to the President, January 20, 2009 - Present.				
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: Select Committee on Intelligence			Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No	
Certification: I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge.	Signature of Reporting Individual: [SIGNATURE]			Date *(Month, Day, Year)*: 1-23-13	
Other Review (If desired by agency)	Signature of Other Reviewer			Date *(Month, Day, Year)*	
Agency Ethics Official's Opinion: On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments in the box below).	Signature of Designated Agency Ethics Official/Reviewing Official: [SIGNATURE]			Date *(Month, Day, Year)*: 1/24/13	
Office of Government Ethics Use Only	Signature			Date *(Month, Day, Year)*	

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

(Check box if filing extension granted & indicate number of days _____) ☐

(Check box if comments are continued on the reverse side) ☐

Fee for Late Filing
Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a $200 fee.

Reporting Periods
Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A--The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of the date of filing.

Schedule B--Not applicable.

Schedule C, Part I (Liabilities)--The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing.

Schedule D--The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Agency Use Only

OGE Use Only

Supersedes Prior Editions.

OGE Form 278 (Rev. 12/2011)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Brennan, John O.

SCHEDULE A

Assets and Income — BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $200 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual amount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

	Asset	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
Examples	Central Airlines Common				x												x						x										
	Doe Jones & Smith, Hometown, State			x										x																		Law Partnership Income $130,000	
	Kempstone Equity Fund					x								x										x									
	IRA: Heartland 500 Index Fund							x						x											x								
1	Wee Play LLC, Herndon VA (child development consulting)				X																											Spouse Business Income	
2	Northwest Federal Credit Union (cash account)			X															X				X										
3	Sotera Defense Solutions Inc. 401(k) (formerly Analysis Corp.): Principal Life Term 2020					X								X							X												
4	Alger Small Cap Growth Inst Cl (ALSRX)	X												X								X											
5	Allianz RCM Technology Cl P (ARTPX)		X											X								X											
6	Artisan Mid Cap Investor Cl (ARTMX)		X											X								X											

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

OGE Form 278 (Rev. 12/2011)
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U.S. Office of Government Ethics

Reporting Individual's Name: Brennan, John O.

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1	Blackrock Global Allocation Instl Cl (MALOX)		X											X							X												
2	Harbor Cap Appreciation Instl Cl (HACAX)			X										X							X												
3	Ivy Asset Strategy CL I (IVAEX)		X											X								X											
4	Ivy High Income CL I (IVHIX)		X											X								X											
5	Loomis Sayles Investment Grade Bond CLY (LSIIX)		X											X								X											
6	Loomis Sayles Strategic Income CL Y (NEZYX)		X											X								X											
7	Loomis Sayles Global Equity & Income CL Y (LSWWX)		X											X							X												
8	Lord Abbett Income CL F (LAUFX)		X											X								X											
9	Oppenheimer Senior Floating Rate CL Y (OOSYX)		X											X							X												

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

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Reporting Individual's Name: Brennan, John O.

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1	PIMCO Income Cl P (PONPX)		X											X								X											
2	Putnam Capital Spectrum CL Y (PVSYX)		X											X								X											
3	Blackrock Global Allocation Investor Cl C (MCLOX)		X											X							X												
4	Loomis Sayles Investment Grade Bond Cl C (LGBCX)		X											X								X											
5	Oppenheimer Active Allocation CL C (OAACX)		X											X								X											
6	PIMCO All Asset Cl C (PASCX)		X											X							X												
7	PIMCO Emerging Markets Bond Cl C (PEBCX)		X											X							X												
8	PIMCO Total Return Cl C (PTTCX)		X											X								X											
9	Pioneer Global High Yield Cl C (PGYCX)		X											X								X											

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

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Reporting Individual's Name: Brennan, John O.

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1	Putnam Capital Spectrum Cl C (PVSCX)		X											X							X												
2	Oppenheimer Developing Markets Cl Y (ODVYX)		X											X							X												
3	Oppenheimer Core Bond Cl Y (OPBYX)	X												X								X											
4																																	
5																																	
6																																	
7																																	
8																																	
9																																	

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

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Do not complete Schedule B if you are a new entrant, nominee, or Vice Presidential or Presidential Candidate

Reporting Individual's Name: Brennan, John O.

SCHEDULE B

Part I: Transactions

Report any purchase, sale, or exchange by you, your spouse, or dependent children during the reporting period of any real property, stocks, bonds, commodity futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss.

