

## Questions for Chairman Devin Nunes

Q: Why didn't you endorse the House Permanent Select Committee on Intelligence report on Benghazi in November? What were the report's flaws?

A: The main flaw is that conclusions were drawn without some key witnesses to the Benghazi attack being interviewed. This was pointed out by the Benghazi working group, which I served on for several months. Additionally, there really was no reason to release any report, since by that point the Benghazi Select Committee had been appointed, which is responsible for producing a final report.

Q: Do you believe that the investigation is now closed?

A: No -- it will be closed when the Select Committee led by Chairman [Trey] Gowdy concludes its investigation and issues its final report.

Q: How will your committee support Gowdy's investigation?

A: The Select Committee has been charged with conducting an independent and thorough investigation, and I have every confidence in its ability to do so.

Q: The FBI, according to the HPSCI report from November, suggests the attack on the U.S. mission and CIA base was ordered in advance. Do you have anything more you can say on that?

A: The administration's contention that the attack began as a spontaneous protest seemed unlikely from the beginning, given information coming from folks on the ground in Libya that some of the attackers were terrorists. I cannot comment on the FBI's suggestion -- these are the kinds of questions that the Select Committee should pursue as part of its investigation.

Q: Do you think [CIA Deputy Director] Mike Morrell misled the committee in his open and closed testimony during the Benghazi investigation? Do you feel satisfied that the CIA's activities in Benghazi have been properly briefed to lawmakers who should know? Do you think there is any evidence to support the reporting that the CIA was involved

in the acquisition or transfer of weapons out of Libya?

A: The day after the Benghazi assault, House Intelligence Committee Chairman [Mike] Rogers called it a "well-coordinated attack" that had "all the hallmarks of an al-Qaeda-style event." So if the chairman of our committee knew that immediately, how did the CIA deputy director not know it for weeks afterward -- which conveniently conformed with the Obama administration's claim at the time that the attack began as a spontaneous protest? As for whether Mike Morrell misled the committee, I'll leave it to the Select Committee to determine that.

Q: Do you think there is any evidence to support the reporting that the CIA was involved in the acquisition or transfer of weapons out of Libya?

A: I have seen no evidence to support such claims and cannot publicly comment on CIA programs or activities in any country, including Libya. The Congress will have a clearer picture regarding this matter once the Select Committee completes its review and issues its report.

Q: Are you satisfied with the CIA's explanations about their actions on the night of the attack?

A: I'm satisfied with the explanations we received from the CIA folks who were on the ground in Libya during the attack. I am not satisfied with what we've heard from CIA leadership at the time.

**Secrecy:**

Q: Your counterpart in the Senate, Richard Burr, has said if it were up to him there would be no open hearings of the Senate Intelligence Committee. Do you agree with him? Do you think the U.S. government today is protecting too many secrets?

A: While open hearings are useful for allowing the public to see how the committee operates, the vast majority of the Committee's business must remain classified in order to protect the national security of the U.S. while ensuring vigorous oversight of these sensitive programs and activities. The House Intelligence Committee under Chairman Rogers occasionally conducted open hearings -- I'd expect that pattern to continue when appropriate.

Q: In an interview in early 2014, [U.S. Director of National Intelligence] James Clapper said he thought it was a mistake that so much of the U.S. collection of telephone metadata was a state secret and suggested it would have been better if the outlines of this program were public knowledge. Do you agree?

A: No -- if we reveal the program, then it loses effectiveness because terrorists change their communications patterns to avoid it. I think a lot of public opposition to these programs is based on misunderstandings and misinformation about how they work. I wish more people understood that there is no mass program to record or listen to Americans' phone calls.

Q: Do you think there are other intelligence programs that should be shared with the public?

A: It's becoming increasingly difficult to gather intelligence due to the public revelations of critical activities and capabilities. Leaks of classified programs and activities into the public domain -- be it from Edward Snowden, unnamed officials leaking highly-classified programs and activities to the press, or WikiLeaks -- do tremendous damage to the ability of the intelligence community, law enforcement and the U.S. military to protect the homeland and U.S. interests around the world. So at a time when we need more intelligence to help counter pressing threats all over the globe, I don't think our top priority should be sharing our sources and methods for gathering that intelligence. Spies can't be effective spies if you tell everybody they're spies.

**Budget:**

Q: The Intelligence Committees do the most work behind the scenes overseeing the vast secret budgets for our 16 intelligence agencies. Do you think the current intelligence priorities today are right? What do you think should be a higher priority today than it is?

