

**OPEN HEARING ON THE NOMINATION OF
JOHN O. BRENNAN
TO BE
DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY**

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Thursday, February 7, 2013

**United States Senate
Select Committee on Intelligence
Washington, D.C.**

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.

MEMBERS PRESENT:

Senators Feinstein, Chambliss, Rockefeller, Burr, Wyden, Risch, Mikulski, Coats, Udall, Rubio, Warner, Collins, Heinrich, King, & Levin

1 the moment, but will be, who is returning to the Committee. And we have a
2 new Ex-Officio Member, Senator Inhofe. So, welcome to all of you.

3 The Director of the CIA is among the most critical national security
4 positions in the United States Government, both because of the role the CIA
5 plays in collecting and analyzing intelligence relevant to every national
6 security challenge we face, and because of the added importance of having
7 steady leadership at an organization that conducts most of its business
8 outside of the public arena.

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

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

21 Mr. Brennan is, without a doubt, qualified for this position. He served

1 at the CIA for 25 years in analytic, operational, and managerial capacities.
2 He has seen the Agency from just about every angle -- as a line analyst, as
3 Chief of Station, as Chief of Staff to the Director, and as the Deputy
4 Executive Director -- among many others.

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

10 **CHAIRMAN FEINSTEIN:** So, with that, with unanimous consent, I would
11 like to insert into the record the letters the Committee has received in regard
12 to Mr. Brennan's nomination.

13 *(Whereupon, letters received by the Committee regarding the*
14 *nomination of Mr. Brennan, were submitted for the record. Copies of*
15 *the letters follow.)*

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

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

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

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

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

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

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

17 This Committee will continue to perform significant oversight of
18 targeted strikes. We received, this morning, an Office of Legal Counsel
19 opinion on the topic. Actually, we received a short one and a long one. And
20 while I was there, I was delighted to see Senator Wyden reading, Senator
21 King in the room, and Senator Udall came in the room. And I'm hopeful that

1 every Member will avail of themselves of this opportunity to review those
2 OLC opinions.

3 I also intend to review proposals for legislation to ensure that drone
4 strikes are carried out in a manner consistent with our values, and the
5 proposal to create an analogue of the Foreign Intelligence Surveillance Court
6 to review the conduct of such strikes.

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

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

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

19 Finally, before turning to the Vice Chairman, I'd like to conclude my
20 remarks the same way I did at the confirmation for General Petraeus. Again
21 this time, the transition between CIA directors has been managed by Acting

1 Director Michael Morell. I'd like to thank Mr. Morell for keeping the Agency
2 on firm footing and for his agreement to remain as Deputy Director after the
3 confirmation process. He continues to be a top notch CIA officer, a friend of
4 the Committee, and I'm sure he will be an excellent deputy, Mr. Brennan.

5 Mr. Vice Chairman, please proceed.

6 **VICE CHAIRMAN CHAMBLISS:** Thank you very much, Madam Chair.

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

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

20 Mr. Brennan, if confirmed as the next Director, it will be your
21 responsibility to lead the CIA as our nation continues to face significant

1 national security challenges. While we've heard a lot in recent months about
2 al-Qa'ida being decimated and on the run, it is by no means destroyed, and
3 the threat of terrorism from its affiliates, especially in Yemen and North
4 Africa, remains very real.

5 Just in the past few months, terrorist attacks in Algeria and Benghazi
6 have claimed American lives, so it is clear that our vigilance must not waver.
7 At the same time, our attention focused beyond these threats posed by al-
8 Qa'ida and other terrorist organizations, from Iran to North Korea to
9 Venezuela. From nuclear proliferation, to cyber intrusions, to
10 counterintelligence, the challenges are constant and immense, and the CIA is
11 at the point of the spear.

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

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

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

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

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

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

1 Thanks, Madam Chair.

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

5 **SENATOR WARNER:** Thank you, Chairman Feinstein, Vice Chairman
6 Chambliss, and colleagues. It's my honor to introduce John Brennan as the
7 President's nominee to be the next Director of the Central Intelligence
8 Agency.

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

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

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

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

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

18 As the President said, the imperative to secure the nation must not
19 come at the sacrifice of our laws or ideals. This needs never be an *either/or*
20 choice. We can protect the nation and stay true to our principles. As has
21 been raised by the Chair and the Vice Chair, I think it is also important -- and

1 these are questions that I'll be asking, as well -- to ensure that while we look
2 at the programs of the CIA, that these programs' effectiveness be measured
3 objectively and not simply by those who are charged with implementing
4 them.

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

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

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

13 "I, John Brennan, do solemnly swear --"

14 **MR. BRENNAN:** I, John Brennan, do solemnly swear --

15 **CHAIRMAN FEINSTEIN:** "-- that I will give this Committee the truth, the
16 full truth, and nothing but the truth, so help me God."

17 **MR. BRENNAN:** -- that I will give this Committee the truth, the full
18 truth, and nothing but the truth, so help me God.

19 **CHAIRMAN FEINSTEIN:** Thank you very much. And we look forward to
20 hearing your testimony.

21 *(The prepared Statement for the Record of Mr. Brennan follows.)*

1 **STATEMENT BY JOHN O. BRENNAN,**
2 **NOMINEE FOR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY**

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4 **MR. BRENNAN:** Chairman Feinstein, Vice Chairman Chambliss,
5 Members of the Committee, I am honored to appear before you today as the
6 President's nominee --

7 *(Disruption by a protestor in the audience.)*

8 **CHAIRMAN FEINSTEIN:** Would you hold, please?

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

10 *(Protest continues.)*

11 **CHAIRMAN FEINSTEIN:** Please remove --

12 *(Protestor is removed from the Hearing Room.)*

13 **CHAIRMAN FEINSTEIN:** I'm going to say, once again, that we welcome
14 everyone here, that we expect no clapping, we expect no hissing, we expect
15 no demonstration in this room. This is a very serious hearing. I will stop the
16 hearing and I will ask the room to be cleared. So, know that.

17 Please continue, Mr. Brennan.

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

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

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

9 *(Disruption by another protestor in the audience.)*

10 **MR. BRENNAN:** -- has made numerous sacrifices over the years.

11 **CHAIRMAN FEINSTEIN:** Would you -- would you pause, Mr. Brennan?

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

13 Thank you.

14 *(Protestor is removed from the Hearing Room.)*

15 **CHAIRMAN FEINSTEIN:** Mr. Brennan, please proceed.

16 **MR. BRENNAN:** -- my wife, Kathy, who, like the spouses of many other
17 public servants and intelligence professionals, has made numerous sacrifices
18 over the years, bearing the brunt of family responsibilities because of my
19 chosen profession.

20 Similarly, I would like to pay tribute to my three children, who, like the
21 children of many CIA officers and other national security professionals, have

1 had to deal with the disappointments associated with an absentee parent far
2 more often than they should.

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

5 *(Disruption by another protestor in the audience.)*

6 **CHAIRMAN FEINSTEIN:** All right, we will stop again.

7 **CHAIRMAN FEINSTEIN:** Please remove that woman.

8 *(Protest continues.)*

9 **CHAIRMAN FEINSTEIN:** If you could please expedite the removal --

10 *(Protest continues.)*

11 *(Protestor is removed from the Hearing Room.)*

12 **CHAIRMAN FEINSTEIN:** Please proceed, Mr. Brennan. The next time,
13 we're going to clear the chamber and bring people back in one by one. This
14 witness is entitled to be heard, ladies and gentlemen. So please give him
15 that opportunity.

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

19 *(Disruption by another protestor in the audience.)*

20 **CHAIRMAN FEINSTEIN:** All right, I'm going to ask -- we're going to halt
21 the hearing. I'm going to ask that the room be cleared and that the

1 CODEPINK associates not be permitted to come back in. We've done this five
2 times now, and five times are enough. So, we will recess for a few minutes.

3 *(Protest continues.)*

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

7 *(Whereupon, the Committee recessed briefly.)*

8 **CHAIRMAN FEINSTEIN:** Okay, we will reconvene the hearing. If the
9 press would please take their places --

10 Mr. Brennan, please proceed.

11 **MR. BRENNAN:** Thank you, Chairman Feinstein.

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

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

20 I want to express my admiration for my close friend and colleague,
21 Michael Morell, who has twice guided the CIA as Acting Director with a

1 steady hand, integrity, and exceptional skill. If confirmed, it would be a
2 distinct privilege for me to work side by side with Michael -- my friend, and
3 the epitome of an intelligent professional -- in the months and years ahead.

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

7 As the President's principal intelligence advisor and the head of the
8 Intelligence Community, Jim is a person of longstanding and deep
9 experience and integrity. He and I share identical views on the role of
10 intelligence and the importance of giving current and future generations of
11 intelligence professionals the support they need and that they so richly
12 deserve.

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

19 When I joined the CIA in August 1980, world events were unsettled.
20 Our Embassy in Tehran had been overrun the year before, and 52 Americans
21 were still being held hostage by a radical new government in Iran. The

1 Soviet invasion of Afghanistan was less than a year old, and the next decade
2 would witness the slow but steady crumbling of the Soviet Union. Nuclear
3 proliferation and the spread of weapons of mass destruction were a constant
4 concern. And U.S. officials were hard at work around the globe, trying to
5 prevent regional tensions and animosities from turning into full-scale wars.

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

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

18 And throughout my career, I had the great fortune to experience first-
19 hand, as well as witness, what it means to be a CIA officer: such as an
20 analyst, who has the daunting task and tremendous responsibility to take
21 incomplete and frequently contradictory information and advise the senior-

1 most policy-makers of our government about foreign political, military, and
2 economic developments.

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

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

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

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

1 they were innumerable.

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

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

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

1 in the coming years.

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

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

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

21 If I am confirmed, one of my highest priorities would be the

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

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

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

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

1 regard to partisanship. If confirmed, I would endeavor to keep this
2 Committee fully and currently informed, not only because it is required by
3 law, but because you can neither perform your oversight function nor
4 support the mission of the CIA if you are kept in the dark.

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

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

18 I have a reputation for speaking my mind, and, at times, doing so in a
19 rather direct manner, which some attribute to my New Jersey roots. I like to
20 think that my candor and bluntness will reassure you that you will get
21 straight answers from me -- maybe not always the ones you like, but you will

1 get answers, and they will reflect my honest views. That's the commitment I
2 made to you.

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

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

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

20 Chairman, Vice Chairman, and Members of the Committee, as you well
21 know, when you arrive at CIA Headquarters in Langley and enter the main

1 lobby, you immediately see the marble Memorial Wall. On it are stars -- each
2 one representing a Member of the CIA family who gave his or her life in the
3 service of this nation. Today, there are 103 stars on that wall.

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

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

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

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

17 **CHAIRMAN FEINSTEIN:** Thank you very much, Mr. Brennan.

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

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

1 **MR. BRENNAN:** Yes.

2 **CHAIRMAN FEINSTEIN:** Do you agree to send officials from the CIA
3 and designated staff when invited?

4 **MR. BRENNAN:** Yes.

5 **CHAIRMAN FEINSTEIN:** Do you agree to provide documents or any
6 other materials requested by the Committee in order for it to carry out its
7 oversight and legislative responsibilities?

8 **MR. BRENNAN:** Yes; all documents that come under my authority as
9 Director of CIA, I absolutely would.

10 **CHAIRMAN FEINSTEIN:** We'll talk to you more about that in a minute.

11 **MR. BRENNAN:** Yes, Senator.

12 **CHAIRMAN FEINSTEIN:** Will you ensure that the CIA and its officials
13 provide such material to the Committee when requested?

14 **MR. BRENNAN:** Yes.

15 **CHAIRMAN FEINSTEIN:** Do you agree to inform and fully brief, to the
16 fullest extent possible, *all* Members of this Committee, of intelligence
17 activities and covert actions, rather than only the Chairman and Vice
18 Chairman?