Do not report a transaction involving property used solely as your personal residence, or a transaction solely between you, your spouse, or dependent child. Check the "Certificate of divestiture" block to indicate sales made pursuant to a certificate of divestiture from OGE.

None ☐

	Identification of Assets	Transaction Type (x): Purchase	Sale	Exchange	Date (Mo., Day, Yr.)	Amount of Transaction (x): $1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Certificate of divestiture
Example	Central Airlines Common	x			2/1/99			x									
1																	
2																	
3																	
4																	
5																	

*This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Part II: Gifts, Reimbursements, and Travel Expenses

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than $350 and (2) travel-related cash reimbursements received from one source totaling more than $350. For conflicts analysis, it is helpful to indicate a basis for receipt, such as personal friend, agency approval under 5 U.S.C. § 4111 or other statutory authority, etc. For travel-related gifts and reimbursements, include travel itinerary, dates, and the nature of expenses provided. Exclude anything given to you by the U.S. Government; given to your agency in connection with official travel; received from relatives; received by your spouse or dependent child totally independent of their relationship to you; or provided as personal hospitality at the donor's residence. Also, for purposes of aggregating gifts to determine the total value from one source, exclude items worth $140 or less. See instructions for other exclusions.

None ☐

	Source (Name and Address)	Brief Description	Value
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/99 (personal activity unrelated to duty)	$500
	Frank Jones, San Francisco, CA	Leather briefcase (personal friend)	$385
1			
2			
3			
4			
5			

OGE Form 278 (Rev. 12/2011)
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U.S. Office of Government Ethics

Reporting Individual's Name: Brennan, John O.

SCHEDULE C

Part I: Liabilities

Report liabilities over $10,000 owed to any one creditor at **any time** during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None ☐

	Creditors (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	$10,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000*
Examples	First District Bank, Washington, DC	Mortgage on rental property, Delaware	1991	8%	25 yrs.					X						
	John Jones, Washington, DC	Promissory note	1999	10%	on demand											
1	Northwest Federal Credit Union	Mortgage on personal residence (One-year ARM)	2004	2.875%	30 yr					X						
2	Northwest Federal Credit Union	Mortgage on personal residence	2006	6.625%	15 yr			X								
3																
4																
5																

*This category applies only if the liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements or Arrangements

Report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

None ☐

	Status and Terms of any Agreement or Arrangement	Parties	Date
Example	Pursuant to partnership agreement, will receive lump sum payment of capital account & partnership share calculated on service performed through 1/00.	Doe Jones & Smith, Hometown, State	7/85
1	Mr. Brennan has an agreement to continue to participate in Solera's 401(k) plan; neither Mr. Brennan nor his employer made any contributions or modifications to the plan since his employment terminated.	Solera Defense Solutions, Inc., Herndon, VA	11/05
2	All underlying assets are included on Schedule A.		
3			
4			
5			
6			

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Reporting Individual's Name	SCHEDULE D	Page Number
Brennan, John O.		8 of 8

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

None ☒

	Organization *(Name and Address)*	Type of Organization	Position Held	From *(Mo., Yr.)*	To *(Mo., Yr.)*
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/92	Present
	Doe Jones & Smith, Hometown, State	Law firm	Partner	7/85	1/00
1					
2					
3					
4					
5					
6					

Part II: Compensation in Excess of $5,000 Paid by One Source

Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate.

None ☒

	Source *(Name and Address)*	Brief Description of Duties
Examples	Doe Jones & Smith, Hometown, State	Legal services
	Metro University (client of Doe Jones & Smith), Moneytown, State	Legal services in connection with university construction
1		
2		
3		
4		
5		
6		

JAN 23 2013

The Honorable Stephen E. Preston
General Council
Designated Agency Ethics Official
Central Intelligence Agency
Washington, DC 20505

Dear Mr. Preston,

The purpose of this letter describes the steps I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Director, Central Intelligence Agency.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

My spouse owns the business, Wee Play LLC. I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of Wee Play LLC, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

I understand that as an appointee, I must continue to abide by the Ethics Pledge (Exec. Order No. 13490) that I previously signed and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this and any other ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with other ethics agreements of Presidential nominees who file public financial disclosure reports.

Sincerely,

[SIGNATURE]

John O. Brennan

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