A: Threats are always evolving, so priorities are always changing. But there's a constant need for strong oversight. We have to ensure that the intelligence community is operating within all the requisite boundaries and that intelligence officers are receiving everything they need to

do their job. I believe it's particularly essential that elected officials support the NSA at a time of rapidly-evolving technological and cyber threats.

Q: Do you think the budget today is too big?

A: No.

Q: Can the small staffs of the Senate and House committees do the kind of oversight necessary to make sure the U.S. taxpayer is not fleeced?

A: The question is not whether taxpayers are being fleeced -- they're not -- but whether Congress is conducting proper oversight so that the executive and legislative branches know what the intelligence community is doing and know that it's meeting all constitutional requirements. That said, as in all government activities, there is always room for improvement.

Q: Are the current leaders of the intelligence community executing the right budget priorities for the intelligence community today?

A: As long as they're following Congress's budget, then we in Congress only have ourselves to blame if we don't like what they're doing.

**Senate Majority Report on CIA's Renditions, Interrogations and Detentions:**

Q: The president has said publicly, "We tortured some folks." Do you agree that the CIA tortured detainees?

A: No.

Q: Was it a mistake for the president to say the CIA tortured people?

A: Yes.

Q: Have you read the Senate's majority report?

A: I have not read the full 6,000-page confidential report, but I've read many sections of the executive summary. The report was highly partisan and cost the taxpayers tens of millions of dollars -- and to what end? The CIA's actions

were run through all the appropriate legal channels and fully briefed to the appropriate congressional officials at the time, and no one objected. So, for the Senate Intelligence Committee to come back years later to launch a partisan "investigation" to reach a pre-ordained conclusion concerning a program it already knew about, it seems to be a political exercise. The damage done by this report is potentially huge -- it sends a chilling message to our intelligence professionals who put their lives on the line doing what this country asked them to do to protect us in the horrible aftermath of 9/11. It also sends a dangerous message to our friends and allies that we cannot be trusted to honor our commitments to keep our cooperation a secret. In my judgment, the report weakens our national security.

Additionally, one thing that stuck out to me about this issue is that many public officials who denounce our interrogation techniques are more comfortable with either taking kinetic action to eliminate terrorists or trying them in U.S. courts -- both of which fail to give us the intelligence we often need. Personally, I would think it's often more useful to our national security to gather the intelligence from interrogations. The Senate report doesn't consider the full consequences of this tradeoff.

Q: Do you agree that the CIA deceived the oversight committees and the Justice Department?

A: No.

Q: Do you agree that the CIA did not obtain unique and valuable intelligence from their interrogations?

A: No.

Q: Would you rule out a similar program in the future?

A: It would be inappropriate to speculate on what any administration or Congress would determine in the future is lawful and necessary to protect the American people.

Q: According to the CIA and the report, 26 people who were interrogated in the agency's program were wrongfully detained. Should the U.S. government compensate them? Do they deserve to have their cases heard in open court?

A: While the Senate Democrats' report concluded that 26

were wrongfully detained, the CIA disputes that conclusion. Further, the ACLU and others have tried for years to get these cases brought in open U.S. court proceedings, which raises significant security concerns for the intelligence community. Those are issues for the courts to work out, but I hope that whatever happens, we do not jeopardize the lives of our intelligence personnel who acted in good faith to protect us after 9/11.

**NSA metadata collection:**

Q: In 2015, Congress will have a choice to reauthorize the Patriot Act provisions that let the NSA collect telephone metadata in bulk. Will you be making the case to your colleagues that these provisions need to be reauthorized?

A: Yes, these are key terrorist tracking programs that should be reauthorized.

Q: How will you make this argument?

A: We will continue briefing House members on how the programs work and answer all their questions. I'd also like to provide incoming freshmen members with top-secret briefings on this issue.

Q: What would you say to [Congressman] James Sensenbrenner, who has said publicly that the government's interpretation of this provision went beyond the intent of the legislation?

A: Jim is a friend, we've discussed these issues together, and I look forward to having further conversations with him.

Q: What do you think should be the path forward for reform of the Foreign Intelligence Surveillance Act Courts? Do you support consideration and passage of the FISA Court Reform Act of 2013? If not, do you have your own proposals for FISA reform?