19 **MR. BRENNAN:** Yes, I will endeavor to do that.

20 **CHAIRMAN FEINSTEIN:** Thank you. Now, let me -- we are now going
21 to go into eight-minute rounds. And we'll do it by seniority, and alternate

1 from side to side.

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

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

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

17 **MR. BRENNAN:** The National Security Act, as amended, requires that
18 the heads of intelligence agencies provide the Committee with the
19 appropriate legal documentation to support covert actions. I would certainly
20 be an advocate of making sure that this Committee has the documentation it
21 needs in order to perform its oversight functions. I have been an advocate

1 of that position; I will continue to be.

2 **CHAIRMAN FEINSTEIN:** I take that as a yes, and I'm counting on you to
3 provide eight OLC opinions.

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

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

11 **MR. BRENNAN:** Senator -- Chairman, I understand fully your interest in
12 having your staff have access to this documentation; fully understandable.
13 The reason for providing information just to Committee Members at times is
14 to ensure that it is kept in a limited basis.

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

20 **CHAIRMAN FEINSTEIN:** If you would relay the request, officially --

21 **MR. BRENNAN:** Absolutely.

1 **CHAIRMAN FEINSTEIN:** -- we'd appreciate it very much.

2 **MR. BRENNAN:** Absolutely; I will.

3 **CHAIRMAN FEINSTEIN:** Second thing: when I spoke with you in my
4 office, we talked about our report on detention and interrogation -- the
5 6,000-page report you mentioned. I asked you if you would please read it;
6 you said you would -- you said you would, for *sure*, read the 300-page
7 summary. Have you done so?

8 **MR. BRENNAN:** Yes, Chairman, I have read the first volume, which is
9 300 pages.

10 **CHAIRMAN FEINSTEIN:** Then, let me ask you this question: were the
11 EITs key to the takedown of Osama bin Laden?

12 **MR. BRENNAN:** Chairman, the report right now still remains classified.
13 And the report has been provided to the Agency and Executive Branch for
14 comments.

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

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

1 I am eager to see the Agency's response to that report. I read those
2 300 pages; I look forward, if confirmed, to reading the entire 6,000-page
3 volume, because it is of such gravity and importance.

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

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

11 **CHAIRMAN FEINSTEIN:** Well, thank you. You will have that
12 opportunity, I assure you.

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

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

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

6 The different parts of the government that are involved in this process
7 are involved in the interagency, and my role as the President's
8 counterterrorism advisor was to help to orchestrate this effort over the past
9 four years to ensure, again, that any actions we take fully comport with our
10 law and meet the standards that I think this Committee and the American
11 people expect of us, as far as taking actions we need to protect the
12 American people, but at the same time ensuring that we do everything
13 possible before we need to resort to lethal force.

14 **CHAIRMAN FEINSTEIN:** Thank you.

15 Mr. Vice Chairman?

16 **VICE CHAIRMAN CHAMBLISS:** Thanks very much, Madam Chair.

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

20 The former head of CIA's bin Laden Unit told staff that you convinced
21 Director Tenet to cancel that operation. He says that following a meeting

1 you had in Riyadh with Director Tenet, the bin Laden Unit Chief, and others,
2 that you cabled National Security Advisor Sandy Berger, saying the operation
3 should be canceled in favor of a different approach, described by the 9/11
4 Commission as "an all-out secret effort to persuade the Taliban to expel bin
5 Laden."

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

10 **MR. BRENNAN:** I had conversation with George Tenet at the time. But I
11 must point out, Senator, that every single CIA manager -- George Tenet, his
12 deputy, the head of the Director of Operations at the time, and other
13 individuals -- the Chief of the Counterterrorism Center -- argued against that
14 operation, as well, because it was not well grounded in intelligence and its
15 chances of success were minimal. And it was likely that other individuals
16 were going to be killed.

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

1 **VICE CHAIRMAN CHAMBLISS:** So, I'm taking it that your answer to my
2 question is you did advise against -- in favor of the cancellation of that
3 operation?

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

6 **VICE CHAIRMAN CHAMBLISS:** The 9/11 Commission reported that no
7 capture plan before 9/11 ever again attained the same level of detail and
8 preparation; do you have any second thoughts about your recommendation
9 to the Director to cancel that operation?

10 **MR. BRENNAN:** Senator, I have no second thoughts whatsoever about
11 my advice, which was to look carefully at this operation because the chances
12 of success were minimal. I was not in the chain of command at that time. I
13 was serving abroad as Chief of Station.

14 **VICE CHAIRMAN CHAMBLISS:** As Deputy Executive Director, you
15 received the daily updates from the time of Abu Zubaydah's capture
16 throughout his interrogation, including the analysis of the lawfulness of the
17 techniques, putting you in a position to express any concerns you had about
18 the program before any of the most controversial techniques, including
19 waterboarding, were ever used.

20 Now, we found a minimum of 50 memos in the documents within the
21 6,000 pages, on which you were copied. What steps did you take to stop the

1 CIA from moving to these techniques you now say you found objectionable
2 at the time?

3 **MR. BRENNAN:** I did not take steps to stop the CIA's use of those
4 techniques. I was not in the chain of command of that program. I served as
5 Deputy Executive Director at the time. I had responsibility for overseeing the
6 management of the Agency and all of its various functions. And I was aware
7 of the program; I was cc'd on some of those documents, but I had no
8 oversight of it. I wasn't involved in its creation.

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

15 **VICE CHAIRMAN CHAMBLISS:** Now, you say you expressed your
16 objection to other colleagues; did you ever express any concern to Director
17 Tenet, to John McLaughlin, Executive Director Krongard, or any other of the
18 CIA leaders?

19 **MR. BRENNAN:** I had a number of conversations with my Agency
20 colleagues on a broad range of issues during that period of time -- not just
21 on this program, but other ones. We would have personal conversations on

1 that.

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

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

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

20 But I was not involved in the establishment of that program. Again, I
21 had awareness that the Agency was being asked to do this; I had awareness

1 that the Agency was going forward on it. I had some visibility into some of
2 the activities there, but I was not part of any type of management structure
3 or aware of most of the details.

4 **VICE CHAIRMAN CHAMBLISS:** That being the case, why would you be
5 the recipient of a minimum of 50 e-mails, Mr. Brennan, on the progress of
6 the interrogation of Abu Zubaydah, including the techniques used in that
7 interrogation?

8 **MR. BRENNAN:** Senator, that was probably a standard e-mail
9 distribution. I was on thousands upon thousands of e-mail distributions, as
10 Deputy Executive Director. I think I was just cc'd on them; I wasn't an action
11 officer on it. I know of no action I took at the Agency that in any way
12 authorized or reprogrammed funds, or anything along those lines.

13 **VICE CHAIRMAN CHAMBLISS:** Executive Director Krongard is said to
14 have been an advocate of using SERE techniques. Did he discuss with you a
15 proposal to move to SERE techniques with Abu Zubaydah; and if so, did you
16 raise any objection?

17 **MR. BRENNAN:** I don't recall a conversation with Mr. Krongard about
18 that particular issue.

19 **VICE CHAIRMAN CHAMBLISS:** When you reviewed the intelligence that
20 the CIA was getting on Abu Zubaydah *after* the use of EITs, did you think the
21 information was valuable?

1 **MR. BRENNAN:** The reports that I was getting subsequent to that, and
2 in the years after that, it was clearly my impression that there was valuable
3 information that was coming out.

4 **VICE CHAIRMAN CHAMBLISS:** In a November 2007 interview, you said
5 that information from the interrogation techniques, quote, "saved lives." But
6 you also say that CIA should be out of the detention business.

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

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

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

21 I clearly had the impression, as you said, when I was quoted in 2007,

1 that there was valuable intelligence that came out from those interrogation
2 sessions. That's why I did say that they save lives. I must tell you, Senator,
3 that reading this report from the Committee raises serious questions about
4 the information that I was given at the time, and the impression I had at the
5 time.

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

9 **VICE CHAIRMAN CHAMBLISS:** How many high value targets have been
10 captured during your service with the administration?

11 **MR. BRENNAN:** There have been a number of individuals who have
12 been captured, arrested, detained, interrogated, debriefed, and put away by
13 our partners overseas, which is -- we have given them the capacity now, we
14 have provided them the intelligence. And, unlike in the immediate aftermath
15 of 9/11 when a lot of these countries were both unwilling and unable to do
16 it, we have given them that opportunity. And so, that's where we're working
17 with our partners.

18 **VICE CHAIRMAN CHAMBLISS:** How many high-value targets have been
19 arrested and detained, and interrogated by the United States, during *your*
20 four years with the administration?

21 **MR. BRENNAN:** I'll be happy to get that information to you, in terms of

1 those high-value targets that have been captured with U.S. intelligence
2 support.

3 **VICE CHAIRMAN CHAMBLISS:** I submit to you the answer to that is
4 *one*. And it's Warsame, who was put on a ship for 60 days and interrogated.
5 Thank you.

6 **CHAIRMAN FEINSTEIN:** Thank you very much, Mr. Vice Chairman.

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

9 Senator Rockefeller?

10 **SENATOR ROCKEFELLER:** Thank you, Madam Chair.

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

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

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

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

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

16 Staff were a part of *nothing*. You have to understand that you're
17 surrounded by people who work with you and fill you in -- people who are
18 experts. We are, too. But they've got to be part of this. They've got to be
19 part of -- when the OLC comes, it should come to them, also. I strongly
20 support the Chairwoman's view on that.

21 Now, in the enhanced interrogation techniques matter, a handful of

1 former senior CIA officials who were personally invested -- and *are*
2 personally invested -- in defending the CIA's detention and interrogation
3 program, largely because their professional reputations depend on it,
4 depend on it.

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

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

21 And yet, nobody would talk with us about that. We had to get that

1 information on our own. It's a magnificent piece of work, and I think it's a
2 piece of history; it'll go down in history because it will define the separation
3 of powers as between the intelligence committees of the House and Senate,
4 and the Agency and others that relate to it.

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

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

1 It was a low point in our history. And this document, this book, should
2 change that forever. I would hope very much that you would, if you are
3 confirmed, which I hope you will be, that you will make parts of this at your
4 discretion, required reading for your senior personnel so they can go
5 through the same experience that you went through. Are you willing to do
6 that?

7 **MR. BRENNAN:** Yes, Senator. I am looking forward to taking
8 advantage of whatever lessons come out of this chapter in our history and
9 this Committee's report.

10 **SENATOR ROCKEFELLER:** How do you cross-reference --
11 -- and tell me when I'm out of time.

12 **CHAIRMAN FEINSTEIN:** Eight seconds. No -- a *minute* and eight
13 seconds.

14 **SENATOR ROCKEFELLER:** A minute and eight seconds, yes.

15 **CHAIRMAN FEINSTEIN:** Right -- a long time.

16 **SENATOR ROCKEFELLER:** The cross-referencing of the EIT disaster
17 and the future of the drone, and the decisions that -- only the President, of
18 course, can authorize that -- but the decision sometimes is passed down,
19 and it has to be passed down in a very accurate manner. And there have to
20 be a protocol, which is exact -- more exact, even, than the interrogation
21 techniques, because I think that's probably been put to bed just a bit; it's

1 beginning to get straightened out.

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

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

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

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

1 to the Agency.

2 **SENATOR ROCKEFELLER:** I thank you. Thank you, Chair.

3 **CHAIRMAN FEINSTEIN:** Thank you, Senator Rockefeller.

4 Senator Burr?

5 **SENATOR BURR:** Thank you, Chair.

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

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

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

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

20 I just can't make a commitment to that. But your intention, and what I
21 think your objective is, I fully support, in terms of making sure this

1 Committee has the breadth of analytic expertise available from the Agency.

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

6 **MR. BRENNAN:** Senator, I would give every request from this
7 Committee for access to that information full consideration. That's my
8 commitment to you.

