

EXHIBIT 19

QUESTIONS FOR THE RECORD MR. JOHN BRENNAN

QUESTIONS FROM THE CHAIRMAN

Interagency Review of Drone Strikes

With regard to targeted strikes, you stated during an April 30, 2012, speech at the Woodrow Wilson Center that: “[w]e listen to departments and agencies across our national security team. We don’t just hear out differing views, we ask for them and encourage them. We discuss. We debate. We disagree. We consider the advantages and disadvantages of taking action. We also carefully consider the costs of inaction and whether a decision not to carry out a strike could allow a terrorist attack to proceed and potentially kill scores of innocents.”

- *To what extent should there be a formal inter-agency review process prior to each strike? Which government entities should participate?*

There should be an interagency review process when making policy decisions associated with such strikes, including the criteria that governs the circumstances under which a targeted strike can be carried out. Such a process should include analysts, operators, and policymakers with roles and responsibilities bearing on intelligence, military, diplomatic, law enforcement, and homeland security, as well as lawyers from appropriate departments and agencies.

As I stated in my speech at the Wilson Center, the individuals who participate in this process consider, in a deliberate and responsible manner, the information available, including the most up-to-date intelligence. These reviews oftentimes generate requests to clarify existing information or spur requests for new information to provide the best available intelligence and analysis to inform their decision. I believe this process should continue, and should be refined and strengthened over time, while maintaining the President’s ability to direct action as necessary to defend the Nation against attack.

Following Up on Reports of Civilian Casualties

In your responses to Committee pre-hearing questions, you wrote that, “In the wake of every one of these [lethal] operations, we harness our relevant intelligence capabilities to assess whether, despite our best efforts, any collateral casualties

occurred. This includes analysis from any relevant military or IC component, media reports, and a myriad of other sources of information.” During your confirmation hearing, you stated that, when civilian deaths occur, “We need to acknowledge it publicly.”

- ***How should the U.S. government investigate allegations of collateral deaths with regard to strikes outside of declared war zones?***

The United States Government takes seriously all credible reports of civilian deaths. When civilian deaths are alleged, analysts draw on a large body of information – human intelligence, signals intelligence, media reports, and surveillance footage – to help us make an informed determination about whether civilians were in fact killed or injured. In those rare instances in which civilians have been killed, after-action reviews have been conducted to identify corrective actions and to minimize the risk of innocents being killed or injured in the future. Where possible, we also work with local governments to gather facts and, if appropriate, provide condolence payments to families of those killed.

- ***Should the U.S. government make details, to include the overall numbers, of collateral deaths public?***

In public speeches in September 2011 at Harvard Law School and in April 2012 at the Woodrow Wilson International Center for Scholars, I emphasized that this Administration has attempted to share as much information as possible with the American people, and that this degree of openness was an important step in establishing the credibility of our counterterrorism efforts. Consistent with these views, I believe that, to the extent that U.S. national security interests can be protected, the U.S. Government should make public the overall numbers of civilian deaths resulting from U.S. strikes targeting al-Qa’ida.

Targeted Killing of Individuals Who Pose “Imminent Threats”

In the recently released, unclassified white paper, DOJ writes that “the condition that an operational leader presents an ‘imminent’ threat of violent attack against the United States does not require the United States to have clear evidence that a specific attack on U.S. persons and interests will take place in the immediate future.” The unclassified white paper also mentions a “limited window of opportunity” to take a strike.

- **The Committee has previously discussed the “imminence” standard with the Executive Branch. As it has come under significant public question, can you elaborate on what “imminent” means in this case?**
- **Can you provide, for the public’s benefit, a general description of why, in the Executive Branch’s opinion, you cannot wait for a terrorist to be actually attempting to carry out an attack before exercising lethal force to eliminate that threat?**

The white paper discusses at some length the meaning of “imminence” in the context of the subject matter of the paper, as did the Attorney General in his March 5, 2012 speech at Northwestern Law School. In addition, in May 2011, the Committee was given access to the classified Office of Legal Counsel advice related to the subject of the white paper. I would defer to these works prepared by the Department of Justice for any further elaboration of the meaning of “imminence” in the context of these legal analyses.

With respect to the broader question of when the Executive Branch must take action to eliminate terrorist threats, as I described in a September 16, 2011 speech at Harvard Law School, terrorists, such as al-Qa’ida, do not wear uniforms or carry arms openly or signal that they are about to strike by, for example, massing at the border of the nation they plan to attack. Rather, they take extraordinary measures to hide their plans to strike and cause significant casualties with little warning.