A: I believe the FISA court system is working well and striking the right balance between protecting Americans' constitutional rights and allowing for effective intelligence operations to catch terrorists. So I don't think it needs reform at this time -- we don't want to further encumber intelligence and law enforcement

communities who already have a difficult task in tracking those who wish to attack Americans at home and abroad.

**Syria:**

Q: Has the intelligence community adequately warned President Obama and Congress about the conflict since 2011?

A: Without question, yes.

Q: Is this something your committee will examine?

A: There is no reason to examine it -- the executive and legislative branches were both warned that withdrawing U.S. troops from Iraq would create a security vacuum, and after the withdrawal they were apprised about the spread of radical Islamist fighters across Syria and Iraq.

Q: Do you think it's possible to train a viable and moderate Syrian opposition by the end of 2015?

A: That is a question that the Department of Defense is working through since the Congress authorized a DOD-led train and equip program as requested by the president. While over time it may be possible to train a small group of fighters, the question is: to what end?

As long as we have no clearly articulated, overarching strategic objective, it will be difficult to answer this question. Is the U.S.'s objective to overthrow the Assad regime? Is it to eliminate all terrorist elements inside Syria, not just ISIL, but other Islamic extremist groups such as the Nusra Front? Does the U.S.'s strategic interest match the objectives of the Syrian opposition, and if not, how do you reconcile those divergent interests? As we have seen for the last several years, the Syrian opposition is fractured and the most effective and dominant fighters are extremist groups -- not just ISIL but Nusra Front -- which represent fundamental threats to the U.S. We must be very careful to ensure that we do not empower those that wish to do us harm. And as we have seen in Libya, we have to ensure that a tactical victory -- the overthrow of Qaddafi -- doesn't create a larger strategic quagmire: ungoverned space where heavily-armed extremists and terrorists operate with impunity and threaten U.S. national security interests. Battle-hardened foreign jihadist fighters have moved from Libya, Pakistan, Afghanistan and

North Africa into Syria and Iraq to join the fight. Until a fundamental and coherent strategic policy has been agreed to and committed to by all parties, including our partners in the region and on the ground, it will be hard to achieve any success, including a tactical success.

This speaks to a broader question: What will the wider Middle East look like in the long-term future? That's hard to predict, but it's not difficult to foresee that the borders will never be the same. Complex forces are playing out right now in the region. You have an escalating war between Sunnis and Shiites, the spread of al-Qaeda, friction in places like Egypt between Islamic fundamentalists and others, the breakdown of Libya, Iran's attempts to get nuclear capabilities, Turkey's turn toward Islamism, the wholesale dispossession of Christian communities and other religious minorities, the Israeli-Palestinian conflict and growing terror threats across parts of Africa, among other problems.

How should we react to all this? A bedrock principle should be that we support our friends and allies who have proven that they will stand by us, that they're not radicals, and that they are open to Western ideals about the rule of law in the long run. Unfortunately, the Obama administration seems to have a different approach -- its policy can best be described as "strategic incoherence."

Q: The House Intelligence Committee is currently holding up the Obama administration's request for \$300 million for the secret program to arm the moderate rebels. This is separate and distinct from the new \$500 million train and equip program. Do you think the committee should allow the administration to use the funds? Will your committee examine what happened to the other U.S. program to train the Syrian opposition?

A: It would be inappropriate for me to comment.

#### **North Korea:**

Q: According to leaked documents from Edward Snowden, we spend the most resources on spying on North Korea and yet it remains the hardest intelligence target and probably the one country we know the least about. Is that still the case? Why do you think that is?

Are there reforms that you'd like to see that could fix this?

A: I wouldn't rely on Snowden's leaks or draw any conclusions from them. As for the general question of North Korea, some have underestimated Kim Jong Un -- when he took power, many observers wrote him off as a hapless fool who probably wouldn't be in charge for long. But I think he's proven as capable -- and potentially more dangerous -- than his father. Nuclear proliferation is the number one challenge we face from the North Korean regime. This is an issue where China could play a useful role, if it were interested in proving that it's a responsible power and wants good relations with us.

**Al-Qaeda:**

Q: Do you believe al-Qaeda's central leadership is on the run, in hiding and lacks the capability to plan mass casualty attacks today? What is the relationship between al-Qaeda central leaders and its affiliates?