9 **SENATOR BURR:** Do you agree that it's a function of this Committee's
10 oversight that occasionally we would need to look at it?

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

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

21 **MR. BRENNAN:** I can commit to you, Senator, that I would do

1 everything in my ability and my authority to be able to reach an
2 accommodation with this Committee that requests documents, because an
3 impasse between the Executive Branch and the Legislative Branch on issues
4 of such importance is not in the interest of the United States Government.
5 And so, it would be my objective to see if we could meet those interests.

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

10 **SENATOR BURR:** They also gave us the “power of the purse.”

11 **MR. BRENNAN:** They certainly did, Senator; I’m fully aware of that.

12 **SENATOR BURR:** I would suggest that that's the only tool, and it's one
13 we hate to use.

14 **MR. BRENNAN:** Yes.

15 **SENATOR BURR:** Do you think that there's any situation where it's
16 legal to disclose to the media, or to the public, details of covert action
17 programs?

18 **MR. BRENNAN:** I do not think it is ever appropriate to improperly
19 disclose classified information to anybody who does not have legitimate
20 access to it and has the clearances for it.

21 **SENATOR BURR:** Let me clarify. I didn't ask for classified information.

1 I specifically said "covert action programs."

2 **MR. BRENNAN:** By definition, covert action programs are classified,
3 Senator.

4 **SENATOR BURR:** I realize that.

5 **MR. BRENNAN:** Right. So, I do not believe it is appropriate to
6 improperly disclose any of those details related to covert action programs.

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

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

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

21 **SENATOR BURR:** Have any of your conversations with those reporters

1 or media consultants about intelligence matters been recorded, or were
2 there transcriptions of it?

3 **MR. BRENNAN:** I believe there have been. I've been on news network
4 shows, and I have been, you know, engaged in conversations on the
5 telephone and other things that I presume -- and I know -- that they have
6 been recorded on occasion.

7 **SENATOR BURR:** Have you specifically asked for them not to be
8 recorded?

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

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

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

19 **MR. BRENNAN:** I think what you're referring to, Senator, is when I had
20 a teleconference with some individuals, former government officials from
21 previous administrations, who were going to be out on talk shows on the

1 night that an IED was intercepted.

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

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

11 **SENATOR BURR:** Did you think that that comment actually exposed
12 sources or methods?

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

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

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

4 **MR. BRENNAN:** No, I did not, Senator.

5 **SENATOR BURR:** Then, do you know *who* disclosed information that
6 prompted the Secretary of Defense, Robert Gates, to advise the White House
7 to tell people to shut up?

8 **MR. BRENNAN:** You would have to ask Senator Gates what he was
9 referring to at that time, because I don't know.

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

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

21 **MR. BRENNAN:** Thank you, Senator.

1 **CHAIRMAN FEINSTEIN:** Thank you very much, Senator.

2 Senator Wyden?

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

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

9 Taking the fight to al-Qa'ida is something every Member of this
10 Committee feels strongly about. It's the idea of giving any president
11 unfettered power to kill an American without checks and balances that's so
12 troubling. Every American has the right to know when their government
13 believes it's allowed to kill them.

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

18 So it was encouraging last night when the President called and
19 indicated that, effective immediately, he would release the documents
20 necessary for Senators to understand the full legal analysis of the President's
21 authority to conduct the targeted killing of an American. What the President

1 said is a good first step towards ensuring the openness and accountability
2 that's important, and you heard that reaffirmed in the Chair's strong words
3 right now.

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

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

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

1 **MR. BRENNAN:** Yes, I will, Senator.

2 **SENATOR WYDEN:** Very good.

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

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

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

15 **MR. BRENNAN:** Well, I think this hearing is one of the things that can
16 be done, because I think this type of discourse between the Executive and
17 the Legislative Branch is critically important.

18 I believe that there need to be continued speeches that are going to be
19 given by the Executive Branch to explain our counterterrorism programs. I
20 think there is a misimpression on the part of some of American people who
21 believe that we take strikes to punish terrorists for past transgressions --

1 nothing could be further from the truth. We only take such actions as a last
2 resort to save lives when there's no other alternative to taking an action
3 that's going to mitigate that threat.

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

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

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

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

1 needs to understand the answers to these kinds of fundamental questions.

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

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

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

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

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

1 **MR. BRENNAN:** I believe we need to acknowledge it. I believe we need
2 to it knowledge it to our foreign partners. We need to acknowledge it
3 publicly.

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

8 **SENATOR WYDEN:** And acknowledge it publicly?

9 **MR. BRENNAN:** That would be ideal, and that would be the objective of
10 the program.

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

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

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

1 **SENATOR WYDEN:** Well, I'm going to wrap up just with one sentence
2 on this point, Chair Feinstein.

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

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

10 **MR. BRENNAN:** You're talking about a historical list; are you not,
11 Senator Wyden -- as far as anytime, anywhere, that the CIA was involved in
12 such a lethal provision?

13 **SENATOR WYDEN:** Yes.

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

18 **SENATOR WYDEN:** That's a good start.

19 **CHAIRMAN FEINSTEIN:** Thank you very much, Senator Wyden.
20 Senator Risch?

21 **SENATOR RISCH:** Thank you, Madam Chairman.

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

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

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

9 **MR. BRENNAN:** Absolutely, Senator.

10 **SENATOR RISCH:** Okay. Well, I want to talk to you about a person who
11 I believe, and I think you acknowledge, is one of the most dangerous people
12 on the planet, and that's Ibrahim al-Asiri. And the conversation that you had
13 with Senator Burr was referring to the interview that you gave that talked
14 about the plot that was uncovered that involved him. Do you recall that
15 conversation with Senator Burr?

16 **MR. BRENNAN:** Yes, I do, Senator.

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

21 **MR. BRENNAN:** I have read many articles, so I presume I read that one.

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

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

9 Is that an accurate statement?

10 **MR. BRENNAN:** That is an accurate statement, Senator. Yes.

11 **SENATOR RISCH:** And can you tell me -- who was involved in that
12 conversation; who was involved in that interview?

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

17 **SENATOR RISCH:** Any others you can think of?

18 **MR. BRENNAN:** I do not remember the others.

19 **SENATOR RISCH:** Do you have notes from that conversation?

20 **MR. BRENNAN:** There are notes, yes -- that people took at that, yes.

21 **SENATOR RISCH:** Have those been turned over to the Justice

1 Department?

2 **MR. BRENNAN:** The Justice Department -- as I said, I voluntarily and
3 eagerly engaged in that investigation, and they have --

4 **SENATOR RISCH:** That wasn't the question. Were those notes turned
5 over?

6 **MR. BRENNAN:** Everything that was available on that has been turned
7 over to the Department of Justice; absolutely, Senator.

8 **SENATOR RISCH:** Did *you* turn those notes over?

9 **MR. BRENNAN:** My office turned over everything that was available
10 about that, yes.

11 **SENATOR RISCH:** Who took those notes?

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

15 **SENATOR RISCH:** And who were the people that were involved in that
16 conversation?

17 **MR. BRENNAN:** Aside from the reporters? There was somebody from
18 the White House Press Office and someone from the Counterterrorism
19 directorate.

20 **SENATOR RISCH:** You don't know the peoples' names?

21 **MR. BRENNAN:** I do. They were Nick Rasmussen and Caitlin Hayden.

1 **SENATOR RISCH:** Those are the two people from the White House that
2 were involved; is that --

3 **MR. BRENNAN:** That's my recollection of who was involved in that
4 conference call, yes.

5 **SENATOR RISCH:** May 7th was the date that the incident occurred; is
6 that correct?

7 **MR. BRENNAN:** The date of the conversation with those reports?

8 **SENATOR RISCH:** Excuse me -- the date of the underlying event that
9 you were talking about involving Mr. Asiri.

10 **MR. BRENNAN:** Now you're talking about Mr. Asiri -- in terms of being
11 the person who was responsible for putting together the IED?

12 **SENATOR RISCH:** Correct.

13 **MR. BRENNAN:** I believe May 7th was about the right date, yes.

14 **SENATOR RISCH:** And can you tell me why you felt compelled to
15 release that information to these people on May 7, 2012?

16 **MR. BRENNAN:** Well, as I explained on the network news the following
17 morning, and as we said publicly, that device was not a threat to the
18 American public at the time of the bin Laden anniversary --

19 **SENATOR RISCH:** I don't want to cut you off, but that's not the
20 question.

21 **MR. BRENNAN:** I thought it was, Senator. But go ahead.

1 **SENATOR RISCH:** No. The question was why did you feel compelled to
2 hold this press conference and divulge that information at that time on that
3 day?

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

11 **SENATOR RISCH:** And they were going to go on TV that evening to
12 discuss this event?

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

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

21 Is that an accurate statement?

1 **MR. BRENNAN:** Inside control of the plot, yes, that's exactly right.

2 **SENATOR RISCH:** Okay. So, based on that, one would know that we
3 had something inside; is that a fair statement?

4 **MR. BRENNAN:** From that statement, it is known that that IED, at the
5 time, was not a threat to the traveling public, because we had said publicly
6 that there was no active plot at the time of the bin Laden anniversary. That's
7 correct.

8 **SENATOR RISCH:** Would you agree with me that that disclosure
9 resulted in the outing of an asset that shouldn't have been outed?

10 **MR. BRENNAN:** Absolutely not, Senator. I do not agree with you,
11 whatsoever.

12 **SENATOR RISCH:** Well, how can you say that?

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

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

1 **SENATOR RISCH:** Having used the words that you used of "inside
2 control," it isn't much of a leap to determine that somehow you had a handle
3 on it.

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

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

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

18 **SENATOR RISCH:** And you're in agreement with that -- that this was a
19 serious flaw in what *should* have happened; is that correct?

20 **MR. BRENNAN:** It's a serious flaw that it got out to the press before
21 that operation was, in fact, concluded; absolutely. And my discussion with

1 those individuals that night, it already was out in the press.

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

6 **MR. BRENNAN:** Senator, I live this every day and night.

7 **SENATOR RISCH:** I understand.

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

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

15 **SENATOR RISCH:** I have more, but my time is up.

16 Thank you, Madam Chairman.

17 **CHAIRMAN FEINSTEIN:** Thank you, Senator Risch.

18 Senator Mikulski?

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

1 The vote just started. Please go ahead.

2 **SENATOR MIKULSKI:** Mr. Brennan, first of all, welcome to the
3 Committee. And in the short time I have -- you mentioned your wife, Kathy;
4 could you introduce us to her?

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

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

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

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

1 Special Operations Command.

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

4 **MR. BRENNAN:** Thank you, Senator, and thank you --

5 **SENATOR MIKULSKI:** You might disagree with me, and I welcome your
6 disagreement if you so do so.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 Now, I want to get to the job of the CIA Director. I'm going to be blunt

1 -- and this will be no surprise to you, sir -- but I've been on this Committee
2 for more than 10 years, and with the exception of Mr. Panetta, I feel I've
3 been jerked around by every CIA Director. I've either been misled,
4 misrepresented, had to pull information out -- often at the most minimal
5 kind of way; from Tenet, with his little aluminum rods, to tell us that we had
6 weapons of mass destruction in Iraq, to Porter Goss -- not forthcoming.

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

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

15 **MR. BRENNAN:** Honesty, truthfulness, was a value that was inculcated
16 in me in my home in New Jersey, from my parents, Owen and Dorothy. It
17 still is to this day.

18 Honesty is the best policy. None of us are perfect beings. I'm far from
19 perfect. But, Senator, I would commit that I would be honest with this
20 Committee and do everything possible to meet your legitimate needs and
21 requirements. As I think I've told you before, I know that you are a very

1 proud senator of one of the jewels in the Intelligence Community, NSA,
2 which resides in Maryland, but it would be my objective to make CIA your
3 favorite intelligence agency and push Keith Alexander aside.