In light of this, and given the Government’s responsibility to protect the nation and its citizens from attack, direct action must be taken when it is necessary to do so to protect against actual ongoing threats – to stop plots, prevent future attacks, and save American lives. Determinations about when targeted strikes are necessary and appropriate are made on a case-by-case basis, drawing upon intelligence, military, diplomatic, homeland security, and law enforcement professionals, as necessary, as well as input from lawyers from appropriate departments and agencies.

Limitations on Drone Strikes

In the recently released, unclassified white paper, DOJ writes that "the United States retains its authority to use force against al-Qa'ida and associated forces outside of the area of active hostilities when it targets a senior operational leader of the enemy forces who is activity engaged in planning operations to kill Americans."

- **Could the Administration carry out drone strikes inside the United States?**

This Administration has not carried out drone strikes inside the United States and has no intention of doing so.

- **Could you describe the geographical limits on the Administration's conduct drone strikes?**

As I noted in my speech at Harvard Law School in September 2011, and as the Attorney General stated publicly in March, we do not view our authority to use military force against al-Qa'ida and associated forces as being limited to "hot" battlefields like Afghanistan. Al-Qa'ida and its associates have in the recent past directed several attacks against us from countries other than Afghanistan. The Government has a responsibility to protect its citizens from these attacks, and, thus, as the Attorney General has noted, "neither Congress nor our federal courts has limited the geographic scope of our ability to use force to the current conflict in Afghanistan."

This does not mean, however, that we use military force whenever or wherever we want. International legal principles, such as respect for another nation's sovereignty, constrain our ability to act unilaterally. Using force in another country is consistent with these international legal principles if conducted, for example, with the consent of the relevant nation – or if or when other governments are unwilling or unable to deal effectively with a threat to the United States.

- **How do we ensure that our country's use of drone strikes to target al-Qa'ida is not used as justification for other countries to assassinate political opponents by labeling them leaders of "terrorist" organizations?**

Numerous senior U.S. officials – including myself, Attorney General Eric Holder, former State Department Legal Adviser Harold Hongju Koh, and former Department of Defense General Counsel Jeh Johnson – have spoken openly and repeatedly about the legal and policy foundations of our counterterrorism actions, including the use of remotely piloted aircraft. We have made clear the commitment of the United States to conduct these actions in accordance with all applicable law, including the laws of war, and not one of our public statements has even remotely suggested that it would be acceptable to use drone strikes as a

means of targeting political opponents. In the future, the Administration will continue to be as open and transparent as possible about its use of targeted strikes necessary to prevent terrorist attacks against U.S. persons, and it will make clear that it takes such actions in a lawful, judicious, proportional, just, and ethical manner.

Who Makes Targeted Killing Decisions?

In the recently released, unclassified white paper, DOJ says that drone strikes must be approved by an "informed, high-level official of the U.S. government;" however, the paper says little else about the process the Administration uses to review and approve such strikes.

- **Who within the Administration makes the ultimate determination of whether an American is a "senior operational leader of al Qa'ida" who poses an "imminent threat of violent attack"?**

An operation using lethal force in a foreign country outside an area of active hostilities, targeted against a U.S. citizen who is a senior operational leader of al-Qa'ida or associated forces, and who is actively engaged in planning to kill Americans, would be lawful, as the Attorney General indicated in his speech in March of last year, at least in the following circumstances: First, after the U.S. Government has determined, after a thorough and careful review, that the individual poses an imminent threat of violent attack against U.S. persons; second, capture is not feasible; and third, the operation is conducted in a manner consistent with applicable law of war principles.

Given the stakes involved and the consequence of the decision to conduct a strike, the evaluation of whether an individual presents an "imminent threat" would be made after considering the information available, carefully and responsibly – drawing on the most up-to-date intelligence and the full range of our intelligence capabilities. The process of deciding to take such an extraordinary action would involve legal review by the Department of Justice, as well as a discussion among the departments and agencies across our national security team, including the relevant National Security Council Principals and the President.

Reducing Contractors at the CIA

This Committee has long been very concerned about the IC's heavy dependence on contractors. Past DNIs and agency heads have generally agreed that there is an

over-reliance on contractors in the IC that risks putting inherently governmental work in the hands of the private sector and increasing costs.

- ***What is your view of the proper role for contractors in the CIA?***

Contractors play a vital role in supporting the CIA's mission. Contractors provide the Agency with flexibility and unique expertise to respond to fast-breaking and dynamic intelligence missions. The significant growth in the contractor workforce came from the CIA's greatly expanded operational tempo after 9/11. For the past several years, the agency has reduced its reliance on contractors. If confirmed, I will carefully monitor the size of the contractor workforce and make adjustments accordingly. I also will ensure that all contractors work under the authority of a U.S. Government employee who oversees and manages the contractors.