A: The Obama administration's emphasis on "core al-Qaeda" misrepresents the threats we now face. The relationship between al-Qaeda core and the affiliates continues to evolve and change. There are threats from many of these al-Qaeda-affiliated groups across the world and from other radical Islamist organizations. So we can't focus on eliminating al-Qaeda leaders in Pakistan and Afghanistan while ignoring the spread of Islamic extremists elsewhere -- that's not a winning strategy. The overemphasis by the administration on our successes against "core al-Qaeda" gives the American public the impression that we are somehow safer today than we were after 9/11. That is simply not the case.

Q: Do you think analysts who said al-Qaeda's central leadership was still a threat in 2012 and 2013 were pressured to change their view? Is this something your committee will examine?

A: The overemphasis on al-Qaeda's central leadership fails to recognize that the threat has changed and grown. The war against radical Islamic jihadists, including al-Qaeda affiliates, is a multi-generational war. The only people I know who said that the al-Qaeda threat was diminishing were politicians -- or those appointed by politicians -- who

don't understand that a war isn't over until both sides agree it's over, or until one side loses the will or ability to continue fighting.

Q: Do you think the remaining detainees at Guantanamo can be safely transferred to third countries? Could they serve their time in U.S. facilities? What is your view of President Obama's push in his remaining two years to close down the prison?

A: I adamantly oppose the transfer of these prisoners. There is little doubt that many of them will immediately reengage in terrorism. Guantanamo Bay is the most suitable facility for holding them.

**Iran:**

Q: Does the U.S. intelligence community have the wherewithal and resources to detect an Iranian break out or sneak out, meaning a decision to crash on producing a nuclear weapon?

A: The Iranian nuclear program remains a top priority for the U.S. government.

Q: Are you satisfied that we know what we need to know about Iran's nuclear program?

A: I don't think anyone in the intelligence business would ever say we know all we need to know about any topic, particularly one as important as this.

Q: Do you agree with the 2007 National Intelligence Estimate that Iran had suspended its weaponization program in 2003? Should this NIE be updated?

A: It's been seven years since that NIE was published, so I think its controversial conclusions aren't relevant anymore. The major focus for the Congress is the current talks with Iran. Not many members of Congress believe Iran is negotiating in good faith over its nuclear program, so we don't have high hopes for the current talks. The Obama administration has relied on rhetoric and platitudes, not concrete evidence that the Mullahs are changing what they're doing or are even willing to change. This is another example of strategic incoherence. Negotiations should focus on how we verify that the Iranians have shut

down their nuclear program *in its entirety* -- we can't let them keep limited capabilities that could allow a quick breakout.

### **Cyber:**

Q: Are the NSA and other U.S. agencies doing all they can to prevent massive cyberattacks against government systems? What about private industry and other parts of our economy? What kind of changes do you support if you think the government is hamstrung?

A: The Intelligence Committee under Chairman Rogers and Ranking Member [Dutch] Ruppertsberger deserves a lot of credit for being ahead of the curve on cyber-threats. Unfortunately, Congress has not yet approved their bill on information sharing. The pace of cyberattacks is increasing, and failure to stop the perpetrators could lead to massive economic problems as well as national security challenges.

### **Leaks:**

Q: Do you support the Obama administration's prosecution of James Risen's sources? Do you think this administration has gone too far in its prosecution of government leakers to media outlets? Has it gone far enough?

A: The government needs to aggressively prosecute leakers - - these leaks jeopardize our national security, international alliances and the lives of our intelligence professionals. However, freedom of the press is sacrosanct, and the government should not be going after the press itself.

Q: Do you expect more mega-leaks, such as Edward Snowden and Chelsea Manning? Can the U.S. intelligence community prevent such leaks?

A: Leaks by Snowden and Manning were largely the result of breakdowns in the processes and procedures to secure classified information. Security protocols have been implemented to protect against similar breakdowns in the future. While you can never prevent all leaks, we have to remain vigilant by constantly adapting security protocols and vigorously prosecuting leakers in order to deter others.

Q: What is the impact of the mega-leaks on U.S. relationships with foreign intelligence and security services? Can our allies trust America to keep its secrets?

A: The leaks made it much more difficult for allies to trust us and to cooperate with us in gathering intelligence, particularly with respect to tracking down terrorists.

Q: Do you believe Edward Snowden acted alone? Do you think he had worked with, or is currently working with, foreign intelligence agencies?

A: I'll leave it to the FBI and the intelligence community to make a judgment on that.