4 *(LAUGHTER.)*

5 **SENATOR MIKULSKI:** Well, I think you're pushing your luck now.

6 Thank you very much.

7 **VICE CHAIRMAN CHAMBLISS:** Senator Levin?

8 **SENATOR LEVIN:** Thank you.

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

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

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

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

1 **SENATOR LEVIN:** Do you have a personal opinion as to whether
2 waterboarding is torture?

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

6 **SENATOR LEVIN:** Well, you've read opinions as to whether or not
7 waterboarding is torture. And I'm just -- do you accept those opinions of the
8 attorney general? That's my question.

9 **MR. BRENNAN:** Senator, you know, I've read a lot of legal opinions.
10 I've read an Office of Legal Counsel opinion in the previous administration
11 that said in fact waterboarding could be used. So, from the standpoint of
12 that, you know, I cannot point to a single legal document on this issue.

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

16 **SENATOR LEVIN:** Is waterboarding banned by the Geneva
17 Conventions?

18 **MR. BRENNAN:** I believe the attorney general also has said that it's
19 contrary, in contravention, of the Geneva Convention.

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

1 **SENATOR LEVIN:** Mr. Rodriguez, the former CIA Deputy Director for
2 Operations, was asked about his personal moral or ethical perspective on
3 these enhanced interrogation techniques, including waterboarding.

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

7 Now, as we investigated, at Senate Armed Services Committee, in our
8 2008 report, these so-called "Survival, Evasion, Resistance, and Escape" -- or
9 "SERE" -- techniques referred to by Mr. Rodriguez were used to train
10 members of our military. They were never intended to be used by U.S.
11 interrogators.

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

18 My question to you is this: is there any comparability between a friendly
19 trainer in the United States exposing our troops to abuses -- these SERE
20 techniques, including waterboarding -- for a few moments under close
21 supervision; is there any possible comparability to that to using these

1 techniques on an enemy in an effort to extract intelligence?

2 **MR. BRENNAN:** They are for completely different purposes and
3 intentions. I do not see any comparability there.

4 **SENATOR LEVIN:** Now, the Chairman and I issued a report, or made a
5 statement, on April 27, 2012. This also began with a statement of Mr.
6 Rodriguez.

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

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

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

20 **MR. BRENNAN:** I have not reviewed the intelligence thoroughly, but I
21 am unaware of any.

1 **SENATOR LEVIN:** Next, Michael Hayden, former CIA Director, on May
2 3, 2011, said that "What we got, the original lead information, began with
3 information from CIA detainees at black sites."

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

7 **MR. BRENNAN:** I do not.

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

12 **MR. BRENNAN:** Yeah, I do not know. I'm unaware.

13 **SENATOR LEVIN:** You don't have any information to the contrary?

14 **MR. BRENNAN:** Right.

15 **SENATOR LEVIN:** *Now*, Michael Mukasey, former attorney general, Wall
16 Street Journal: "Consider how the intelligence that led to Bin Laden came to
17 hand; it began with a disclosure from Khalid Sheikh Mohammed, who broke
18 like a dam under pressure of harsh interrogation techniques that included
19 waterboarding. He released a torrent of information, including eventually
20 the name -- the *name* -- of a trusted courier of bin Laden."

21 Our statement -- that of the Chairman and myself -- is that that

1 statement is wrong. Do you have any information to the contrary?

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

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

9 **MR. BRENNAN:** Right.

10 **SENATOR LEVIN:** Do you have any basis to disagree with us?

11 **MR. BRENNAN:** I do not.

12 **SENATOR LEVIN:** Will you, when you become the CIA Director,
13 assuming you are confirmed, take the statement that we have issued, and
14 tell us whether or not you disagree with any of these statements that we
15 have made about those statements of those three men; will you do that if
16 you are confirmed?

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

21 **SENATOR LEVIN:** Will you include, in your review, a review of our joint

1 statement and tell us whether, after your review, you disagree with anything
2 that we've said; will you do that?

3 **MR. BRENNAN:** I would be happy to.

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

7 **MR. BRENNAN:** Yes, I am, Senator.

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

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

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

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

21 **SENATOR LEVIN:** The unclassified report of the Intelligence Committee

1 -- which was not classified; was not redacted by the CIA -- made at least four
2 references to the Czech Intelligence Service providing the CIA with reporting,
3 based on a single source, about this alleged meeting, which never took
4 place. We *knew* it never took place. And yet, repeatedly -- particularly, the
5 Vice President -- made reference that there was a report of a meeting
6 between these two.

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

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

17 **MR. BRENNAN:** Absolutely, Senator; I will.

18 **SENATOR LEVIN:** Thank you. My time is up.

19 **VICE CHAIRMAN CHAMBLISS:** Thank you, Senator.

20 Senator Coats?

21 **SENATOR COATS:** Thank you, Mr. Chairman.

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

5 You and I, when we talked earlier in a private talk, talked about the
6 relationship that you want to have with this Committee -- not just with the
7 Chairman and the Vice Chairman, but with all the Committee Members. And
8 I appreciate your answers on that, and you addressed it again today, in
9 terms of a potential trust deficit or -- you said that that's "wholly
10 unacceptable" and that you would give straight answers and be blunt and
11 candid.

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

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

20 So, we will go forward with taking you at your word that we'll have the
21 kind of relationship that we can have a blunt, straightforward, fully

1 disclosed, working relationship. I think it's critical to our ability to provide
2 oversight, our ability to have the right kind of relationship with the Agency
3 so we know where each other is and can move forward together in terms of
4 what needs to be done to provide the intelligence necessary to protect the
5 American people.

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

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

17 **MR. BRENNAN:** Yes. A number of news networks have put out
18 information about this. Yes.

19 **SENATOR COATS:** And you expressly arranged this teleconference for
20 what exact purpose?

21 **MR. BRENNAN:** There were a number of people who were going to be

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

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

13 **MR. BRENNAN:** No, what I said was inside control of the plot, and that
14 the device was never a threat.

15 **SENATOR COATS:** Okay, "insider control."

16 **MR. BRENNAN:** No, I said "*inside* control" -- not "insider."

17 **SENATOR COATS:** Okay, "inside control." The Associated Press never
18 made any mention about inside control. Why was it necessary, then, to add
19 that? Why couldn't you have just simply said, "We've intercepted a plot -- it's
20 been a successful interception"? Because once the word "inside control" got
21 out, then all the speculation -- and correct -- was that that "inside control"

1 was interpreted as meaning "we've got somebody inside."

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

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

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

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

1 that remain classified.

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

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

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

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

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

1 **MR. BRENNAN:** Senator, frequently, if there is some type of event, or if
2 there's a disrupted terrorist attack, whether it's some "underwear bomber" or
3 a disrupted IED, or a printer bomb, or whatever else, we will engage with the
4 American public. We'll engage with the press. We'll engage with individuals
5 who are experienced professional counterterrorism experts who will go out
6 and talk to the American public.

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

10 **SENATOR COATS:** Now, it does occur, I assume, or it is possible, to
11 put out an authorized leak; is that correct?

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

15 **SENATOR COATS:** And this, in no way, fell into that category?

16 **MR. BRENNAN:** Absolutely not. I was asked to engage with these
17 individuals by the White House Press Office. I talked with them about the
18 interception. No, it was not.

19 **SENATOR COATS:** There is a provision in last year's Intelligence
20 Authorization Bill that requires a report to this Committee of any authorized
21 leak; so, you are aware of that?

1 comments I'd like to share with you, and then of course I'll direct some
2 questions your way.

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

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

10 So when we, on the Committee, and we, as Members of Congress, push
11 hard for access to the legal analysis justifying the authority of the Executive
12 Branch to lethally target Americans using drones, for instance, it erodes the
13 government's credibility of the American people.

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

19 I've long believed that our government also has an obligation to the
20 American people to face its mistakes transparently, help the public
21 understand the nature of those mistakes, and correct them. The next

1 Director to the CIA has an important task ahead in this regard.

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

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

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

18 As you said in your opening remarks, and you so powerfully referenced
19 the Memorial Wall, all CIA employees should be proud of where they work,
20 and of all the CIA's activities. I think the best way to ensure that they're
21 proud is for you to lead in correcting the false record, and instituting the

1 necessary reforms that will restore the CIA's reputation for integrity and
2 analytical rigor. The CIA cannot be its best until the leadership faces the
3 serious and grievous mistakes of this program.

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

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

12 And the Committee will take up the matter of this report's
13 declassification separately. But there's an important role I think the CIA can
14 play in the interim: CIA has a responsibility to correct any inaccurate
15 information that was provided to the previous White House, Department of
16 Justice, Congress, and the public, regarding the detention and interrogation
17 program.

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

20 **MR. BRENNAN:** Yes, Senator.

21 **SENATOR UDALL:** Thank you for that. Again, yes or no -- will you

1 commit to working with the Committee to correct the public and internal
2 record regarding the detention and interrogation program within the next 90
3 days?

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

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

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

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

19 I don't think it has to be difficult -- that is, the declassification -- for
20 these reasons: the identities of the most important detainees have already
21 been declassified; the interrogation techniques themselves have been

1 declassified; the application of techniques to detainees has been declassified
2 to some extent, with a partial declassification of the inspector general
3 report; and the intelligence was declassified to a significant extent when the
4 Bush administration described plots it claimed were thwarted as a result of
5 the program.

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

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

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

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

1 out of that stronger and more poised to do what it's supposed to do.

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

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

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

16 **MR. BRENNAN:** Thank you, Senator.

17 **CHAIRMAN FEINSTEIN:** Thank you, Senator Udall.

18 Senator Rubio?

19 **SENATOR RUBIO:** Thank you. Thank you, Mr. Brennan, for being here
20 with us today, and congratulations on your nomination.

21 I wanted to ask, in the 2007 CBS interview, you said that information

1 obtained in interrogations have saved lives. In September of 2011, you said
2 in a speech at Harvard, that whenever possible, the preference of the
3 administration is to take custody of individuals so that we could obtain
4 information which is, quote, "vital to the safety and security of the American
5 people."

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

8 **MR. BRENNAN:** Absolutely agree.

9 **SENATOR RUBIO:** But you don't believe the CIA should be in the
10 business of detention, correct?

11 **MR. BRENNAN:** I agree.

12 **SENATOR RUBIO:** So, who should be?

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

19 **SENATOR RUBIO:** So there are active interrogations occurring?

20 **MR. BRENNAN:** Absolutely -- every day.

21 **SENATOR RUBIO:** Okay. About the foreign partners that you talk

1 about, have you talked to folks in the CIA about their impressions of the
2 quality of information we're getting from our foreign partners?

3 **MR. BRENNAN:** Yes, on a regular basis.

4 **SENATOR RUBIO:** Would it surprise you to know that some of them
5 have indicated to us repeatedly, over the last couple of years that I've been
6 here, that the information we get directly is much better than anything we
7 get from our foreign partners on some of these issues?

8 **MR. BRENNAN:** Right. And that's why we work with our foreign
9 partners so that we can have direct access to these individuals that have
10 been detained.

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

14 **MR. BRENNAN:** Yes, he was taken into custody by the Tunisians.

15 **SENATOR RUBIO:** Did we not ask for access to him, to be able to
16 interrogate him and find out information?

17 **MR. BRENNAN:** Yes. And the Tunisians did not have a basis in their
18 law to hold him.

19 **SENATOR RUBIO:** So they released him?

20 **MR. BRENNAN:** They did.

21 **SENATOR RUBIO:** Where is he? We don't know?

1 **MR. BRENNAN:** He's still in Tunisia.

2 **SENATOR RUBIO:** That doesn't sound like a good system of working
3 with our foreign partners.