- ***How will you ensure that CIA contractors are not in a position to manage government workers, set policy, or otherwise make inherently governmental decisions?***

CIA policies and regulations prohibit contracting for services that are inherently governmental and putting contractors in position to set policy or allowing contractors to manage government employees. All Agency contracts are reviewed to ensure that those policies and regulations are adhered to, and I am committed to aggressively ensuring that they are followed, utilizing the capabilities of the Inspector General as appropriate.

- Contractors tend to be more expensive on an annual basis than government workers. ***How do you plan to manage the cost of contractors versus government employees at the CIA?***

I understand that the Agency has taken concrete steps, especially over the past year or so, to ensure that it is receiving the best value for its contracting dollars through contract consolidation, aggressive contract negotiations, and the implementation of standardized contracting pricing policies. I will assertively continue those efforts.

Keeping Chiefs of Mission Informed of All Intelligence Activities

In your responses to the Committee's pre-hearing questions, you wrote that Chiefs of Mission must be kept fully and currently informed of the activities of U.S. government agencies in their countries, consistent with the provisions of 22 USC 3927. That statute also requires that U.S. Ambassadors "shall have full

responsibility for the direction, coordination, and supervision of all United States Government officers and employees in that country,” and that “any department or agency having officers or employees in a country shall... comply fully with all applicable directives of the Ambassador.”

- ***Is it your understanding that intelligence activities are subject to the approval of the Chief of Mission?***

Yes. Pursuant to the President’s instruction, codified in a 1977 agreement between the Department of State and the CIA, the Chief of Mission has a responsibility to express a judgment on all CIA activities in his or her country of accreditation in light of U.S. objectives in the host country and in the surrounding areas and to provide assessments on those activities to Washington. Further, if the Chief of Mission believes a CIA activity might impair U.S. relations with the host country, the Chief of Mission may suspend a CIA or other intelligence activity. If disputes arise between the Chief of Mission and the Chief of Station that cannot be resolved locally, they are referred to Washington for adjudication by Principals. In order to enable the Chief of Mission to meet these responsibilities, the Chief of Station must keep the Chief of Mission fully and currently informed of CIA activities in the host country (unless the President or Secretary of State has directed otherwise.)

QUESTIONS FROM THE VICE CHAIRMAN

Interrogation Study

- **If a vote on your nomination does not occur before Friday, February 15, 2013, when the CIA's response on the Interrogation Study is due to the Committee, will you in any way seek to review or change the CIA's response?**

If I am not confirmed as the Director of the Central Intelligence Agency by the time CIA's response on the Interrogation Study is ready to be sent to the Committee, I will not seek to review or change the CIA's response in any way.

Graham's Benghazi Questions

During yesterday's hearing, you said that you thought Senator Graham's questions on Benghazi were not answered because the responses were "privileged." But Senator Graham's first question was whether Director Clapper was aware of the series of attacks in Benghazi in the summer of 2012. Clearly there is no issue of Presidential privilege in asking what Director Clapper knew.

- **Why did the National Security Staff (NSS) tell the ODNI not to respond to Senator Graham's questions?**
- **Did you play any role in the direction not to answer Senator Graham's questions?**

I am not aware of and played no role in any alleged attempt to direct Director Clapper not to answer Senator Graham's questions.

Zero Dark Thirty

There has been a lot of controversy about the Administration's cooperation with the movie *Zero Dark Thirty*.

- **Did you meet with the writer or director or have any discussions with them?**

- **Did you have any role in the Administration’s cooperation with the movie? If so, what was it?**

I, along with several other White House officials, engaged in a one hour, unclassified discussion with Mark Boal on June 30, 2011 on how White House officials viewed the opportunities and risks associated with a film about the raid that killed Bin Laden.

Bogus Intelligence

Media reports indicate that when you led the Terrorist Threat Integration Center (TTIC), you championed a program involving IT contractors in Nevada who claimed to intercept al-Qaida targeting information encrypted in the broadcasts of TV news network Al Jazeera. The media says, and documents we have reviewed show, that CIA officials derided the contractor’s information, but nonetheless, you passed it the White House and alert levels ended up being raised unnecessarily.

- **Did you have confidence in the information you provided? If not, why did you provide it?**

I never “championed” such a program. The Terrorism Threat Integration Center (TTIC) was the recipient of such information and data provided by the CIA and included it in analytic products as appropriate.

- **Why did you keep the program alive?**

I did not keep the program alive. I would refer you to the CIA, as it collected the data from the contractors and passed it along to TTIC, for the answer to your question.

- **What was the eventual outcome of the program?**

I do not know the outcome of the program, other than it was determined not to be a source of accurate information.

DSOP

I read your responses to the prehearing questions and with regard to NCTC’s Directorate of Strategic Operational Planning, you stated that NCTC “supports the NSS in helping to draft and coordinate some—not all” of the strategies. But the