### **Encryption:**

Q: The FBI director and other senior national law enforcement officials have publicly warned that encryption and other kinds of technology like Tor are enabling cyber crime. Do you agree? Do you think it was a mistake in 2009 and 2010 for the State Department and the Broadcasting Board of Governors to offer grants to make this kind of technology available to civil society leaders in countries that monitor and restrict the Internet like Iran and China?

A: Dramatic changes in electronic communications technology over the last 30 years -- starting with the switch from analog to digital telephony in the early 1990s and the advent of the Internet to encryption and other technologies today -- present significant challenges to federal law enforcement. My friend Chairman [Bob] Goodlatte and the Judiciary Committee really have the lead on these types of issues, so I would defer to them on assessing the impact these technologies are having on the FBI and law enforcement. In terms of State Department activities, I really am not in a position to make a judgment on their activities.

### **Russia:**

Q: Did the U.S. intelligence community blow it in February with regard to Russia's stealth invasion of Crimea and the rest of Ukraine? Are there significant gaps in how the U.S. intelligence community understands Vladimir Putin as a

leader? Has Russia been a high enough priority for U.S. intelligence in recent years?

A: There is plenty of blame to go around all levels of the government, myself included, in terms of underestimating Putin. We should have taken him seriously when he referred to the breakup of the Soviet Union as the greatest geopolitical catastrophe of the 20th century, and we should have understood that his intervention in Georgia was a precursor of a wider expansionist effort. At this point, we need to ensure we do everything we can to protect Ukraine, the Baltics, Poland and other former Soviet and Eastern Bloc nations that are threatened by the Kremlin.

Q: Should the U.S. military and/or CIA disclose to the public the numbers of civilians who are killed in drone strikes? If so, why? If not, why not? Do you think drone strikes have prevented terrorist attacks?

A: The U.S. has taken many terrorists off the battlefield through kinetic action in Afghanistan and previously in Iraq. But the question needs to be continuously asked: Is it more useful to kill terrorists or to capture and interrogate them to get information on their operations and networks?

#### **Pakistan:**

Q: Is Pakistan an ally in the fight against Jihadist terrorism?

A: After the 9/11 attacks, we should have brought the fight against al-Qaeda into the Pakistani tribal areas, recognizing that the Pakistanis are neither willing nor able to eradicate al-Qaeda there. I have a problem putting our military in harm's way and sending our men and women out to fight terrorists if we're not willing to track down the terrorists no matter where they're hiding. It's hard to win a war when we respect a phony line in the sand that our enemies can hide behind. That's been happening for 13 years.

#### **Committee issues:**

Q: Mike Rogers, your predecessor, has been praised for his bipartisan approach to intelligence oversight. Do you expect the same kind of relationship with your Democratic

counterpart?

A: Chairman Rogers was an excellent committee leader, and I will continue to look to him for advice. Under his leadership, the Intelligence Committee had excellent bipartisan cooperation, and that tradition needs to continue.

Q: Will you be appearing on television as often as Rogers? If not, why not?

A: No -- he's much better looking and more telegenic than I am.

Q: What are your priorities for this Congress in terms of oversight? What will you tackle first? What will be the legislation you will push? What hearings are you planning for your first months on the job? How will the focus of the committee change on your watch?

A: I'm breaking down the committee into four subcommittees -- CIA, NSA/cyber, defense and national programs. My goal is to get both Republican and Democratic members deeply involved in the committee and to give them every opportunity to do meaningful oversight work and to become experts in specific areas. Our immediate priorities will be analyzing the president's budget, crafting the intelligence authorization bill and working with other committees to reauthorize FISA and the Patriot Act. In the short-term, we'll be focusing on conducting oversight of President Obama's policies and his plans for the intelligence community. In the long-term, we'll focus on meeting the evolving needs of the intelligence community and on maintaining the strongest, most advanced intelligence services in the world.

## **France**

Q: What do we know thus far about the attack on Charlie Hebdo? Who do we think is responsible? What kinds of steps can western countries take to prevent its radicalized nationals from taking such actions? Were there clues French authorities missed that may have prevented the attack?

A: A lot of the details about the attackers, their backgrounds, their affiliations, and any possible missed cues are still unknown. It is clear they are Islamist

terrorists, and we should not hesitate to call them by that name. These sorts of terror attacks are a major threat to the West, heightened by those with Western passports returning home after fighting in Syria. We need to maintain close cooperation among international intelligence agencies to combat the threat, and we have to ensure we have all the necessary tools to monitor and track these individuals wherever they are.