4 **MR. BRENNAN:** No, it shows that the Tunisians are working with their
5 rule of law, as well -- just the way we do.

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

9 **MR. BRENNAN:** We work with our partners across the board, and when
10 they are able to detain individuals, according to their laws, we work to see if
11 we can have the ability to ask them questions -- sometimes indirectly and
12 sometimes directly.

13 **SENATOR RUBIO:** So your point is that Tunisian law did not allow them
14 to hold him, and therefore they let him go before we could get there to talk
15 to him?

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

19 **SENATOR RUBIO:** What role should the CIA play in interrogations?

20 **MR. BRENNAN:** The CIA should be able to lend its full expertise, as it
21 does right now, in terms of -- in support of military interrogations, FBI

1 debriefings and interrogations, and our foreign partner debriefings. And
2 they do that on a regular basis.

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

7 **MR. BRENNAN:** There are many different options, as far as where they
8 go. Sometimes it is with -- foreign partners, they put the individuals in their
9 jails and in their detention facilities according to their laws, and people can
10 access that.

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

13 **SENATOR RUBIO:** Okay. So you think that's the best setting -- the
14 naval vessel?

15 **MR. BRENNAN:** No, I think --

16 **SENATOR RUBIO:** -- from our perspective, leaving aside the foreign
17 partners for a second -- for *us*.

18 **MR. BRENNAN:** I think each case requires a very unique and tailored
19 response. And that's what we've done.

20 Whether somebody is picked up by a foreign partner, whether
21 somebody is picked up on the high seas, or anywhere else, what we need to

1 do is see what the conditions are, what we have as far as the basis for that
2 interrogation -- what type of legal basis we have for that. So it's very much
3 tailored to the circumstances.

4 **SENATOR RUBIO:** When we detain a suspected terrorist, the purpose
5 of the interrogation -- and I think you'd agree with this statement -- the
6 purpose of an interrogation is to develop information that could be used to
7 disrupt terrorist activities and prevent attacks, correct?

8 **MR. BRENNAN:** Without a doubt.

9 **SENATOR RUBIO:** It's not to lay the case for a criminal conviction.

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

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

18 **SENATOR RUBIO:** I understand. But the number one priority, initially,
19 is not necessarily to protect the record for a criminal prosecution; it's to
20 obtain timely information --

21 **MR. BRENNAN:** Absolutely right.

1 **SENATOR RUBIO:** So we can act correctly --

2 **MR. BRENNAN:** Absolutely right.

3 **SENATOR RUBIO:** Priority number two is to take them off the
4 battlefield to ensure they can't attack us in the future.

5 **MR. BRENNAN:** Right. It's not an either-or, but I agree with you.

6 **SENATOR RUBIO:** Why shouldn't we have places where we interrogate
7 people; for example, Guantanamo? Why shouldn't we have a place to take
8 people that we obtain? 'Cause is it not an incentive to kill them rather than
9 to capture them, if we don't have a --

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

14 **SENATOR RUBIO:** So, where would we -- but why is it a bad idea to
15 have a place that we can take them to?

16 **MR. BRENNAN:** It's not a bad idea. We need to have those places.

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

1 **SENATOR RUBIO:** Is the Article 3 process, in your mind, an ideal way
2 to develop this kind of information, or aren't there limitations in the Article 3
3 process?

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

8 **SENATOR RUBIO:** No, I understand, but in terms of -- our first priority
9 is to develop information --

10 **MR. BRENNAN:** Absolutely; the FBI does a great job.

11 **SENATOR RUBIO:** But an Article 3 setting is not the most conducive to
12 that.

13 **MR. BRENNAN:** I would disagree with that.

14 **SENATOR RUBIO:** Well, they're immediately advised about not
15 cooperating and turning over information that would incriminate them.

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

20 But, in fact, the FBI do a great job, as far as listing information after
21 they're Mirandizing them, and so they can get information as part of that

1 type of negotiation with them, let them know they can in fact languish
2 forever, or we can in fact have a dialogue about it intelligently.

3 **SENATOR RUBIO:** Just one last point, and I'm not going to use all my --
4 I only have a minute left.

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

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

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

17 **SENATOR RUBIO:** What is that law? You keep on talking about the
18 basis of our law; what law exactly are you talking about in terms of the basis
19 of detaining someone? When you say that we want to make sure that we
20 have a basis to -- because you said that --

21 **MR. BRENNAN:** Well, that's right.

1 **SENATOR RUBIO:** Based on what? Which law are we talking about?

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

5 **SENATOR RUBIO:** Right.

6 **MR. BRENNAN:** The CIA does not have, by statute, any type of
7 detention authority.

8 **SENATOR RUBIO:** The point I'm trying to get at is we don't -- the truth
9 of the matter is we don't know Harzi knew anything about the Benghazi
10 attack.

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

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

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

21 What we don't want to do is to have these individuals being held in

1 some type of custody that's extrajudicial.

2 **SENATOR RUBIO:** Okay, thank you.

3 **CHAIRMAN FEINSTEIN:** Thank you, Senator Rubio.

4 Senator Warner?

5 **SENATOR WARNER:** Thank you, Madam Chairman. Thank you, again,
6 Mr. Brennan, for your testimony today.

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

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

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

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

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

11 **SENATOR WARNER:** Again, the nature of so many programs -- all very
12 sensitive in nature; you have to have almost, as we discussed, probably not
13 an IG type vehicle, something that is more run out of the Director's Office,
14 but you've got to have some kind of red team that's going to be able to
15 check this information out to make sure you've -- so that you hear colleagues
16 here press on what you have done, or could have done, or should have done,
17 or if you had that oversight, you've got to have that objective information to
18 start with.

19 **MR. BRENNAN:** Absolutely. I tend to have a reputation for being a
20 detailed person. And having been an analyst in an intelligence office for
21 many years, I need to see the data. I cannot rely just on some interpretation

1 of it. So, I do very much look forward to finding a way that the Director's
2 Office can have this ability to independently evaluate these programs so that
3 I can fairly and accurately represent them to you. I need to be able to have
4 confidence, myself.

5 **SENATOR WARNER:** As you know -- and we all know -- our country is
6 grappling with enormous fiscal challenges. And that means, well, national
7 security remains our most essential requirement for our national
8 government. Everything's going to have to be done in a fiscally
9 constrained period.

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

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

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

1 programs are not --

2 **SENATOR WARNER:** One of the reasons why we need to make sure
3 sequestration --

4 **MR. BRENNAN:** That's absolutely right, because it's going to have a
5 devastating impact on the national security of this country.

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

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

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

20 I want to make sure these efforts are not redundant whatsoever. And
21 I've had these conversations with Mike Morell, as well as with General Flynn

1 over at DIA, to make sure that these efforts are going to truly be integrated
2 and complementary, because we cannot have unnecessarily redundant
3 capabilities in this government, particularly in an environment that we have
4 right now on the fiscal front.

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

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

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

21 **MR. BRENNAN:** Well, clearly, counterterrorism is going to be a priority

1 area for the Intelligence Community and for CIA for many years to come.
2 Just like weapons proliferation is, as well. Those are enduring challenges.
3 And since 9/11, the CIA has dedicated a lot of effort -- and very successfully;
4 they've done a tremendous job to mitigate that terrorist threat.

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

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

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

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

8 Thank you, Madam Chair.

9 **CHAIRMAN FEINSTEIN:** Thank you very much, Senator.

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

14 **MR. BRENNAN:** Absolutely.

15 **CHAIRMAN FEINSTEIN:** Thank you. Thank you.

16 Senator Collins?

17 **SENATOR COLLINS:** Thank you.

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

21 In a recent speech that you gave at the Wilson Center, you said: "Our

1 unqualified preference is to only undertake lethal force when we believe that
2 capturing the individual is not feasible."

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

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

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

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

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

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

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

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

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

21 And General Hayden has also expressed concerns, that now that the

1 strikes are being used at the lower levels, arguably, that they are creating a
2 backlash that is undermining the credibility of governments and creating
3 new terrorists when a neighbor or family member is killed in the course of
4 the operations.

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

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

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

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

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

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

7 **MR. BRENNAN:** Well, respectfully, Senator, I don't think it was a
8 different standard. Not being a --

9 **SENATOR COLLINS:** Well --

10 **MR. BRENNAN:** -- a lawyer --

11 **SENATOR COLLINS:** Well, one was released within four months --

12 **MR. BRENNAN:** Right.

13 **SENATOR COLLINS:** -- of the Obama administration taking office.

14 **MR. BRENNAN:** Right.

15 **SENATOR COLLINS:** The other had been requested for a very long --
16 much longer time.

17 **MR. BRENNAN:** Right.

18 **SENATOR COLLINS:** And released only today.

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

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

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

7 **SENATOR COLLINS:** Well, I would say to you that both are absolutely
8 essential to the ability of Congress to carry out its oversight responsibilities.

9 Finally, the Intelligence Reform Act and Terrorism Prevention Act of
10 2004, with which you're very familiar, and of which I was a co-author,
11 requires the Director of National Intelligence to recommend who the CIA
12 Director should be to the President of the United States.

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

17 **MR. BRENNAN:** I know for certain that he made a recommendation to
18 the President, but I would defer to General Clapper to tell you what that
19 recommendation is.

20 **SENATOR COLLINS:** Thank you.

21 **CHAIRMAN FEINSTEIN:** Senator Heinrich?

1 **SENATOR HEINRICH:** Thank you, Madam Chair.

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

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

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

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

1 **MR. BRENNAN:** I will do whatever possible to make sure that the
2 record is straight and that I speak fully and honestly on it.

3 **SENATOR HEINRICH:** I want to return to a question that Mr. Udall
4 asked you. Would you object -- and if so, why -- to a public release of a truly
5 *declassified* version of the Committee's report?

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

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

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

20 Senator Levin asked about waterboarding. Let me follow up a little bit.
21 In November 2007 interview with CBS News, you were asked if

1 waterboarding was torture, and you said, "I think it is certainly subjecting an
2 individual to severe pain and suffering, which is the classic definition of
3 torture. And I believe, quite frankly, it's inconsistent with American values
4 and it's something that should be prohibited." Is that still your view?

5 **MR. BRENNAN:** Yes, Senator, it is.

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

11 **MR. BRENNAN:** The Army Field Manual certainly should govern the U.S.
12 military's detention and interrogation of individuals.

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

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

21 Given that you will instead serve at the pleasure of the President, how

1 do you maintain your independence?

2 **MR. BRENNAN:** Having grown up in the intelligence business for 25
3 years, I truly understand the importance and value of maintaining
4 independence, subjectivity, and integrity of the intelligence process.

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

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

16 **SENATOR HEINRICH:** Thank you.

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

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

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

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

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

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

21 So, what I think I was conveying there is that, you know there was

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

6 **SENATOR HEINRICH:** That's very helpful. Thank you very much.

7 I yield back, Madam Chair.

8 **CHAIRMAN FEINSTEIN:** Thank you very much, Senator.

9 Senator King?

10 **SENATOR KING:** Thank you for your testimony and your stamina
11 today.

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

17 Secondly -- and this isn't really a question -- it's incredibly important for
18 the CIA to be totally open with this Committee. The reason is that there's no
19 one else watching. Typically in our country, the public is involved. The
20 press is involved. There are a lot of people that have access to information
21 of what the Department of Commerce is doing, or the Department of State.

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

6 **MR. BRENNAN:** Absolutely; I do, Senator.

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

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

15 I take it you subscribe to that.

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

20 So again, redundant -- mindful of not having any type of redundant
21 capabilities or waste resources, we need to make sure that we can leverage

1 the capabilities that exist in both organizations for the good of this country.

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

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

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

18 And I understand you can't have co-commanders in chief, but having
19 the Executive being the prosecutor, the judge, the jury, and the executioner,
20 all in one, is very contrary to the traditions and the laws of this country, and
21 particularly in a situation where there's time. If -- a soldier on a battlefield

1 doesn't have time to go to court, but if you're planning a strike over a matter
2 of days, weeks or months, there is an opportunity to at least go to
3 something outside of the Executive Branch body, like the FISA court, in a
4 confidential and top-secret way, make the case that this American citizen is
5 an enemy combatant, and at least that would be -- that would be some check
6 on the activities of the Executive.

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

11 How do you react to this suggestion?

12 **MR. BRENNAN:** Senator, I think it's certainly worth of discussion. Our
13 tradition -- our judicial tradition is that a court of law is used to determine
14 one's guilt or innocence for past actions, which is very different from the
15 decisions that are made on the battlefield, as well as actions that are taken
16 against terrorists, because none of those actions are to determine past guilt
17 for those actions that they took.

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

1 American citizens.

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

6 **SENATOR KING:** It's analogous to going to a court for a warrant --
7 probable cause --

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

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

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

21 **MR. BRENNAN:** Right. And that's why I do think it's worthy of

1 discussion. And the point particularly about due process really needs to be
2 taken into account because there's not a different standard as far as if a U.S.
3 citizen joins al-Qa'ida, you know, in terms of the intelligence base or
4 whatever. But American citizens by definition are due much greater due
5 process than anybody else by dint of their citizenship.

6 So I think this is a very worthwhile discussion. I look forward to talking
7 to the Committee and others about it. What's that appropriate balance
8 between Executive, Legislative and Judicial Branch responsibilities in this
9 area?

10 **SENATOR KING:** I appreciate your consideration and, again, appreciate
11 your testimony today. And thank you for your service to the country.

12 Madam Chairman, I yield back my time.

13 **CHAIRMAN FEINSTEIN:** Thank you very much, Senator.

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

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

21 **MR. BRENNAN:** Well, Senator, I'm not going to talk about any particular

1 operation or responsibility on the part of the U.S. Government for anything --

2 **CHAIRMAN FEINSTEIN:** See, that's the problem. That's the problem. I
3 think when people hear "American citizen," they think somebody who's
4 upstanding; this man was not upstanding, by a longshot. And now, maybe
5 you cannot discuss it here, but I've read enough to know that he was a real
6 problem.

7 **MR. BRENNAN:** Well, I can talk about Mr. al-Awlaki.

8 **CHAIRMAN FEINSTEIN:** And if you were in jeopardy -- that's right.

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

14 **CHAIRMAN FEINSTEIN:** Can I ask you some questions about him?

15 **MR. BRENNAN:** You're the Chairman.

16 **CHAIRMAN FEINSTEIN:** You don't have to answer. Did he have a
17 connection to Umar Farouk Abdulmutallab, who attempted to explode a
18 device on one of our planes over Detroit?

19 **MR. BRENNAN:** Yes, he did.

20 **CHAIRMAN FEINSTEIN:** Could you tell us what condition it was?

21 **MR. BRENNAN:** I would prefer not to at this time, Senator. I'm not

1 prepared to.

2 **CHAIRMAN FEINSTEIN:** Okay. Did he have a connection to the Fort
3 Hood attack?

4 **MR. BRENNAN:** That is al-Qa'ida in the Arabian Peninsula has -- as a
5 variety of means of communicating and inciting individuals, whether that be
6 websites, or e-mails, or other types of things. And so, there are a number of
7 occasions where individuals, including Mr. al-Awlaki, has been in touch with
8 individuals. And so, Senator, again, I'm not prepared to address the
9 specifics of these, but suffice it to say --

10 **CHAIRMAN FEINSTEIN:** I'll just ask you a couple questions. Did Faisal
11 Shahzad, who pled guilty to the 2010 Times Square car bombing attempt,
12 tell interrogators in 2010 that he was inspired by al-Awlaki?

13 **MR. BRENNAN:** I believe that's correct, yes.

14 **CHAIRMAN FEINSTEIN:** Last October, al-Awlaki -- did he have a direct
15 role in supervising and directing AQAP's failed attempt, well, to bring down
16 two United States cargo aircraft by detonating explosives concealed inside
17 two packages, as a matter of fact, inside a computer printer cartridge?

18 **MR. BRENNAN:** Mr. al-Awlaki was involved in overseeing a number of
19 these activities. Yes, there was a relationship there.

20 **CHAIRMAN FEINSTEIN:** And was it true that they were so concealed
21 that the first attempt to find and did not reveal them? It took an asset

1 coming back with -- to say, "Go again, look at this," to find it?

2 **MR. BRENNAN:** Yes the concealment method that was used in that was
3 one of the best we had ever encountered.

4 **CHAIRMAN FEINSTEIN:** So, Mr. al-Awlaki is not, by far, an American
5 citizen of whom anyone in America would be proud?

6 **MR. BRENNAN:** Mr. al-Awlaki was part of al-Qa'ida, and we're at war
7 with al-Qa'ida, and it was his strong determination to kill Americans on
8 behalf of al-Qa'ida.

9 **CHAIRMAN FEINSTEIN:** Thank you.

10 Is it true that in the last four years, the FBI has arrested 100 people,
11 either planning, conspiring, or trying to commit a terrorist attack on this
12 nation?

13 **MR. BRENNAN:** I don't know the exact number, Chairman, but yes --
14 they have arrested a lot of people.

15 **CHAIRMAN FEINSTEIN:** It's over 100, but they have arrested a lot of
16 people, and that's because of good -- of good, sound intelligence.

17 I think -- and this is just me -- what people forget is that they will kill us
18 if they can, and it's extraordinarily difficult if you can't get in to where they
19 were hiding. Would it have been possible to have arrested Mr. al-Awlaki
20 where he was, in Yemen?

21 **MR. BRENNAN:** It is -- there are parts of Yemen that are ungoverned

1 and beyond the reach of the Yemeni government security and intelligence
2 services. And we work very closely with the Yemenis to see if we can arrest,
3 detain, individuals. Whenever we can, we want to do that, because it's very
4 valuable for us.

5 Any actions that are taken in concert with the Yemeni government are
6 done -- in terms of any type of strikes that we might engage there with them
7 -- are done only because we do not have the ability to bring those individuals
8 into custody.

9 **CHAIRMAN FEINSTEIN:** Thank you. My time is up.

10 Senator Chambliss?

11 **VICE CHAIRMAN CHAMBLISS:** Thanks, Madam Chair.

12 In 2002, what was your knowledge of interrogation videotapes about
13 Abu Zubaydah, and did you seek any information about an Office of General
14 Counsel review of them in 2002?

15 **MR. BRENNAN:** I don't have a recollection of that, Senator.

16 **VICE CHAIRMAN CHAMBLISS:** Of the tapes, or that request?

17 **MR. BRENNAN:** At the time, in 2002, I do not know what my
18 involvement or knowledge was at the time of the tapes. I believe that they --
19 I was aware of the Abu Zubaydah debriefings and interrogation sessions
20 being taped.

21 **VICE CHAIRMAN CHAMBLISS:** Okay, it should be no surprise that

1 many Members have been dissatisfied with the administration's cooperation
2 on the Benghazi inquiries.

3 For example, Senator Graham asked Director Clapper, in a hearing, if
4 he was aware of the series attacks in Benghazi, in the summer of 2012, and
5 asked if he had informed the President about those attacks. Now, that
6 seemed like a perfectly reasonable question, and the DNI said he would get
7 us an answer.

8 When we got answers back from the DNI's office, there was a notation
9 next to this particular question that Senator Graham asked, and here's what
10 it said, and I quote, "Per NSS" -- that's the National Security Staff -- "No
11 response required."

12 Mr. Brennan, that's your shop; do you have any knowledge about why
13 Senator Graham's question was not to be answered?

14 **MR. BRENNAN:** Senator, I think there's a longstanding tradition
15 understanding of respecting the executive privilege that exists in the Office
16 of the Presidency, and in terms of what information is provided to the
17 President, or advice, counsel, to him.

18 So it's -- I would suspect, then, that that question gets into this issue of
19 the executive privilege, which I think, again, has been a longstanding
20 tradition.

21 **VICE CHAIRMAN CHAMBLISS:** Now, are you sure that's the answer, or

1 you think that's probably what it was?

2 **MR. BRENNAN:** I don't know, firsthand, because that would not been a
3 request coming to me.

4 **VICE CHAIRMAN CHAMBLISS:** And I understand that, so my direction
5 to you -- what I'll ask of you -- is that you go back and review that; we'll get
6 you notation if necessary, and if you could just give us a written response to
7 that, if possible.

8 **MR. BRENNAN:** You deserve a response, certainly.

9 **VICE CHAIRMAN CHAMBLISS:** This weekend, Secretary Panetta
10 confirmed that information that led to Bin Laden came from detainees and
11 the CIA's EIT program. His account comports with information we were
12 provided immediately after the raid, and in months to follow, from the CIA
13 analyst who actually tracked down bin Laden. These analysts told us it was
14 detainee information that was key to them finding the courier and,
15 ultimately, bin Laden.

16 Now, were you briefed by any of the analysts who tracked down bin
17 Laden?

18 **MR. BRENNAN:** Before the operation?

19 **VICE CHAIRMAN CHAMBLISS:** Yes.

20 **MR. BRENNAN:** Oh, absolutely; I was engaged with them.

21 **VICE CHAIRMAN CHAMBLISS:** Okay. And is that the information that

1 was given to you -- that it came from interrogation of detainees on whom
2 EITs had been used?

3 **MR. BRENNAN:** I don't recall if I was given that information specifically.
4 They talked about the chain of sort of collection that took place that was
5 related to some of the information coming from the detainees. Yes, so,
6 there was some there.

7 **VICE CHAIRMAN CHAMBLISS:** Do you agree with Secretary Panetta's
8 comments?

9 **MR. BRENNAN:** That there some information that came out from there?

10 **VICE CHAIRMAN CHAMBLISS:** Yes, that led to the courier.

11 **MR. BRENNAN:** Senator, I now, again, looking at this document from
12 SSCI, this report, I don't know what the facts are, or the truth is. So I really
13 need to look at that carefully and see what CIA's response is because the
14 SSCI report calls into question whether or not any of the information was
15 unique and led to it.

16 **VICE CHAIRMAN CHAMBLISS:** Fair enough. Suffice it to say, Secretary
17 Panetta's comments are in direct conflict with the report that came out of
18 this Committee recently. And you know I have serious concerns about that
19 interrogation study that was voted out by Committee.

20 Now, you told me a couple of days ago when we met that the study
21 "was not objective," and it was "a prosecutor's brief, written with an eye

1 toward finding problems." And you went on to say that you're withholding
2 judgment on the merits and action until you read the response.

3 And it's my understanding, from what you've said, that that's what
4 you're going to do. Suppose the CIA takes the position that the study's
5 Finding and Conclusions are wrong? I think I know John Brennan well
6 enough to know that you're going to stand up and say whatever's on your
7 mind, and whatever you conclude. And I'm not going to ask you for a
8 response to that, but I know you'll review it with an open mind, and give us
9 your thoughts and your opinions about the CIA's response to it, and how we
10 move forward with this.

11 **MR. BRENNAN:** I assure you, Senator, I will do that.

12 **VICE CHAIRMAN CHAMBLISS:** Thank you very much.

13 **CHAIRMAN FEINSTEIN:** Thank you very much, Senator.

14 Senator Wyden?

15 **SENATOR WYDEN:** Thank you.

16 **CHAIRMAN FEINSTEIN:** Oh, excuse me -- Senator Rockefeller?

17 **SENATOR ROCKEFELLER:** Thank you, Madam Chair.

18 I was just making a comment to the Chair, Mr. Brennan, that I've been
19 through a whole lot of confirmation hearings in 28 years here -- and
20 including quite a few CIA directors -- and I quite honestly do not recall
21 anybody who was more forthright, more direct, more accommodating,

1 without violating who you are, more open to the possibility of working with
2 this Committee in a way that will do two things: one, that will give the folks
3 at CIA, who probably constantly worry about what is the next awful thing
4 that we're going to say about them -- but that's not our intention, because
5 we're into the business of problem-solving, and if we have to write a 6,000-
6 page thing, it isn't fun for us; we're trying to solve a problem.

7 I have a feeling you understand that. I have a feeling that you feel that
8 the CIA, if they felt that they were working in -- you know, with some
9 contention with the oversight committee in the Senate, but, nevertheless,
10 that the Senate was involved, was informed, was interested; that this would
11 be something that they would welcome; that there are a lot of people who've
12 been at the CIA for quite a while, who may be sort of stuck in that mid-rank
13 crisis, et cetera, who are looking for an open, fresh, strong leader.

14 I happen to think you are that leader. I've felt that since our
15 conversation. I felt that from before our conversation. And we haven't had
16 our secret meeting yet, so I always -- but I'm not going to -- I'm sure I'm not
17 going to change my mind.

18 I just think you've done an extraordinary job of patience, of courtesy, of
19 wisdom, of being able to -- the only question that you couldn't answer that
20 I'm aware of was who was it that took notes on some meeting that you had,
21 teleconference that you had 20 years ago. But I find it in my heart to forgive

1 you for that.

2 So, to me, I think you're a terrific leader, and I'll look forward to
3 Tuesday. But I think you're the guy for the job, and the *only* guy for the job.

4 **MR. BRENNAN:** Thank you, Senator, for those very kind words. And I
5 haven't lived up to them yet. And if I were to go to CIA, as I think some
6 people have said -- some senators have said, you want to hear not just
7 words, but you want to actually see the actions.

8 It's a daunting task to go over to CIA. I want every Member of this
9 Committee to be an ardent advocate, proponent, and defender of the men
10 and women of the Central Intelligence Agency. And I see it as my obligation
11 to represent them to you on their behalf, so that when times get tough, and
12 when people are going to be criticizing and complaining about the CIA, I
13 have all of you to say you knew about what the CIA was doing, you
14 supported it, and you will defend it.

15 **CHAIRMAN FEINSTEIN:** Senator Burr?

16 **SENATOR BURR:** Thank you, Chairman.

17 I'm going to try to be brief, because I've noticed you're on your fourth
18 glass of water, and I don't want to be accused of waterboarding you.

19 *(Laughter.)*

20 Mr. Brennan, with the exception of our request for the Presidential Daily
21 Briefs around the time of Benghazi for which there was executive privilege

1 claimed, do you know of any other claim of executive privilege on any of the
2 documents that this Committee's waiting on right now?

3 **MR. BRENNAN:** Senator, I know that there are requests for some e-
4 mails that might have taken place between the Intelligence Community and
5 the White House, whatever, and so there are a number of sort of elements
6 that I think people are looking at. So --

7 **SENATOR BURR:** But none that executive privilege have been claimed
8 on. Correct?

9 **MR. BRENNAN:** Well, I am not in a position to say that, Senator, and I
10 would defer to those individuals -- the White House counsel and others -- to
11 make those determinations about what they want to --

12 **SENATOR BURR:** Well, let me say it from this end. They have not
13 justified not producing those documents based upon executive privilege.
14 So, I assume, if they're going to claim it, then they need to claim it quick.

15 On January 13th of this year, the President signed into law the 2013
16 Intelligence Authorization Act, which requires congressional notification of
17 any authorized disclosure of national intelligence.

18 Now, we've not received any notifications of authorized disclosures.
19 Have there been any authorized disclosures, to your knowledge?

20 **MR. BRENNAN:** I would like to say that since you haven't received any
21 notifications, there haven't been.

1 **SENATOR BURR:** Would you consider the information reported in the
2 press about the counterterrorism playbook an authorized disclosure?

3 **MR. BRENNAN:** I don't know which piece you're talking about. There's
4 been a lot of -- of discussion out there in the - in the media and in the
5 newspapers about this.

6 And so, I don't know specifically about any classified information. The
7 fact that the administration may be going through a process to try to
8 institutionalize, codify, make as rigorous as possible, our processes and
9 procedures in and of itself is not a classified issue.

10 So those details that are classified, I don't know of any that came out in
11 some of those reports.

12 **SENATOR BURR:** Well, if there is classified information that's out there,
13 and it was not authorized, was there a crime report filed relative to the
14 playbook?

15 **MR. BRENNAN:** Presumably there was, Senator. Those decisions, as far
16 as initiating criminal investigations, are done by those departments and
17 agencies that have stewardship of that classified information and in
18 discussions with the Department of Justice to make a determination whether
19 or not in light of the fact that maybe so many people have access to it, how
20 they can proceed with some type of criminal investigations.

21 **SENATOR BURR:** As we prepare for the closed hearing on Tuesday --

1 this is not a question -- I'll ask you today that you be prepared to provide for
2 the Committee any specific discussions that you had where you were
3 authorized to reveal classified information or to talk about information on
4 covert action.

5 Again, not something I'd like to do today. The answer may be zero. If
6 there are things, Tuesday would be an opportunity for you to provide. That
7 was a question from -- a pre-hearing question from the Committee that was
8 unanswered.

9 My last question is this: I'm still not clear on whether you think the
10 information from CIA interrogations saved lives. Have you ever made a
11 representation to a court, including the FISA court, about the type and
12 importance of information learned from detainees, including detainees in the
13 CIA detention and interrogation program?

14 **MR. BRENNAN:** First of all, on the first part of your question, that
15 you're not sure whether or not I believe that there has been misinformation, I
16 don't know --

17 **SENATOR BURR:** I said I wasn't clear whether I understood, whether I
18 was clear.

19 **MR. BRENNAN:** And I'm not clear at this time, either, because I've read
20 a report that calls into question a lot of the information that I was provided
21 earlier on my impressions.

1 When I was in the government as the head of National Counterterrorism
2 Center, I know that I had signed out a number of affirmations related to the
3 continuation of certain programs based on the analysis and intelligence that
4 was available to analysts. And I don't know exactly what it was at the time,
5 but we can look at that.

6 **SENATOR BURR:** But the Committee can assume that you had faith -- if
7 you make that claim to a court, including the FISA court -- you had faith in
8 the documents and in the information that was supplied you to make that
9 declaration?

10 **MR. BRENNAN:** Absolutely. At the time when, if I made any such
11 affirmation, I would have had faith that the information I was provided was
12 an accurate representation.

13 **SENATOR BURR:** Thank you very much, Madam Chairman.

14 **CHAIRMAN FEINSTEIN:** Senator Wyden?

15 **SENATOR WYDEN:** Thank you, Madam Chair.

16 We have talked for several hours now about the question of targeted
17 killings of Americans, and you've heard it from a number of senators. And
18 I'd like to get your reaction on one point in particular. And that is this
19 question, particularly in the context that you've given, that you've tried to
20 focus in areas where the evidence is substantial, the threat is imminent,
21 where there is a particularly persuasive case that the targeted killing of an

1 American is warranted.

2 In that kind of case, do you believe that the President should provide an
3 individual American with the opportunity to surrender before killing them?

4 **MR. BRENNAN:** Senator, I haven't spoken about any specific operations
5 --

6 **SENATOR WYDEN:** I'm talking about the concept --

7 **MR. BRENNAN:** Right.

8 **SENATOR WYDEN:** -- because you talk about the concept.

9 **MR. BRENNAN:** Right. Absolutely.

10 **SENATOR WYDEN:** You said imminent threats, serious evidence, grave
11 concern; certainly words that strike a chord with me. And that's why I'd be
12 interested in your thoughts on whether, in those kind of instances, the
13 President ought to give -- should give -- an individual American the
14 opportunity to surrender.

15 **MR. BRENNAN:** Right. I think in those instances, and right now, let's
16 use the example of al-Qa'ida, because if an American were to join al-Qa'ida,
17 we have routinely said -- openly, publicly, repeatedly -- that we're at war with
18 al-Qa'ida. We have repeatedly said that al-Qa'ida is in fact trying to kill
19 Americans, and that we are going to do everything possible to protect the
20 lives of American citizens from these murderous attacks from al-Qa'ida.

21 We have signaled this worldwide. We have repeatedly said it openly

1 and publicly. Any American who joins al-Qa'ida will know full well that they
2 have joined an organization that is at war with the United States and that has
3 killed thousands upon thousands of individuals, many, many of them who
4 are Americans.

5 So I think any American who did that should know well that they, in
6 fact, are part of an enemy against us, and that the United States will do
7 everything possible to destroy that enemy to save American lives.

8 **SENATOR WYDEN:** And I certainly -- and I said this at the very
9 beginning -- I certainly want to be part of that effort to fight al-Qa'ida on all
10 of these key fronts. I just want to have some answers -- and I'll give you
11 another chance -- whether you think the President should give an individual
12 American the opportunity to surrender.

13 I think that Senator King, for example, talked about the idea of a new
14 court, and there are going to be colleagues that are going to talk about a
15 whole host of ideas. And I commend you for saying that you're open to
16 hearing about that.

17 This is something that can be set in motion, I think, in a
18 straightforward way, as a general principle. We're not talking about any one
19 individual. And I think you've answered the question, and I won't go any
20 further, unless you want to add anything to it.

21 The only other point I'd say is we've covered a lot of ground today. And

1 as far as I'm concerned, we've got a lot of ground still to cover. I've made it
2 clear that we've got to see any and all of those legal opinions, the ones that
3 the bipartisan group of senators asked for, before the vote. And to your
4 credit, you said you'd take the message back to the White House.

5 Because what it really goes to, Mr. Brennan, is this question of checks
6 and balances -- and we probably didn't use that word enough this afternoon -
7 -because I think that's really what this is all about. Our Constitution
8 fortunately gives the President significant power to protect our country in
9 dangerous times.

10 But it is not unfettered power; it's power that is balanced through this
11 special system that ensures congressional oversight and public oversight.
12 And so that's why these questions that I and others have been trying to get
13 at, in terms of congressional oversight, being able to get all of the opinions
14 that are relevant to the legal analysis for targeting Americans, and then to
15 learn more about how you're going to bring the public into the discussion.

16 And certainly you've been patient this afternoon, and I want you to
17 know I think we've covered a lot of ground, but I think we've got a lot to go.
18 And I'd be happy to give you the last word. I've got a little more time if you
19 want it.

20 **MR. BRENNAN:** Thank you, Senator. First of all, any member of al-
21 Qa'ida, whether a U.S. citizen or non-U.S. citizen, needs to know that they

1 have the ability to surrender, the right to surrender, anytime, anywhere
2 throughout the world. And they can do so before the organization is
3 destroyed. We will destroy that organization. And again, out there in al-
4 Qa'ida, U.S. citizens and others, they can surrender anytime, turn themselves
5 in.

6 **SENATOR WYDEN:** Just on that point, I don't take a backseat to
7 anybody, in terms of fighting al-Qa'ida. That was why I came out with it
8 right at the outset. But I asked you a different question, and on the question
9 of what kind of evidence ought to be applied, whether there ought to be
10 geographic limits, the question of whether an individual should be allowed
11 to surrender. For -- for example, there is I think also a question whether the
12 obligation changes if, you know, a valid target has not been publicly
13 reported.

14 So there are issues, you know, here. And I think we're going to have to
15 continue those -- those discussions.

16 And Madam Chair, I thank you for this extra round.

17 **CHAIRMAN FEINSTEIN:** Thank you.

18 Senator Coats?

19 **SENATOR COATS:** Thank you, Madam Chairman.

20 John, I want to just say, and I'm not going to go into it here -- I think it
21 may be better held for further discussion next week in a classified room --

1 but this whole idea of leaks -- nothing upsets me more on this Committee,
2 and we've had a raft of these in the last couple of years, than to see
3 something that was discussed in classified area written up the next day in
4 the newspapers or on the part of the media. It drives some of us crazy. It
5 does me, anyway.

6 And so, maybe I'm a little paranoid about all this, and so forth. I just
7 can't totally get my hands around this AQAP situation that we discussed
8 earlier. But I'm going to defer that until Tuesday so we can discuss it in
9 more detail.

10 Let me just ask you one question here. You said -- I don't have the date
11 -- "The al-Qa'ida core has been decimated in the FATA." And we're aware of
12 the significant efforts we've made and the progress we've made in that
13 regard. But we see this thing metastasizing now across northern Africa and
14 other parts.

15 What's your, you know, latest assessment of al-Qa'ida, in terms of its
16 control and operation of these smaller efforts that are popping up like a
17 whack-a-mole machine in different parts of the Middle East and North Africa?

18 **MR. BRENNAN:** Well, Senator, you used the exact right term when you
19 said al-Qa'ida has been metastasizing in different parts of the world. We
20 have the al-Qa'ida core that, in the past, I think exerted quite a bit of
21 orchestration or order over a number of these franchises that have

1 developed.

2 Now, as a result of the decimation of the core, and our ability to
3 interrupt a lot of the interaction and communication between them, a lot of
4 these different elements, like al-Qa'ida in the Arabian Peninsula, al-Qa'ida in
5 the Islamic Maghreb, and other elements, have grown up and developed as a
6 result of the domestic and local sort of environment.

7 And so they're all sort of, you know, unique unto themselves. They
8 have different features and characteristics. We need to make sure that we're
9 able to work with the governments and the intelligence and security services
10 in the area so that we can put as much pressure on them as possible.

11 A number of them have, you know, local agendas. Some of them have
12 local agendas as well as international agendas. Al-Qa'ida in the Arabian
13 Peninsula in Yemen has a very determined insurgency effort underway in
14 side of Yemen to try to, you know, bring that government down. And the
15 government has done a great job, you know, fighting back.

16 There are other elements -- al-Qa'ida in Islamic Maghreb. You know,
17 they're counter-narcotics -- they're narcotics smugglers. They're human
18 traffickers. They involve quite a bit in kidnapping and ransoms, and also
19 involve in tourist attacks.

20 So, what we need to do is to take into account what the environment is,
21 who we can work with, and how we're going to put pressure on them. But

1 any element that is associated with al-Qa'ida has, as part of its agenda,
2 death and destruction. And so, I fully agree what we need to do is be
3 mindful of the metastasization of the al-Qa'ida cancer.

4 **SENATOR COATS:** But in relationship to some kind of centralized
5 control over all these things, having said that, the core is decimated.

6 **MR. BRENNAN:** It really varies, you know. We do see al-Qa'ida core
7 trying to exert some control over some of these elements. There's a lot of
8 independence of effort, you know, autonomous efforts that are underway.
9 And I'd be happy to be able to talk in, you know, closed session about the
10 particular relationships that exist between al-Qa'ida and some of these other
11 elements.

12 **SENATOR COATS:** Very good. Thank you.

13 Thank you, Madam Chairman.

14 **CHAIRMAN FEINSTEIN:** Thank you very much, Senator.

15 Senator Collins? Last, but far from least.

16 **SENATOR COLLINS:** Thank you. Thank you, Madam Chairman.

17 Mr. Brennan, I want to follow up on the point that Senator Coats just
18 raised with you, because if you looked at a map back in 2001, you would see
19 that al-Qa'ida was mainly in Afghanistan and Pakistan. And if you look at a
20 map today, you would see al-Qa'ida in all sorts of countries.

21 That's not to say that there weren't cells in other countries back in

1 2001, but it raises the question in my mind of whether, even though we've
2 been successful in taking out some of the core of al-Qa'ida and some high-
3 level leaders, whether our strategy is working. If the cancer of al-Qa'ida is
4 metastasizing, do we need a new treatment?

5 **MR. BRENNAN:** What we've tried to do, Senator, over the past decade
6 and longer, is to be able to treat this real cancer in a number of ways:
7 sometimes it takes lethal force, sometimes it takes military might,
8 sometimes it takes working with our partners in a variety of ways,
9 sometimes it takes addressing some of the infrastructural, institutional, and
10 other deficiencies that exist in these countries that al-Qa'ida takes advantage
11 of.

12 If you look at the geographic map, you know, in the area from South
13 Asia over to the Middle East and North Africa, there has been tremendous
14 political turbulence in that area over the past decade, and particularly in the
15 last couple years. There are a lot of spaces -- ungoverned spaces -- that al-
16 Qa'ida has taken advantage of. We've been able to make some significant
17 progress in certain areas.

18 Somalia is, in fact, a good example of a place where we have worked
19 with neighboring countries, we've worked with the local government, and
20 we've worked with AMISOM, a multilateral element within Africa, to try to
21 suppress the efforts of Al Shabaab and al-Qa'ida in East Africa; good

1 progress we made there. Because it has to be comprehensive; it's not just a
2 kinetic solution to this by any means.

3 Now, as we look at the Sahel, and the area in Mali, and other areas,
4 these are tremendous expanses of territory where al-Qa'ida can put down
5 roots beyond the reach of local governments. And so they've been able to
6 put down roots, and they've been -- it's been unattended because of the
7 difficulties that these countries have even feeding their people, much less
8 putting in place a system of laws and the intelligence and security capability.

9 So, is it a different strategy; it has to be a comprehensive one. But al-
10 Qa'ida and this -- you know, the forces of Islamic extremists, that have really
11 corrupted and perverted Islam, are making some progress in areas that give
12 me real concern. That's why I look at a place like Syria right now, and what
13 is going on in that country; we cannot allow vast areas to be exploited by al-
14 Qa'ida and these extremist forces, because it will be to our peril.

15 **SENATOR COLLINS:** I certainly agree with you on that, and in our
16 classified or closed hearing next week I'm going to be asking you about
17 Syria, and also the Iranian threat. But I don't think those are appropriate in
18 open session.

19 Just two final questions: one has to do with priorities that you would
20 set as Director if you are confirmed. In recent years, paramilitary operations
21 obviously had consumed a lot of resources, expertise, time, energy, and

1 effort at the CIA; do you believe this has been at the expense of traditional
2 CIA responsibilities -- collection, analysis, all source?

3 **MR. BRENNAN:** Well, certainly, there have been opportunity costs
4 because of the dedication of those resources. What I would need to do, if I
5 were to go to CIA, is to inventory exactly how our resources are being
6 dedicated against the wide variety of strategic priorities to protect our
7 country.

8 In terms of operational collection activities worldwide, in terms of the
9 all source analysis being done, what are we doing in these other areas?
10 Cyber, you know, weapons proliferation, political turbulence -- there are so
11 many different areas. Counterterrorism is an important one. There is also
12 an intersection between counterterrorism and a lot of these other areas,
13 counter-proliferation, international organized crime, other things.

14 So we really want to optimize those resources so that we can, in fact,
15 leverage the capabilities we have, in order to deal with these very
16 challenging issues across a very large globe.

17 **SENATOR COLLINS:** Mr. Brennan, you have devoted a great deal of
18 your life to public service, for which I thank you. And you obviously
19 understand the world of intelligence in a way that few people do. You've
20 been an intelligence professional for much of your professional life.

21 In the last four years, you have held a political position at the White

1 House. And I have been talking to people at the CIA, whom I respect, and
2 one intelligence official told me that a key question for the men and women
3 of the CIA is which John Brennan are they going to get? Are they going to
4 get John Brennan who's been the right-hand advisor of President Obama in a
5 political White House -- and by the *nature* of the position -- I don't say that
6 critically; that's the position -- or are they going to get John Brennan, who
7 was a career CIA officer, who worked his way up in the ranks?

8 And the concern is that they want to hear that you are going to be the
9 CIA's representative to the White House, not the White House's
10 representative to the CIA. And I just want to give you the opportunity today
11 to respond to that concern.

12 I would note that I also heard very good comments from people with
13 whom I talked, and -- but I think it's important, when someone's coming
14 from a political role, to make clear that you're going to be the leader of the
15 Agency and not the White House's agent within the Agency.

16 **MR. BRENNAN:** Thank you, Senator. I think if I were to be fortunate,
17 privileged, and honored to go out to CIA, the CIA would get the John
18 Brennan who is neither a Democrat nor Republican, nor has ever been; a
19 John Brennan who has a deep appreciation and respect for the intelligence
20 profession -- one who has been fortunate to have lived it for 25 years; a John
21 Brennan who has had the great fortune to be in the White House the past

1 four years, watching and understanding how intelligence is used in support
2 of our national security. CIA would get a John Brennan who has been
3 working national security issues for my life.

4 They would get a John Brennan who really understands that the value of
5 intelligence, the importance of intelligence, is not to tell the President what
6 he wants to hear, not to tell this Committee what it wants to hear, but to tell
7 the policymakers, the Congressional overseers, what they need to hear --
8 what the Intelligence Community, with all its great capability and expertise,
9 has been able to uncover and understand about world events that
10 fundamentally affect the lives of not just this generation of Americans, but
11 of future generations of Americans.

12 And so, if I had the great privilege to lead the men and women of the
13 CIA, it would be the biggest honor of my life, and I would understand just
14 how important and weighty that would be. And if I ever dishonored that
15 responsibility, I couldn't look myself in the mirror. I couldn't look my
16 parents, my family in the mirror. I couldn't look *you* in the face, and that is
17 something that is very important to me.

18 So, I guess the proof will be in the pudding, the tasting of the pudding,
19 and if I do have that opportunity, it would be my intention to make sure I did
20 everything possible to live up to the trust and confidence that this Congress,
21 this Senate, and this President might place in me.

1 **SENATOR COLLINS:** Thank you very much.

2 Thank you, Madam Chairman.

3 **CHAIRMAN FEINSTEIN:** Thank you very much.

4 If there are no further questions, John, I would like to associate myself
5 with what Senator Rockefeller said. I've sat through a number of these
6 hearings; I don't think I've ever heard anyone more forthright or more honest
7 or more direct. You really didn't hedge. You said what you thought. And I
8 want you to know that that's very much appreciated.

9 And I actually think you are going to be a fine and strong leader for the
10 CIA, and, you know, I can't help but say I am really fully supportive of this
11 and will do everything I possibly can to see that our Committee works with
12 you closely and honestly.

13 We will have a classified hearing. I am specifically going to just warn
14 you that I would like to have you respond in detail to what I perceive as a
15 difficult, evolving situation in North Africa now, with Tunisia, with Libya, with
16 all these countries, and certainly with Mali, and how you plan to direct the
17 Agency to deal with this evolving momentum that's taking place in Northern
18 Africa.

19 So that will be for Tuesday. And at the request of Senator Levin, I ask
20 unanimous consent to enter into the record a Joint Statement that he and I
21 made on April 27, 2012.

1 ***(Whereupon, the Joint Statement of Senators Feinstein and Levin,***
2 ***dated April 27, 2012, was submitted for the record. A copy of the***
3 ***Statement follows.)***

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1 **CHAIRMAN FEINSTEIN:** And secondly, in order to have Mr. Brennan's
2 answers to questions for the record by the time he returns before us in
3 closed session, I ask Members to the right questions for the record by 5
4 o'clock p.m. tomorrow -- that's Friday, February the 8th -- so we have them
5 for you as soon as possible so that you can respond to them Tuesday.

6 I want to thank you and your family for being here, and I wish you well.

7 Thank you, and the hearing is adjourned.

8 **MR. BRENNAN:** Thank you, Chairman.

9 *(Whereupon, at 6 o'clock p.m., the Committee adjourned.)*

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